

MINUTES OF NUCLEAR WASTE ADVISORY COUNCIL MEETING

December 14, 1984

9:30 a.m.

EFSEC Hearings Room
Rowesix - Building #1
4224 Sixth Avenue S.E.
Lacey, Washington

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Council Members Present:

- Warren A. Bishop, Chair
- Councilman Lane A. Bray
- Dr. Jerome Finnegan
- Mayor Fred Jarrett
- Mr. Gordon Kunz
- Dr. Estella B. Leopold
- Ms. Anita Monoian
- Mr. Jim Worthington

WM Record File

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WM Project 10

Docket No. _____

PDR

LPDR

Distribution:

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The meeting was called to order by Warren Bishop, Chair.

It was moved and seconded that the minutes of the previous meeting be approved as published. Motion carried.

Work Group on Public Involvement Report

Please Note: Following Board action in the afternoon meeting, the Consultation and Cooperation Hearings have been postponed for 90 days. Announcement of the new hearings dates will be made public when they are rescheduled.

Ms. Monoian reported that the greatest effort of the group had been directed toward developing materials to be utilized for the Consultation and Cooperation Hearings. She said they had hoped to have preview copies of the December newsletter, but it has not been released yet from the printer. Marta Wilder said the December newsletter basically covers the upcoming draft environmental assessment and the draft C&C Agreement. She said it should be in the mail the early part of next week. She presented a rough compilation of the comments received on the first newsletter: There were total responses of 104 as of November 20. Of these 61 expressed a desire to continue to receive the newsletter, 16 wanted more information, nine wanted to be more involved, and 18 wanted more information and to be more involved. She said some of the suggestions included questions on safety, health effect, design of a repository, construction, environmental concerns, contamination, and questions about other sites being considered. They also asked about what testing is being done, geology and data at the Hanford Reservation, routes and frequency of transportation, and there were questions on elected officials' stance on the issues, among other basic subjects, such as availability of the draft environmental assessment. Overall Ms. Wilder thought the feedback was favorable. The newsletter mailing list has now increased to 3,800.

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Ms. Wilder said eight fact sheets had been developed, and anticipated taking them to the printer next week. They will deal with an overview of the program, repository siting, description or repository concepts, transportation, geology, hydrology, socioeconomic and environmental impact. They will be used as background information for those requesting it, distribution at hearings and any workshops that are held. She said they would probably be released the first week of January. In response to a question Pat Serie said they would not be distributed the same way as the newsletter, but would be part of the information packets for the hearings. They would then move on for more general distribution.

Ms. Monoian said the next meeting of the working group will be held on Thursday, December 20. They planned to refine the details of the C&C hearings.

Ms. Wilder said in addition to the fact sheets folders will be prepared with media information, such as press releases, introductory letters, summary of the draft C&C Agreement, and a copy of the agreement. Newsletters will also be enclosed. She said they would be simple and attractive in design.

As part of the background in preparation for the hearings, she accompanied Warren Bishop and David Stevens at editorial meetings in Seattle, Vancouver, the Tri-Cities, and Olympia. Others are planned in Spokane and Portland. At these meetings copies of the semi-annual report, newsletter, and other materials were distributed to the editors.

Pat Serie of EnviroSphere discussed the forth coming C&C hearings and distributed a possible schedule. (See attached.) This information will also be in the newsletter being mailed next week. Prior to each hearing a workshop for the media would be held in the afternoon, with an open house public information session before the hearing. Staff would be there to hand out information and answer questions. All hearings would be introduced by Chair Warren Bishop, and moderated, possibly by a representative from the League of Women Voters who is experienced in this activity. A court reporter will record all statements. Written testimony will be invited prior to the hearings, but there will be a sign-up sheet at the hearings for those wishing to testify. All comments will be categorized and a hearings document will be presented to the Council and Board for review. Staff members will be present at the hearings, and Board and Council members will be expected to attend the hearings in their own areas.

Ms. Serie said announcement of the hearings will be sent to all those on the newsletter mailing list, plus a mailing to approximately 250 media, including the newspapers, radio, and TV. Efforts are underway to set up a telephone network among interest groups to encourage neighborhood publicity. Legal notices will be placed in the newspapers and display advertising is planned. All information will be provided to the Council members well in advance of the hearings, Ms. Monoian said. A question was asked whether this information would be going to all cities and counties, and Ms. Monoian relied it was planned to have copies of the material into all of the libraries, municipal offices, and county courthouses, and the work group was open to suggestion for other public places where the public might pick up copies should they not be inclined to request the information by mail.

