

MINUTES OF NUCLEAR WASTE BOARD MEETING
June 21, 1985

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WM Project 10
Docket No. _____

1:30 p.m.

PDR EFSEC Hearings Room
LPDR Rowsix, Building #1
4224 Sixth Avenue S.E.
Lacey, Washington 98504

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Board Members Present:

- Warren A. Bishop, Chair
- Dr. John Beare, DSHS Designee
- Senator Max Benitz
- Curtis Eschels
- Dr. Royston Filby, Designee, Water Research Center
- Senator H.A. "Barney" Goltz
- Senator Sam Guess
- Representative Shirley Hankins
- Ray Lasmanis, DNR Designee
- Representative Louise Miller
- Ed McGuire, Designee, State Energy Office
- Representative Dick Nelson
- Andrea Beatty Riniker
- Representative Nancy Rust
- Senator Al Williams

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

The minutes of the May 17, 1985 meeting were approved as published.

Status of Low-Level Compact Process

Lynda Brothers, Assistant Director for Hazardous Substances and Air Quality, WDOE, reported the next meeting of the Northwest Interstate Compact will be held June 26, in Idaho Falls, Idaho. National activities and internal procedures will be discussed in anticipation of the compacts being approved some time in the next six months, she said. Washington State has joined with the states of Nevada and South Carolina to have a professional in Washington, D.C. to handle the national activities. The mark-up of the Udall amendments is now scheduled for next Tuesday. The substance of the positions of the three governors is conceptually the same as it has been for the last five or six months. A few changes have been made, such as a shortening of the transition period from seven years to four years, some increases in the suggested surcharges, and the addition of some milestones for those states and regions which do not have a site.

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Mr. Bishop inquired if any state legislation with regard to low-level had been passed in the last legislative session. Dr. Brothers replied there were a few pieces but the effect on the program and the Department was fairly minimal. Dr. Beare added Senate Bill 3799 and House Bill 3 were more related to the environmental monitoring, both on-site and off-site. He said it was not so much specific to low-level as it was to general radioactivity.

Representative Nelson inquired if any of the Washington State Congressional delegation would be working to build in the Governors' proposal into the bill, or would it be someone from Nevada or South Carolina. Dr. Brothers said she had not been personally involved, and was not in a position to say who would be active in this regard. Mr. Eschels added that each of the states involved is contacting its Congressional delegation. In addition, he said, the other states in each Compact will be contacting its delegation. At this point, he said, some of the strongest supporters include Senator Strom Thurmond, Congressman Udall, and others who represent states where sites are located. Mr. Eschels said in response to Representative Nelson's question that he understood Congressman Udall indicated the Governors' proposal will be the vehicle that is used on Tuesday. Mr. Eschels said the proposal has also been discussed with the National Governors' Association as a means of getting the work out to the other states.

Representative Nelson commented that although the Governors' proposal addresses volume reduction there would not be a reduction of radioactivity, either at the source or through recycling. Mr. Eschels said that during the four-year transition period, the state would be willing to take the same amount of radioactivity in a smaller volume because in the near term that is reasonable and practical. In the long term, he said, there would be a reduction not only in volume but in activity as other states open their sites. For this reason strong incentives for the other states to locate sites have been built into the bill.

Public Involvement Activities

Marta Wilder reported for Anita Monoian, Chair of the Public Involvement Group of the Advisory Council, who was ill. She reported the Working Group met in Richland on June 13. Discussed was the USDOE plan for a national public involvement program. They proposed a steering committee be formed of representatives from the states and Indian tribes which would be affected by a repository to give guidance and recommendations to the U.S. Department of Energy on a national program. The independent program of the state would be maintained, she said. She said the Advisory Council approved the concept, with the assurance the state's independence is maintained in the public information area. Ms. Wilder said USDOE would like the opinion of the Council and the Board today which would be presented by Tom Tinsley of the USDOE Richland Office. Mr. Tinsley would then present this feedback to USDOE Headquarters.

Other items of discussion at the June 13th meeting were Networking to reach out to other groups, and a desire to have more input on the grant process. Ms. Wilder said between May 21 and June 21 twelve presentations have been given by the Office staff and Council members to over 650 people. Don Provost and Marta Wilder attended the Association of Cities meeting in Spokane, where they set up an exhibit. Next week the Association of Washington Counties will hold their meeting in Spokane. Marta Wilder and Don Provost will attend, and Warren Bishop will sit on a panel composed of Mike Lawrence, Manager of Richland Operations, USDOE, Curt Eschels, Senator Max Benitz, and Senator Williams of the Board. Mike Lawrence will describe the repository program and the mission, with Mr. Eschels giving the state perspective, Senator Williams the Legislative Joint Science and Technology Committee involvement, and Senator Benitz presenting views of the Benton County area where a proposed repository would be located.

Mr. Bishop said he could endorse the concept of a national Steering Committee for public involvement, but stated strongly the state's individuality and independence should be maintained in terms of the state's program. Dr. Beare asked if participation in this endeavor would in any way jeopardize federal funding coming to the state for its public involvement program. Ms. Wilder said as she understood it in talking to Mr. Tinsley, it would be a separate program. Mr. Bishop added that in most of the discussions with USDOE, they are very supportive of the state's levels of grant support for public involvement, and have provided encouragement to augment that program.

Publication of additional Fact Sheets is being readied. The next Newsletter is about ready to go to print, and the August/September Newsletter is being planned. Mr. Bishop requested any suggestions for subject matter be sent to him or Marta. Senator Goltz felt a strong effort should be made to involve the media and Mr. Bishop assured him these efforts were on the list. Meeting with Editorial Boards will be continued, he said.

Mr. Bishop pointed out the supply of the reprint of the series of articles that appeared in The Oregonian and encouraged the members to take one and share it with their staffs.

Grants Equivalent to Taxes

Jeff Goltz, Assistant Attorney General for the Department of Ecology, was asked to explain the "Grants in Lieu of Taxes" section in the Nuclear Waste Policy Act. Mr. Goltz referred to Section 116(c)(3) in the Act which provides a mechanism by which the U.S. Department of Energy grants funds to states and local governmental entities. He said the purpose was to offset some of the socio-economic impacts that may occur from both the site characterization activities and construction and operation of a repository.