Ms. Serie said a system is being set up to analyze the comments received at the hearings and summarize them for easy consideration. They are modeling the system on the process used by the Department of Ecology in the SEPA hearings last year.

Mr. Bishop inquired if the members were beginning to see articles in the media on the C&C Agreement, and Ms. Monoian said they were seeing more and more in the Yakima area. He suggested member help in their local areas to be sure the editorial boards there have the information they need.

Considerable discussion followed on the mechanics of disseminating information to the public and the media. The information kits will contain, in addition to a copy of the draft agreement, summary of the agreement, eight fact sheets, two newsletters, workshop evaluation form, and summaries of outstanding issues that supplement the C&C summary. Mr. Stevens explained the Board authorized the staff to describe these unresolved issues and some of the alternatives that had been presented during the course of the negotiations. This will include liability, defense waste, and the transportation issue will be highlighted with some of the alternatives.

Further discussion included wider coverage of the media to include the electronic media. Ms. Serie remarked that phone contact would be made to radio and television people in advance of the planned media workshops preceding the hearings. Board and Council members would also be alerted for possible press contact. It was also suggested information kits be sent to the radio and television outlets as well as the written media. Ms. Monoian said the office media list did include all media, and information would be sent to the entire list.

Mr. Bray emphasized the need to furnish information to city and county officials in time to distribute the material to their own citizens. Ms. Monoian responded this was planned as well as inviting all local officials the preliminary briefing prior to the hearing itself. Efforts would be made to send the packets to the individual officials, Ms. Monoian said, and it was also in the plan to have packets available for the public in courthouses. The suggestion was made the officials should receive their packets at their home addresses. It was also suggested the information be made available to the superintendents of the local schools.

Dr. Leopold asked what would be done with the information after it is collected. She thought the Council should take a strong stand to make sure that the total public comment be seriously considered in context of the way the C&C is drafted, and then redrafted. She said that should be the role of the Council. Mr. Bishop assured that was the reason for the whole process. She asked that this be voiced on behalf of the whole Council at the Board meeting.

Environmental Assessment Review

Mr. Stevens said the USDOE Draft Environmental Assessment will be released on December 20. There will be a 90-day period for comment ending on March 20, 1985. Staff and Envirosphere have reviewed the preliminary document, which did not include Chapter VII, to begin to identify some of the issues.

Mr. Parker of the staff stated he thought focus in this meeting should be on the public review of the EA. Louise Dressen of Envirosphere summarized the work done by them and some major concerns identified to date.

Ms. Dressen outlined the purposes of the Environmental Assessment. She said it will describe the process the U.S. Department of Energy used to identify the sites. It will evaluate the potential environmental impact from site characterization as well as development of the repository itself, using available information. It will assess the suitability of the proposed sites in terms of the siting guidelines developed by the U.S. Department of Energy, approved by Nuclear Regulatory Commission last June, and just published last week. It will also compare the basalt waste isolation project site with the other eight sites that are being considered for a first repository. An outcome of the EA will be an identification of those factors that need to be much better characterized in order to reduce any uncertainty about how well that site will perform over the long-term.

Ms. Dressen pointed out the EA will not propose to describe how and when that further site characterization will be performed. That will be done in the Site Characterization Plan. Its purpose is not to perform an indepth evaluation of potential impacts; that will be the function of an environmental impact statement to be developed over the course of the next several years. She said the purpose is also not to describe a detailed repository design. That is something that will appear ultimately in the license application for whatever site is to be developed.

Ms. Dressen said a somewhat limited review of the preliminary draft was completed by Envirosphere, with the primary intent of developing a working familiarity with the document. She said draft summaries of the technical content of each of the chapters had been prepared. Some chapters were missing from that document, she said, as well as some significant information missing from the chapters they reviewed. No critiques of the accuracy or policy implications was made, which would come when the full draft document was received.

Ms. Dressen said Chapter VI was the focus of their review as it evaluates the suitability of the site at Hanford in terms of the siting guidelines and it will continue to be important in the public draft. Chapter VII will be the first chapter they will look at, she said, as it is the one that compares the basalt site with the other eight sites, and will indicate the comparative members that USDOE has relied on to nominate these sites and recommend three sites for formal characterization.

A list of some 60 issues of concern were developed from this preliminary review, she said, and were categorized by discipline, engineering, geology, hydrology, etc. Some of the concerns were that the conclusions in the

preliminary materials on site suitability tended to downplay some of the uncertainties over conditions that exist at Hanford. There seemed to be some inconsistencies between sections, such as the treatment of wild and scenic rivers. There were certain impacts that were not addressed including impacts on proposed threatened and endangered species; the potential hydraulic connection to the Columbia River was understated. Further work is being done in reviewing that draft was the fact that the preliminary uses generic, rather than site-specific, risk factors in order to assess transportation impacts.