Section 116(c)(3) reads:

"The Secretary shall also grant to each State and unit of general local government in which a site for a repository is approved under section 112(c) an amount each fiscal year equal to the amount such State and unit of general local government, respectively, would receive were they authorized to tax site characterization activities at such site, and the development and operation of such repository, as such State and unit of general local government tax the other real property and industrial activities occurring within such State and unit of general local government. Such grants shall continue until such time as all such activities, development, and operation are terminated at such site."

Mr. Goltz said that since the federal government is immune and cannot be taxed, the Act provides for a grant in an amount equivalent to the taxes which states and localities would receive if they were able to tax the federal government and its activities. He said he could not give the scope and dollar amount in this case because of the ambiguity of the language. "In-Lieu-Of" tax programs are relatively common in federal statutes, but this is an uncommon example, and is based on a hypothetical tax that could be placed on these federal activities. He said the Counties and the state could at least look at a real property tax, but the term industrial tax was a question.

With regard to property taxes, Mr. Goltz said he researched the current rates in the area, and if one or more of these were applied to the value of the property, the value of the repository, the repository construction, or the site characterization property, these rates could be applied if the values could be determined.

Rates

County	1.6670/\$1,000
State School	3.5633/\$1,000
Road Dist.	1.5488/\$1,000
Library Dist.	.3534/\$1,000
Port of Benton	.4372/\$1,000
School Dist. 400	<u>3.2519/\$1,000</u>
	10.3203/\$1,000

Mr. Goltz said the question became: what rates are applicable for which activities, as the language in the Act refers to a "unit of general local government"? This leads to the question of what is a "unit of general local government"? In some of the states certain functions, such as roads, libraries, etc. may be performed by a County or City under general local government, but in the state of Washington certain of these functions are performed by a non-County governmental entity. He said if all the states are to be treated similarly, the Board and the USDOE in their discussions will have to define the meaning of "general local government".

Mr. Goltz continued with other issues that will have to be addressed under the property tax questions: Should special assessments be included?; How should real property be valued?; What "costs" are associated to "improvements" to real property? He said the usual methods of evaluation are not valid in such a unique situation as there are no other repositories in existence for comparison. He mentioned it was pointed out in the Advisory Council meeting the repository might be compared to a mine and taxed on that basis. Another analogy was that this could be considered similar to a warehouse or storage facility. In that sense, he said, there would be a different set of rules and the decision would have to be made which approach would be taken.

Another issue raised, Mr. Goltz said, was the question of the Leasehold Excise Tax levied in the state of Washington. This is a tax on the use of publicly-owned property. He said it is being applied on the Hanford Reservation, but perhaps not so much as it could be as the state's dealings with the federal government on tax matters are still in the relatively early stages. It might be possible, he continued, that some of the leasehold excise tax could be applied and obtained from the contractors to the U.S. Department of Energy. He said that if that were true and the state would receive a Leasehold Excise Tax, it might be that there would be no grant in lieu of tax in addition to that. One may give way to the other, or both could be obtained, and that poses another question for discussion with the state Department of Revenue and the USDOE.

Concerning "industrial activities", Mr. Goltz said he did not know the meaning in the context of the statute language, but it sounded to him it would mean application of the Washington State Business & Occupation Tax, and perhaps more. This is the state's general business tax, he said, and it is meant to apply to all business activities conducted in the state of Washington. He said there was support for this and referred to an earlier version of the Nuclear Waste Policy Act, the bill reported from the House Committee which referred only to industrial activities. The language in the final version of the Act, he said, was changed on the floor, but the language in HR 3809 seemed another possible component of a grant in lieu of tax.

H.R. 3809, § 116(c)(3) (as reported):

"The Secretary shall grant to each State in which a site for a repository is approved under section 112(c) an amount each fiscal year equal to the amount such state would receive were it authorized to tax site characterization activities at such site, and the development and operation of such repository, as such State taxes the other industrial activities occurring within such State. Such grants shall continue until such time as all such activities, development, and operation are terminated at such site."

Mr. Goltz discussed the B&O tax structure in this state, noting the state collects a tax at each step of production of a product with a rate of less than one-half of one percent in most categories, with a somewhat higher rate in a service activity. Following a hypothetical explanation of how taxes could be collected were the repository a private company instead of the U.S. Department of Energy, Mr. Goltz said if there were to be an excise tax component to a grant in lieu of taxes, the answer would still be unknown as to the amount. He said questions remain whether sales tax would be collected as well as that part of the industrial activities the Act contemplates, assuming the Act contemplates a B&O tax, and what the appropriate B&O tax classification would be for a hypothetical private company. The principal questions to be asked would be:

1. Does Section 116(c)(3) contemplate sales as well as B&O taxes?
2. What is appropriate B&O tax classification?
3. What amount of contractor's services is attributable to labor?

Mr. Goltz concluded by saying legislative history researched to date does not give any very clear guidance, but looking back at the purpose of the statute, which is to offset some of the impacts that cities and local governments may incur, a certain argument could be made regarding the scope of the two components discussed of a grant in lieu of taxes.

Representative Nelson referred to the possibility of a severance tax and asked if there were anything in the Act that would preclude the state's adopting a new tax and asking for a grant in lieu of that tax. Mr. Goltz responded that he thought the language in the statute that would have to be addressed would be "...as such State and unit of general local government tax the other real property and industrial activities occurring within such State...". For that reason he referred to generally applicable taxes, which would be all right, as opposed to a focused tax. There then would be no unconstitutional burden placed on the United States from a tax being greater than the burden on similarly situated entities. He said he saw nothing to prohibit the state from adopting a new sort of tax, such as an increase in the property tax or a rise in the rate of the B&O tax.

Representative Nelson said he understood the in-lieu-of-tax grant would only apply until the repository is decommissioned and asked if this were correct. Mr. Goltz replied the key language there was "operation" of the repository, and he had not researched at what point the operation would end. Representative Nelson said he felt the entire period of time--perhaps forever--that the land would be out of use should be taken into consideration in the socio-economic impact or grants in lieu of taxes. Mr. Goltz responded that this seemed to be a question for future legislation. Representative Nelson indicated the Legislature would welcome some recommendations

on how the state might be compensated, and Mr. Goltz said he had not been asked to work on this issue, but should the Board consider this an appropriate area to research he would be involved to the extent he is asked to provide assistance to the committee.