Another major activity underway, the last couple of months, is review of a large number of background documents that were referenced in the preliminary EA in order to have a better understanding of the analyses that are performed. She continued EnviroSphere is initiating now in indepth study of transportation risk. Also they are beginning an effort to prepare a series of "White Papers" to provide more comprehensive information on key background information.

Ms. Dressen said as soon as a copy of the draft EA is received next week EnviroSphere will begin a detailed evaluation of the technical adequacy and suitability of the information and analyses in the document. They will prepare a formal report on the review which will contain technical summaries of all of the information in the EA, it will critique the document, and it will include a set of proposed comments for the state to consider submitting to the USDOE.

To recapitulate, Ms. Dressen said they plan to complete their review of the EA by the end of February in order to get a draft report to the Board by early March. At the time this report is presented to the Board EnviroSphere will also do a presentation on their findings. After Board consideration, final revisions will be made and comments submitted by the end of March.

Concerning the public involvement effort, Ms. Dressen said it was felt it should be extensive, but different from the efforts being made in connection with the C&C hearings to avoid confusion. EnviroSphere is working with the staff to begin generating some ideas on how to carry out public involvement for the EA. One of the first steps already done is a lengthy article in the December Newsletter, which should be in the mail shortly. Additional steps must be worked out, such as having the February Newsletter contain an analysis of some of the major issues in the EA, holding a series of public workshops around the state to receive public comments on the EA in order to assist the Board to respond to the EA. Ms. Dressen suggested these workshops, if held, should be held in the latter part of February in order to provide a summary to the Board in early March.

Discussion followed and concern was expressed about the planned USDOE briefings and hearings on the EA and the possibility of resulting confusion with the C&C hearings and any state workshops on the EA. It was generally agreed that it would be difficult for the Council and the Board and the public to try to be involved in all this activity. Besides the logistical problems, the task of preparing interpretive documents, the

dissemination of information for the public presented an additional problem. Ms. Dressen added that in addition to the problems presented another point that needed to be addressed and clarified was the importance of letting the public understand there are several vehicles through which they can comment on the EA. One, she said, was to the state through participation in workshops, another to the state through submission of written comments, and also by providing comments directly to the U.S. Department of Energy.

Further discussion was held on the best way to make all upcoming events clear in the public mind by use of a flow chart, a chronological appendix to new releases, paid ads in local papers, as well as the legal notices.

Forthcoming Agenda Items

Mr. Stevens said at the January 18 meeting of the Board the Department of Social and Health Services would present a symposium on the health effects of radiation exposure.

Other Business

Mr. Stevens reported the work of the national Advisory Panel on Alternate Means of Financing and Managing Radioactive Waste Facilities (AM/FM) has been completed. The recommendations have been presented to the Secretary of Energy orally, and the final draft of their report is now being edited. When the final copy is published next month, copies will be made available to the members of the Advisory Council.

Responding to the public comment made relative to the procurement activities that the U.S. Department of Energy had been carrying on relative to the exploratory shaft, a letter of inquiry was sent to USDOE. Mr. Stevens said to date the reply has not yet been received, but a representative of the department indicated in a telephone call that the procurement activities in question took place before the passage of the Nuclear Waste Policy act which set forth the schedule and requirements for the construction of the shaft. When their letter is received, copies will be made available to the Council.

Mr. Stevens said that another request was received from the Hanford Oversight Committee, concerning the Battelle Pacific Northwest Laboratories educational program in the schools. Mr. Bishop replied by letter to the Hanford Oversight Committee that there was no sufficient staff to monitor such a program, but offered to find out as much information on that program as possible. A copy of the response from Irene D. Hays, Manager of the Education Projects at Battelle, was distributed to the members. The brochure entitled "Understand Nuclear Waste" by Raymond Murray was sent and is available in the High-Level Nuclear Waste Management Reference Center.

Mr. Worthington asked how Washington State compared with the other candidate sites in terms of their activity and particularly in the C&C process. Mr. Stevens said there is a great deal of activity in the other states. With reference to the C&C Agreement, he said Washington is the only state that has requested negotiations, although the Yakima Indian Nation asked

to enter into negotiations prior to state involvement. The other states are watching the progress of this agreement with great interest, he said. Some of the states are awaiting a decision on characterization. He said the State of Mississippi has undergone some training and orientation sessions to develop a capacity to negotiate with USDOE and have hired a consultant to do that work. The State of Wisconsin, although not a first-tier state, has gone through at least six drafts of a draft C&C Agreement. Another state had taken the stand that should they be selected, a C&C Agreement must be in place before any drilling starts on an exploratory shaft. He said Washington State had carried on the longest and most formal negotiations of any of the states under consideration.