Mr. Bishop referred to his memo to the Board of May 24 in which he suggested the formation of a Socio-Economic Committee, and stated this would be an appropriate subject for exploration.

Representative Nelson wondered if this sort of activity were unique enough to adjust the general service rate in the B&O tax structure. Mr. Goltz said he assumed the B&O tax referred to would be imposed on the contractor, and not the USDOE since they are immune. The limitation there, he said, would be other real property and industrial activities. He explained any special rate would not be "generally applicable", which then creates a special burden on the United States government. This presents a Constitutional problem, and there are many other potential problems, he said.

Mr. Bishop recommended the Board create a permanent Socio-Economic Committee to deal with this issue. He suggested this committee include representatives of the Department of Revenue, the Department of Planning and Community Development, the Association of Counties, and the Association of Cities, with involvement of the Attorney General's Office through assignment of legal staff to Ecology. He asked for comment on the concept. He said he anticipated the USDOE would respond by establishing their own team after the state makes the first move in this direction.

Favorable comments were expressed by Representative Nelson, Representative Hankins, and Andrea Beatty Riniker, with special endorsement for involving cities and counties. Dr. Beare said he believed the Department of Social and Health Services should be represented on the committee. Representative Rust cautioned that nothing be done to woo anything in order to benefit the state financially.

Representative Rust inquired if any monies coming to the state would go into the General Fund, or would they be earmarked. Mr. Goltz responded he assumed some money would go to the state and some to the local governments.

Representative Nelson asked if this grant would be retroactive to the date of the Act, and Mr. Goltz responded payment would commence in the fiscal year in which the three sites are officially designated by the President as approved for site characterization studies.

Mr. Bishop said because this issue is so broad, he wanted to be sure the Legislature intends the Board to exercise this kind of jurisdiction in establishing a permanent Socio-Economic Committee on behalf of the state. Mr. Roe referred to the power the Board does have in that "the Board may establish such additional advisory and technical teams as it deems necessary", and allows for payment of travel expenses. He said the power of the Board primarily relates to interface with the program that the federal government has implemented.

Mr. Eschels said he believed the Board acts on behalf of the state and in the name of the state. He said he could see benefits arising out of the activity, the first being that information would be collected that would be accessible to all of state government. Secondly, one of the responsibilities would be to make ties with the local governments and it would be appropriate for a group formed of representatives of both state agencies and local governments to function under the auspices of the Nuclear Waste Board.

In response to a question by Mr. Lasmanis, Mr. Bishop said he had had no conversation with the Department of Revenue on this subject. He said he wanted the Board to meet first, and should it feel this approach is appropriate, discussions will be initiated with the various agencies. Mr. Bishop added that the cities and counties and development councils in the Tri-Cities area have been very interested in this matter and he thought their inquiries to the Revenue Department had been referred to the Chair. Mr. Roe referred to another statute dealing with the responsibilities of other agencies to cooperate with the Board: "All Department Agencies and Officers of this State and its Subdivisions shall cooperate with the Board in the furtherance of any of its activities, pursuant to this Chapter."

Jerry Parker of the staff said in response to Representative Nelson's question there is a separate section in the Act which provides for direct grant for socio-economic impact as opposed to taxes. The state will have to prepare a report during the site characterization phase as to what those impacts might be. The Committee may wish to consider this, he said.

Mr. Bishop stated that if there were no objections to the formation of a Socio-Economic Committee, action will be initiated immediately.

Representative Rust felt there were two parts to the socio-economic impact: the in-lieu-of taxes grant, and the impact upon the other agencies which could cause increase in work loads and greater budget requests to the Legislature. Mr. Parker explained a direct grant for impact is awarded only if a site is chosen, while the in-lieu-of taxes grant would begin with site characterization.

Mr. Bishop invited suggestions for structuring the Committee and names for representation by sending a note to him or calling Don Provost at the Office. He said implementation of the Committee would begin next week.

Review of Draft USDOE Policies

Defense Waste: Dr. Brewer said USDOE has agreed the state can consider under its grant the following areas.

- Impacts of commingled defense wastes on repository design, which could be substantial; defense waste is much bulkier than civilian spent fuel for equivalent tonnage of heavy metals, so that adding 10,000 MTHM to a 70,000 MTHM repository could require another 50 or 60% volume of suitable

rock. Also it appears that simple proration of design costs by MTHM could substantially subsidize defense waste disposal out of the Nuclear Waste Fund.

- Existing defense wastes and facilities, including the eight abandoned reactors due for decommissioning, have the potential to alter the radiological monitoring baseline in the zone between the RRL and the Columbia River, thus greatly inhibiting the ability to monitor repository performance in the postclosure period.
- Unstabilized defense wastes in the 200 West Area could expose repository workers to elevated activity levels, add to the cost of surface facilities (e.g., through having to avoid contaminated areas) and infiltrate the shafts and workings, inhibiting performance monitoring.
- Defense wastes leached into the Columbia River in the shallow unconfined aquifer reduce the "budget" allowable for radionuclides from the repository, under the 1 part in 100,000 standard of 40 CFR 191 (EPA standards) and 10 CFR 60 (USDOE).

Dr. Brewer expressed his satisfaction at the way the policy is written. He said the real point of departure in the defense waste work begins with the issuance of the draft Environmental Impact Statement on defense wastes. The issuance of the draft EIS is expected some time in February. At that time, he said, if the Department issues a wholly adequate EIS, many of his concerns would disappear. Any deficiencies in the EIS would call for a major review project. Mr. Bishop solicited comments on the draft Policy Statement from the members of the Board.

Mr. Provost added there was some concern that when and if USDOE ever puts a lid on grants for each of the sites being characterized the defense waste would be included in that lid. An effort will be made, he said, to show that the defense waste activities are somewhat outside the characterization at other sites, in order to avoid any penalty if that lid should be placed on the grants. Another concern is that the USDOE has expressed in this policy and others that when the defense waste decision is made, it will come under the Atomic Energy Act. The state will make it known to them, he said, that the state believes the decision should be made under the Nuclear Waste Policy Act. This issue will be considered at the time the EIS is issued.

In response to Representative Nelson's question concerning the planned review of the EIS, Dr. Brewer stated an extensive review would be conducted similar to the review of the Draft EA. This would be funded, he said, in accordance with the new Policy Statement.

Phase-Down and Phase-Out Funding: Gary Rothwell furnished a one-page outline of the funding procedure to be followed concerning repository evaluation (see attached). This included three phases:

Phase I. Hanford Disqualified as a Site (Phase-Out Funding)

Phase II. Hanford Not Selected for Characterization
(Phase-Down Funding)

Phase III. Hanford Approved for Characterization
(Phase III Funding)

He said Hanford was presently in Phase II, which means Hanford is being considered for characterization, but not yet selected. The Phase-Out Funding would occur should Hanford be disqualified. Should USDOE notify the state of that decision, he said, no further new expenses could be incurred, as many obligations as possible would have to be canceled, and 180 days would be allowed to end the program. The NWPA states "up to a year", but the U.S. Department of Energy believes six months is reasonable. In that event, Phase-Down Funding would be granted, which would be determined by the level of the existing state program, decided on a case-by-case basis. The last possibility, should Hanford be selected for characterization, is that USDOE would allow funding of all projects being done now, plus a couple of areas of new involvement. This will be covered when the grant application is discussed, he said.

Representative Nelson inquired if it were clear that independent research is included in monitoring and evaluating site characterization. Mr. Rothwell said there was language to the effect that some independent review would be allowed for MRS.

Socio-Economic and Environmental Plans: Jerry Parker of the staff provided the Board with a summary of USDOE Draft General Policy Statement on Socio-Economic and Environmental Plans (see attached).

Mr. Parker said the Socio-Economic and Environmental Policy is basically a schedule of what USDOE plans to do to make more clear what their responsibility will be in this area. The first part deals with the site characterization phase, mainly the Monitoring and Mitigation Implementation Plans. USDOE will work with the states in that process, he said, and issue some guidance on these plans. The second area would be the EIS scoping on the repository itself. Issues USDOE will address will be discussed and provision made for the state to be involved in the scoping of the EIS. The second page of Mr. Parker's memo contained a proposed time schedule of the steps to be taken.

Mr. Parker said the USDOE has asked for review and comment on these policies and he attached a memo containing some points for consideration (see attached). He said most of them were points of clarification. He mentioned that the policies did arrive with a very

brief cover statement, with no explanation of the reason for issuing these policies without including transportation. He said some linkage to the overall process on policy development was needed. He thought this point should be made in the Board's response.

Mr. Provost requested Board comments to be sent within the next two weeks to enable the Office to respond to USDOE.

Committee Reports

Defense Wastes: Mr. Bishop said a grant proposal reflecting the state's understanding of the policy has been submitted. An additional amount of funding was requested in the supplemental grant. No response has been yet received.

Representative Nelson said that initially a separate agreement on defense wastes was discussed, and he wondered if that were still being considered. He said if there were not a separate agreement, would discussions with USDOE be appropriate to isolate critical issues that would surface when the EIS is released. Dr. Brewer responded that the language of the new policy precluded the need for a separate operating agreement with the Department. Concerning meeting with USDOE to discuss issues of high priority or deep concern, he said there are two mechanisms in place. Because this is an authorized activity under the grant, it can be brought up at the regular quarterly technical meetings. In the cooperative Monitoring Committee composed of DSHS staff and Office staff specific briefings and information about current topics will be requested, he said. This will all be brought back to the Board for discussion or comment.

Mr. Bishop added that when the discussions regarding the C&C Agreement are resumed the defense wastes issue will be back in the negotiation mode, either as a part of the C&C Agreement or as a separate issue. Representative Nelson said he agreed that all of this is appropriate, but he believed in making clear the state's stand early on what is acceptable and what is not acceptable. He felt this was a better approach than waiting to react to an EIS.

Monitoring: Don Provost reported on the May 7th meeting of the Environmental Monitoring Committee. The two agenda items were the Oregon Proposal and the Baseline Monitoring Plan for the coming year. The Environmental Monitoring Committee recommended that a Fiscal '86 Work Plan be developed, then identify tasks appropriate for the state of Oregon to undertake. The state of Washington would be the lead in this effort.

The Fiscal Year '86 Monitoring Plan prepared by the Department of Social and Health Services was distributed to the Board (see attached). Mr. Provost asked for comments to enable the Office to build this plan into the 1986 grant.

Dr. Beare commented that USDOE has offered the opportunity next month to have a four-hour work session presented by USDOE to DSHS to review their annual summary of off-site monitoring activity. That would be scheduled the afternoon of July 18 preceding the regular meeting of the Board and considered a meeting of the Monitoring Committee. In addition, he said, Mr. Elle of USDOE has asked to come to the Board meeting on July 19 for about 15 minutes to describe in a summary fashion the presentation the day before. He recommended extending to him the invitation to make this presentation. Mr. Bishop said this would be done. Mr. Provost said the EFSEC Hearings Room would be available on July 18th, and if there were no objections the presentation would be scheduled with invitations to interested persons to attend.

Mr. Eschels commented that as USDOE shares more with the state, more problems will come to light and enable the state to rank and evaluate the severity of the problems. Dr. Beare suggested work be done with the Public Information Officer in the Office to make some of this information available to the public. It would be another opportunity, he said, for input into the Newsletter.

Transportation: Ed McGuire of the Washington State Energy Office reported for Dick Watson, Chair of the Transportation Committee. He said the group had met twice. At the first meeting the Committee considered the draft report on Nuclear Waste Transportation prepared by the Western Interstate Energy Board. The eight elements of this report were studied and they selected two elements they considered most significant. The eight elements included (1) mode selection and modal/route analysis, (2) defense waste shipments, (3) infrastructure and specific route selection, (4) casks, (5) liability, (6) inspection, enforcement and incident reporting, (7) emergency response, and (8) operational issues. The Transportation Committee chose to look at mode selection and route selection as the two first steps.

Mr. McGuire said at the WIEB meeting on June 11 and 12, the Board recommended that USDOE prepare a comprehensive transportation plan dealing with nuclear waste. The Committee as a whole endorsed Washington State's proposal to make sure the USDOE plan provide detailed work elements related to modal selection and transportation routing. They concurred in Washington's concern about pre-site selection issues having more detailed analysis. At the WIEB meeting, Mr. McGuire said, Pat Tangora, representing Dick Watson in Denver, noted there had been no formal comment by the state of Washington to WIEB on their proposal. A draft letter was prepared which the Working Group discussed in their meeting yesterday. They recommend Washington State submit a formal comment to WIEB supporting the submission of a transportation plan by USDOE. Also emphasized in the draft letter, he said, was that Washington and Nevada, as potential repository states, have strong positions on the liability issue. USDOE was also encouraged to have a state and public participation program, not a state public relations program.