Mr. Worthington wondered if some of the states might be conducting some activities in the public information area that might be helpful to our state to get the information out to the public. Mr. Stevens said he had the impression that Washington is doing more than any of the other states in terms of the public information effort. Because of the concern about the transportation routes, Mr. Stevens said there is more awareness for every state to be involved in the public information program.

Mr. Kunz asked if a signed agreement could be reopened to include any benefits other states might negotiate at a later date. Mr. Stevens said that is one of the few issues still under debate in terms of exact language, and there is merit in doing so.

Public Comment

Eileen Buller of the Hanford Oversight Committee stated their committee is aware of some city councils in Eastern Washington which have opposed a repository, and she felt that would be about the level of the public comment on the C&C document. Should that kind of comment come in, she asked if that would be judged appropriate and be entered into the record, or would comment be limited specifically to the document without allowing an opinion to be made.

Mr. Bishop said all comments would be taken by those signing up to testify. Ms. Dressen said it was still under discussion as to how to deal with the different comments, and no resolution has been reached. Ms. Buller said it was important to them to know today that those kinds of comments will not be judged outside of the scope of the hearing. She continued after spending the weekend in Eastern Washington speaking, and learned the people do not know what the C&C Agreement is. She said the committee would like to see that kind of comment incorporated in the record and taken to the Legislature.

Ms. Buller wanted on the record an expression from each member of the Council that they are content and honestly secure in the fact that they are taking the draft C&C Agreement to the public in January, and they feel there has been an appropriate amount of time to educate the public. She said it is still their complaint that it is too soon.

Mr. Bishop said the document had been before the Council and the Board for many months, with substantial discussion by both bodies.

Ms. Buller continued and said she thought this state is in a very bad position, because it is not known what is going on in other states. She said release of the draft environmental assessment next week is a political action. She said there is a strong political statement being made by the Governors and the Congressional delegation opposing a repository, and the State of Washington does not speak about that. She said she hoped that in the public hearings someone would address what the other states are doing.

Dr. Leopold expressed her anxiety that the hearings were premature, considering the unresolved issues in the document. Mr. Bishop said others had expressed concern about the unresolved issues, and they were thoroughly discussed.

Larry Caldwell of the Hanford Oversight Committee said he was unhappy all these events were occurring over the holidays. He asked if a three-week media blitz and a one-hour indoctrination session prior to the hearings would result in informed comment by the citizens of the state. He also felt it was premature to go public so soon. He asked if there would be a recommendation by the Council and the Board to go to the Legislature with the draft C&C Agreement if the public predominantly says they do not want a C&C, or is it within their purview to recommend not forwarding this document.

Mr. Bishop said the Board will have an opportunity to review the comments, and he said he could not prejudge what the Board action would be when those comments are brought before the Board. He emphasized they do not approve it at this point, they simply authorize it to go to a legislative process. It will still come back to the Board, following legislative review and approval, for final approval at some date in the future.

Mr. Caldwell asked if it were within the purview of the Council to make a recommendation to the Board to forward or not to forward it to the Legislature. Mr. Bishop said they could make an advisory recommendation.

Mr. Caldwell said the Hanford Oversight Committee was concerned about the physical layout of the C&C hearings and hoped they would be set up to avoid intimidation of the witnesses. Mr. Bishop said any suggestion they might wish to make would be welcomed by the office. Ms. Monoian responded that the working group would be doing this planning next week and invited Mr. Caldwell to submit any design or suggestions to the committee before next Thursday.

Mr. Caldwell asked if the moderator would be allowed to question those testifying. He said they would like more elaboration on the whole procedure so testimony could be structured to fit the conditions. Mr. Stevens said there is a certain similarity in the way public hearings are conducted, and every effort would be made to make it available for public comment. He said the hearings would not become a discussion, as that could tend to dilute some of the comments people want to make. He said the open house and briefings prior to the hearings would give the opportunity for questions to be asked.

Mr. Caldwell also expressed concerns about the environmental assessment hearings. He felt the state should comment to the USDOE, and the public do the same. He objected to the state telling the public what the issues are.