Senator Goltz moved to authorize the Board to send the suggested letter of comment on the transportation issue to the Western Interstate Energy Board, with copies to the Washington State Congressional delegation. Motion was seconded.

Curt Eschels suggested the defense wastes shipments issue should be examined closely and in parallel with commercial waste issues. The motion was amended to modify the letter to include defense waste shipment considerations. Motion carried.

Mr. McGuire said the second item of discussion was the Oregon Proposal and the conclusion was that the state of Washington cannot delegate its responsibilities for transportation of nuclear waste to another state and should clearly have a lead role. He said Oregon was a member of the WIEB, and the Committee felt that could be a vehicle for looking at transportation issues that affect all corridor states. The Committee recognized barge traffic on the Columbia is uniquely suited for investigation in cooperation with Oregon.

Economic Risk: Curt Eschels said a portion of the Economic Risk Committee met at the end of May. He said no response had been yet received from Ben Rusche in response to the April 10 letter from Warren Bishop requesting a schedule for preparation by USDOE of the requested analysis on economic damage. He said it was learned the letter was misrouted and a response should be sent soon. He said one of the major problems USDOE is having is how to define what a maximum plausible accident is, and discussion is being focused on this issue.

At the Committee meeting Ruth Weiner presented her perspective and said she believes that definition of a maximum plausible accident could be done within two or three months of disciplined intensive time. She believes a model should be developed with which people can interact and enter their own assumptions, having the model produce what would be the maximum plausible accident starting with those assumptions. Mr. Eschels said from his perspective the Board and the state should at this time leave performance of this task up to the U.S. Department of Energy. It is the state's and the Board's responsibility to comment on the work done by USDOE. Suggestions could be made to USDOE, but he felt no definition of a task should be given USDOE by the state or the Board.

Mr. Bishop said he understood USDOE would revise the Statement of Work.

Representative Nelson felt a way should be found to communicate to USDOE there is one technical person who believes a maximum plausible accident can be defined and a value can be attached to the environmental damage produced. Mr. Eschels said he believed the Board had already taken a formal position in its comments on the Environmental

Assessment by suggesting the analysis must be done to give the state a complete, final Environmental Assessment. He added there is also an informal network via telephone and he suggested using that method first.

Review of Oregon Proposal

Mr. Provost referred to the letter of May 10 to Governor Atiyeh of Oregon from Ben Rusche, Director of the Office of Civilian Radioactive Waste Management. The letter basically states Oregon's request for funding must go through the state of Washington.

Mr. Provost said at the May 17 meeting of the Advisory Council a motion was passed recommending the Board set a policy on participation with adjacent states. He asked Jerry Parker of the staff to present his report.

Mr. Parker reported Oregon had requested an initial \$25,000 to develop a detailed work plan in the areas of transportation, environmental monitoring, and site characterization, indicating they would have the lead role in development of transportation and monitoring work plans. He set out three approaches:

1. Board approves Oregon's request; anticipates approval of comparable request from Idaho; anticipates approval of subsequent requests to fund performance of work elements from Oregon and Idaho. Involvement from Indian nations in funding may be sought.
2. Board develops a draft regional work plan, invites Indian nations to do likewise, and invites Indian nations to join in funding Oregon and Idaho to do likewise. Board and Indian nations adopt a regional work plan and contract with Oregon and Idaho to perform specific tasks in work plan.
3. Board develops a draft regional work plan and invites Indian nations and Oregon and Idaho to do likewise. (No funding as in #2 above.) Board compiles individual plans into coordinated regional work plan and contracts with Oregon and Idaho for selected tasks in work plan.

Should the regional work plan proposal be adopted, Mr. Parker laid out two options for Policy Development:

1. States and Indian nations develop individual policies based on individual review of regional analysis. Informal coordination permits reference by states and Indian nations to joint or shared policies.
2. States and Indian nations agree to develop a single regional policy on issues of shared concern. Individual state and nations identify and then agree on list of regional issues where concurrence is appropriate and then prepare positions on these issues.

Mr. Parker said his recommendation was to proceed with Option 3 and Option 1 of the Policy Development. Concerning the term "Regional Work Plan", Mr. Parker said the term was somewhat vague and perhaps should be looked at as to those issues which are specific to the region. The ones that come to mind, he said, are barge traffic on the Columbia, environmental contamination and the economic risk of such contamination, and the routing and handling of transportation.

Bill Dixon of the Oregon Department of Energy said Oregon's recommendation would be to select Option 1 to move ahead with Oregon and see how Oregon and Washington could develop a joint review process. He said they believed that is consistent with the agreement the Governors have already made to move ahead quickly. Also noted in the letter from the U.S. Department of Energy, the emphasis of a joint review they would find acceptable for funding has to be on the Columbia River, he said. Idaho has no direct pathway effects from the Columbia River and their concerns would be on transportation. He said Idaho has not been actively involved in any of the transportation issues and has not participated in the WIEB study of transportation.

Mr. Dixon said another concern is working with affected Indian tribes. He said Oregon and the Board had tried to encourage the tribes to participate in a regional approach but to this point they have not indicated a willingness to do so.

Mr. Dixon continued that Oregon is moving ahead on a number of issues that are of direct concern to the state of Washington, and their concern is that if a cooperative agreement is delayed longer there is an increasing risk of divergence or inconsistency. He recommended moving ahead now.

Mr. Bishop asked for an update of the activities that are going on in Oregon. Mr. Dixon reported their thirty-member Advisory Committee visited Hanford on June 4 to review the waste activities. Oregon attended the Western Interstate Energy Board meeting in Denver on June 11 and 12 and was pleased to see WIEB adopt the transportation plan, as it was the plan Oregon had proposed to WIEB. Mr. Dixon said his Siting Council was at Hanford on June 12 to look at the decommissioning activities. He said Oregon was looking at the plans and funding for decommissioning of the Trojan Nuclear Power Plant, and looking at the general issues associated with the decommissioning of the production reactors was useful and of concern because of Oregon's sharing the proximity to the Columbia River. He said Mr. Eschels and some of his staff accompanied the Oregon group on the tour.

Mr. Dixon said earlier this week Oregon's Health Division was at Hanford discussing with USDOE the concepts of putting together a regional joint environmental monitoring program. Yesterday he said he was at Hanford, along with Oregon's Public Utilities Commissioner and representatives of the Washington State Utilities and Transportation Commission to talk about some high-level shipments that are scheduled to occur starting in the next week or two. These are the

cesium shipments from the defense wastes that will be leased to companies for sterilization of medical equipment and other items. The concern of everyone, he said, was to make sure those shipments can be done safely. He said Oregon proposed a two-phase process. First would be to develop a cooperative inspection procedure so all parties would participate in the inspection of shipments before they leave the Hanford Reservation. He said that if over time confidence in the inspection procedures was developed, regardless of who inspects, there would be opportunities in the future to rely upon other folks to do the inspection. Agreement was reached, he said, on those joint inspections, which will be started with the first shipment. If that approach is successful, he said, USDOE has agreed they will consider that two-phase approach for all the large quantity shipments that will come out of Hanford in the future.

Mr. Dixon said while he was at Hanford negotiations were begun with the USDOE on plans to involve Oregon on the many issues of concern to Oregon. It was agreed any agreements would be based on the work the Board has done with USDOE, looking at issues associated with the repository, defense wastes, decommissioning of the reactors, public involvement, etc.

On the Agenda, Mr. Dixon said their Review Committee is scheduled to meet again on June 27, at which time they will define further their work plan. On July 2 a meeting is scheduled with the Council of Energy Resource Tribes, which is doing some work for the affected Indian tribes, to talk about the possibility of a joint regional monitoring program. The first or second week in July Oregon's training course will be taken to Pasco to provide additional training for the Washington Utility and Transportation Commission truck inspectors. U.S. Department of Energy inspectors have been invited to attend to enable all the inspectors to have the same level of training.

Mr. Dixon said his Advisory Committee is scheduled to meet again on July 8 and will again discuss priorities and their work plan. A tour of the Hanford facilities is scheduled for July 17, taking members of the Oregon Legislative Assembly. USDOE has offered Oregon participation in a review of the environmental monitoring data from the last year and that is planned for mid-July.

Mr. Lasmanis asked if a Washington representative is being sent to attend the Oregon Review Committee meetings. Mr. Provost replied this had not been done to date. He said if the Board decided there should be representation, it could be scheduled. Mr. Bishop said Mr. Dixon is preparing a list of items on which Washington and Oregon can cooperate. He said an informal arrangement would be worked out on projects the two states can do jointly, when Mr. Dixon has compiled and completed his list. Representation at their meetings could be included, Mr. Bishop said.

Senator Goltz remarked the only limit that should be imposed on the relationship with the state of Oregon is the legal responsibility with respect to the role of the Washington State Legislature and the

Washington State Executive in commenting on the state's responsibility under the federal act. Otherwise, he said, all other issues mentioned should be acceptable. He cautioned about delegating anything to Oregon that is the responsibility of Washington under the Nuclear Waste Policy Act. He said Option No. 3 expresses his feeling better than Option No. 1.

Mr. Dixon explained that when they proposed taking the lead responsibility, it was simply a proposal for Board comment and they were not locked into that position. He said assignments could be made in the particular areas mentioned to perform a coordinating role. The legal authority and responsibility would vest with the state of Washington for the policy decisions made to protect Washington citizens, and separately with the state of Oregon. He said there would be no transfer of responsibility by assigning a technical lead to coordinate activities.

Representative Miller said she would be interested to see the work plan developed in the Oregon Review Committee meeting of July 27. She said she would also be interested to see if they are successful in obtaining cooperation from the Indian nations. Mr. Dixon agreed to send a draft of the work plan following their July 27 meeting.

Marta Wilder suggested a regional public involvement program might be worth considering.

Mr. Eschels commented he thought the Oregon proposal could be a stimulus to the Board to arrive at an appropriate relationship between the two states. He felt Oregon has a good deal to offer, specifically in areas where concerns are shared, as well as the concerns that are specific to it and broader concerns that cover the whole program. Oregon, he said, has financial resources available to it through the Western Interstate Energy Board to examine the broader transportation aspects. He thought Oregon was looking to Washington for funding to set up a proper relationship between Oregon and Washington. Option No. 2 he thought came the closest to fulfilling all of these conditions. He thought the proper procedure would be to make some sort of indication, subject to putting together a work plan, so the costs can be scoped out. He said there was concern about the possibility of a limitation of national funds available to the states. This should be considered if funding Oregon would jeopardize Washington State's ability to fund its own program. He suggested the letter from Ben Rusche to Governor Atiyeh accompany Washington State's grant request for next year.

Mr. Bishop inquired of Mr. Dixon his feeling about Washington working out an arrangement to get funding to put together a work plan. Mr. Dixon said he felt Option No. 2 was acceptable. Their work so far, he said, was putting together a work plan based on Oregon going it alone. He thought Oregon would propose in Option No. 2 to go beyond a work plan to do it alone and try to develop a cooperative program. He said a program is much more work than a plan.

Mr. Bishop said that from a staff point of view an arrangement would be worked out considering the concerns expressed at the meeting and the reports of the committee in order to move forward with a grant proposal to USDOE at the earliest possible time.

Litigation Status

Charles B. Roe, Assistant Attorney General, referred to his memorandum to the Board of June 19, concerning the Siting Guidelines Litigation. The litigation was filed in March by the state of Washington, and Washington was joined shortly thereafter by Colorado and Nebraska. The state of Wisconsin intervened in another case in the 9th Circuit at the same time. Currently, he said, there are ten states participating in Guideline Litigation in some Federal Court of Appeals. Since the last Board meeting the following states have filed:

Texas and Mississippi - in the 5th Circuit Court of Appeals in New Orleans.

Minnesota - in the 8th Circuit Court of Appeals in St. Louis.

Utah - in the 10th Circuit Court of Appeals in Denver.

Nevada - in the 9th Circuit Court of Appeals in San Francisco.

Vermont - in Boston.