Sam Reed of the Washington State Public Health Association complimented the Council on its efforts and arranging for the hearings. He felt the time was about as good as could be arranged, he said. Earlier hearings would not have given the Council time to make any judgment, and delay might make positions more rigid, and the Council might not be receptive of ideas presented. He thought in the interest of getting the kinds of comments needed, the Council must limit contributions to the C&C Agreement and specifically prohibit any contributions pertaining to the question of having or not having a site in this state. He said he thought this must be done if the hearings were to accomplish their purpose. Should the efforts be successful, he thought the result would be some understanding of the level of information among those segments of the public appearing at the meeting; as a part of that it will be learned how much of the of the public is really aware and is there and is speaking; also, he continued there should be a fairly good appreciation of the concerns which the public has, at least the segment appearing at the hearings. This should bring the Council to a fairly precise understanding of where those positions deal with the Council's positions. This should bring the issue to a point where the decision will have to be made as to future steps to be taken. He encouraged the Council to maintain maximum flexibility.

Mr. Reed said in connection with the organization of the hearings, he hoped that after the first one and before the second as many of the Council as possible take a look at the occurrences in the first hearing, and make any modifications to more nearly achieve the purpose.

Ms. Leopold questioned the scheduling of the hearings in January. She was concerned about the lack of knowledge by the public about the C&C Agreement. Mr. Stevens responded that there is a directive in the state law that indicates that the C&C Agreement should be established at the earliest opportunity as long as that agreement would protect the state, although it sets no date. Negotiations were started in July of 1983, he said, and reached the point where the Board felt satisfied the issues had been identified and resolved or negotiated to the point at which it was appropriate to take the next step of public hearings, recognizing there were some very intricate issues which had not been fully resolved, and might not be able to be resolved through the negotiation process. There was also the consideration, he said, of how the public hearings fit in with the rest of the review process, plus the process of the federal government in its forthcoming decision making. Considering the time element and the review process, he said, to get the document to the Legislature for review should the Board make that decision, the Legislature would have until April with the regular session. This brings the document back to the Board for a determination as to whether or not the document should be executed, should the Legislature approve it.

Discussion followed and the question asked was what is the drive to reach an agreement, and Mr. Stevens replied the part of the concern is the ongoing activity of the U.S. Department of Energy on the Hanford site. He said the point is if the state were to have formalized commitments on

the way in which the state is to have access to information and access and opportunities for independent reviews based upon existing activity, the C&C Agreement could be a useful tool for the state, assuming that the state would be recommended for characterization. The department would then be undertaking that work when those recommendations are made.

Dr. Leopold wondered if the input on the C&C Agreement at the hearings should not be confined to that document.

Dr. Leopold suggested dropping the state hearings on the EA in order to simplify the process, since there would be federal hearings on it. She thought this should be considered.

There being no further business, the meeting was adjourned.

**NOTICE OF PUBLIC HEARING TO COMMENT ON
WASHINGTON STATE/U.S. DEPARTMENT OF ENERGY
DRAFT CONSULTATION AND COOPERATION AGREEMENT**

The Washington State Nuclear Waste Board hereby gives notice of five public hearings for public comment on the draft Consultation and Cooperation Agreement between the State of Washington and U.S. Department of Energy. To confirm locations please contact the High-Level Nuclear Waste Management Office at (206) 459-6670. The hearings will be held at 7:30 p.m. on the following dates:

January 8, 1985	Yakima Community College Anthon Hall, Room A-102 16th and Nob Hill Yakima, WA
January 9, 1985	Richland Library Swift and Northgate Richland, WA
January 10, 1985	Great Northwest Savings Building N. 222 Wall Street Spokane, WA
January 14, 1985	Port of Seattle Commission Chambers 2201 Alaskan Way, Pier 66 Seattle, WA
January 15, 1985	Clark College Auditorium 1800 East McLoughlin Blvd. Vancouver, WA

The draft Consultation and Cooperation Agreement between the State and USDOE ensures the state's right to information regarding the federal government's search for a potential high-level nuclear waste repository in this state. It ensures the right of independent state review and monitoring of federal activities, and deals with procedures on how the state will be able to gather information on federal repository siting activities, selection of waste transportation routes, liability of the federal government, and other issues.

For more information, or copies of the draft Consultation and Cooperation Agreement, contact the High-Level Nuclear Waste Management Office, PV-11, Department of Ecology, Olympia, Washington 98504, (206) 459-6670. Submit written testimony to the Office no later than January 25, 1985.

NOTE: Following Board action on December 14, 1985, the Consultation and Cooperation hearings have been postponed for 90 days. Announcement of the new Hearings dates will be made public when they are rescheduled.