Mr. Roe said these filings, just before the date when the statute of limitations ran out on such initiation, create a problem of administration for the federal judiciary. He said the most likely course will be for all the new litigation to be transferred to the 9th Circuit cases filed earlier. In his discussions with federal Department of Justice attorneys, the government has not decided what position it will take on this processing issue. Mr. Roe added as far as the motion to dismiss Washington's litigation the brief in response is due on July 10. He said the latest word on the Nevada case is that it will be argued in August, with no set date.

Mr. Roe furnished the Board a matrix setting forth the various bills now being considered by the Congress dealing with Price-Anderson (see attached). In response to a question Mr. Roe said perhaps the most significant bill to circle would be S. 1225 and HR 2524. He said they take different approaches, but he had learned there will be very heavy emphasis on S. 1225. HR 2524 sponsored by Representative Morrison of Washington, has had hearings and Governor Gardner has made comments at these hearings. He felt the focus was on S. 1225 in the Senate. Mr. Bishop said this matrix would be updated and furnished to the Board.

In response to another question, Mr. Roe said the state would testify at the June 25th hearing on S. 1225. Curt Eschels will present the testimony for the Governor, which will be along the lines of the testimony presented by Governor Gardner.

Technical Report

Dr. Brewer reported another quarterly technical meeting had been held. A long reflection seismic survey done cooperatively by the U.S. Department of Energy, the University of Washington, and USGS, was discussed. He said this was a very good survey and is producing a lot of good information. The following day a meeting was held with USDOE and NRC over the question of documentation. These are examples, he said, of the good cooperation and progress being made at the working level. Much of the detail and technical work can be handled through these meetings, he said, and the policy issues decided by the USDOE management and the Board.

Dr. Brewer reported the U.S. Department of Energy has issued a Notice of Intent to issue an Environmental Impact Statement on decommissioning eight abandoned reactors at Hanford. They raise the possibility that there should be a public scoping meeting on the decommissioning EIS before it is actually issued. A response was made by the Chair to clarify how they would limit the EIS. If it were simply stripping the piping and knocking over the concrete and either moving or immobilizing it in place, he said, it was thought that was not sufficient for the total EIS because it does not cover the impact in the changes on the environmental monitoring baseline in that part of the river. The letter, he said, asked for clarification and if necessary to have a special scoping session in Hanford that the state would attend, or else reserve a place for the state in the general scoping session. Copies of the letter are available, if requested.

FY86 Grant Workshop and Schedule

Gary Rothwell of the staff reported he attended a two-day workshop on grants, with the Yakima Indian Nation also in attendance. One of their primary concerns, he said, was now that the defense wastes and MRS had been incorporated into the document, there should be another round of comment on the Environmental Assessment.

The rest of the meeting was detail on the grant application process for FY86. Mr. Rothwell reviewed the schedule for submission, with the new grant being awarded October 1, 1985. Components of the draft consist of the following:

- Staff - Existing plus on-site representative
- Travel - Board and Council meetings plus special travel for Board, Council, and High-Level Nuclear Waste Management Office staff to attend appropriate meetings and conferences

- Equipment - No major equipment purchases
- Supplies - Increase public information printing and mailing
- Contractual - Existing contracts
 - o prime contractor
 - o Attorney General
 - o Board Liaison
 - o DSHS (monitoring)
 - o EFSEC (impact analysis)
 - o Energy Office (transportation risk)

In addition, Mr. Rothwell said, there may be a need for request for additional funds if a contract with other states is negotiated.

As mentioned earlier, Mr. Rothwell said the State Office is now in Phase II, the period until the Site Characterization Plan is issued. He provided the Board with a detailed list of activities included in Phase II and Phase III, which would occur after Site Characterization. A copy is available upon request. Mr. Rothwell asked for comment and suggestion after review by the members, as this list is not absolute. He said it should be assumed the grant would be modified occasionally because of the possible different courses of actions that could occur.

Mr. Provost added the Office would be working closely with the Committee to get dollar figures, and with the Public Information Group of the Advisory Council to develop that part of the grant. Before the next Board meeting, he said, more information would be furnished the Board on the individual components.

Mr. Lasmanis said he shared Representative Nelson's earlier thoughts about independent studies, and would feel more comfortable having a subparagraph to state independent studies may be desired. Mr. Rothwell pointed out those two pages were from the USDOE document, and would not limit the state. However, he said that language could be included in a grant request.

Mr. Provost said in the course of developing the grant request, staff has been reassessing the contractor relationship. They are looking at some new components, he said, and some major amounts in the Public Information area and the technical side. He said no decision has been made and comments and suggestions from the Board would be welcome. He said the state system allows for review and another Request for Proposal, if appropriate.

Dr. Filby requested that serious discussion be given to a much greater dissemination of information about prospective contracts to give universities and others in the state an opportunity for response. Mr. Bishop agreed, and said review might be in order with consideration to separate contracts in major individual areas.

Other Business

Mr. Provost mentioned the visit of the Japanese Radioactive Waste Survey Mission earlier in June. They toured Hanford and met with staff and Board members the following day. He thought it was a good exchange. Meetings with other states are being planned for July and August, he said.

Senator Williams said he had distributed to the Legislative members a copy of a letter from the Governor relating to an invitation from people in Sweden to look at their high-level waste program in July. He said this is an opportunity the Governor is encouraging, and since this is short notice any Legislative member who can go should affirm this soon. Mr. Bishop said the Board was aware of this trip, but it had been determined there was not a way in which the State Agency Directors could participate. Mr. Eschels said he felt it was too late to arrange, but the Governor's letter encouraged the Legislative members to attend if it could be done.

Senator Benitz expressed his concern about the short notice and said justice could not be done to the trip in the time left to prepare. He inquired if this could be done at a later date with a little better notification. Senator Williams said a group going at this time would not preclude a similar trip at a later date, with perhaps representatives from members of the Governor's staff and others included.

Senator Guess said this would conflict with a meeting he has scheduled in Edmonton to discuss the international registration plan in connection with a piece of legislation passed after ten years. He said it would be very difficult for him to participate in this trip.

Mr. Eschels commented on the Price-Anderson legislation being considered in Congress. He said on Tuesday of next week he will present testimony before the Senate Energy Research and Development Subcommittee at the request of Senator Evans. He said the testimony he will carry back and present for the Governor is entirely consistent with the position the Board has taken--strict, unlimited liability. He said a suggestion in the testimony was perhaps a separate vehicle from Price-Anderson. Copies of the testimony will be sent to the Board.

Public Comment

Max Power of the Legislative Joint Science & Technology Committee, which is being transferred to the Institute for Public Policy, called attention to the draft Environmental Review of the Low-Level Commercial Waste at Hanford. It is now out for public comment until July 15. He said there were summary copies available at the meeting and the complete draft was available for anyone who might request it. He would like public review and welcomed comment.

There being no further business, the meeting was adjourned.

NUCLEAR WASTE BOARD MEETING

June 21, 1985

BWIP CONTRACT PROPOSAL FOR DSHS
For FFY 1986
ENVIRONMENTAL RADIATION MONITORING

The present BWIP contract requires DSHS to submit a proposed monitoring plan and cost estimates for the FFY 1986 contract to the Nuclear Waste Board by July 15, 1985. This document presents a general outline of what we propose to include in the new contract. Detailed staffing and funding requirements based upon the proposed work plan will be presented in the contract.

The long-term goals and purposes of work conducted under this contract are summarized as follows:

- (1) To establish Hanford Reservation baseline data pertinent to the Basalt Waste Isolation Project.
- (2) To develop a measurements verification (quality assurance) program to assess the quality of USDOE radiological environmental data as it relates to establishing baseline data for BWIP.
- (3) To assess the adequacy of USDOE's monitoring program for developing a comprehensive baseline radiological picture for BWIP thus enabling assessment of potential environmental impacts during site operation.

The major components of the work proposed for the next contract period are:

- ° Participation in regularly scheduled USDOE audits related to environmental monitoring activities on the Hanford Reservation.
- ° Review, comment on, and influence the USDOE scoping study for preoperational monitoring of the BWIP site.
- ° Review existing aerial radiological surveys; if warranted, request additional aerial surveys centering on the BWIP site.
- ° Expand DSHS environmental sampling activities:
 - establish additional TLD stations at existing Battelle stations.
 - establish stations pursuant to a review of the USDOE BWIP monitoring scoping study.
 - perform in-situ low-level gamma radiation surveys.
 - expand ground and seepage water sampling.

- expand soil sampling.
- establish air particulate sampling stations near the BWIP site
- ° Improve capability to deal with anomolous data.
- ° Develop additional laboratory capabilities to identify and quantify radioisotopes in various types of environmental samples.
- ° Preparation of periodic contract reports to the Nuclear Waste Board and Department of Ecology.
- ° Participation in periodic meetings to discuss technical issues related to environmental monitoring and data quality. These meetings will involve the public, local officials, the Nuclear Waste Advisory Council, and Nuclear Waste Board.

The bottom line (estimates) :

Staffing: 3.75 FTEs (2.25 for the Environmental Radiation Program; 1.5 for the Environmental Radiation Laboratory)

Funding: \$225,000 - \$250,000 (includes salaries, benefits, overhead, travel, training, supplies, equipment)

ANDREA BEATTY RINKER
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6000

MEMORANDUM

June 18, 1985

TO: Nuclear Waste Board

FROM: Jerry Parker

SUBJECT: Summary of USDOE Draft General Policy Statement on Socioeconomic and Environmental Plans

1. Monitoring and Mitigation Implementation Plans

- For environmental and socioeconomic impacts of site characterization.
- Will be based on impacts identified in final EA.
- State and local officials will participate in plan development.
- Will be preceded by "guidance" from USDOE on such plans.

2. EIS Scoping

- EIS will consider environmental and socioeconomic impacts of repository development.
- Notice of intent will list issues to be addressed in EA.
- EIS Implementation Plan will describe data sources and analytic methods to be used in EIS.
- EIS will be used to evaluate sites with respect to siting guidelines and to plan mitigation of impacts.

3. Schedule

- Guidance on site characterization monitoring and impact minimization plans Summer 1985
- Consult with state and local officials to develop site characterization monitoring and impact minimization plans September 1985-February 1986
- Begin EIS Scoping Process December 1985
- Issue site characterization monitoring and mitigation implementation plans March 1986
- Issue EIS Implementation Plan Summer 1986

JP:hlt

ANDREA BEATTY RINKER
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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MEMORANDUM

June 18, 1985

TO: Nuclear Waste Board

FROM: Jerry Parker *J.P.*

SUBJECT: Draft Comments on USDOE Draft General Policy Statement
on Socioeconomic and Environmental Plans

(USDOE requests response on draft policies to assist in preparation of final policies. Draft observations follow.)

- Participation of state and local officials in development of monitoring and mitigation plans is appropriate.
- Form and purpose of "guidance" for implementing "plans" requires clarification and elaboration. Text refers to guidance for implementation of plans identified in EA, while schedule refers to guidance for site characterization monitoring and mitigation plans, which the text indicates will be developed by USDOE. Text indicates such plans will be derived from impacts identified in EA and commitments made in the EA. Text should be consistent on this point.

Moreover, the draft EA does not contain specific plans to mitigate impacts of site characterization. The discussion of effects of site characterization does imply that plans will be necessary for borehole location, land use at drill site, wildlife protection, spoils management, and dust control (pp. 4-25 to 4-33). Other key environmental and socioeconomic concerns of site characterization are not mentioned in the EA, but should be included in any monitoring and mitigation plans. These include shaft sealing, discharge of potentially contaminated groundwater, and provisions to manage payments in lieu of taxes.

- Discussion of the EIS should be expanded to include consideration of criteria and procedures to be used by the state in preparation of reports on the economic, social, public health, and environmental impacts of repository development. These reports are to be prepared during site characterization. Policy statements should address relation of these plans to the EIS.
- Scoping for EIS should explicitly identify state and local involvement.
- Description of scoping notice for EIS is confusing regarding relation of EIS to site characterization. A plausible interpretation of the text is that the EIS analysis of impacts on repository development will be prepared during site characterization. This requires confirmation.
- The policy statement says the EIS will be used to mitigate impacts associated with repository development. The procedures to develop a mitigation plan should be described.

JP:hlt

**HIGH-LEVEL NUCLEAR WASTE
PROGRAM FUNDING POSSIBILITIES**

- I. HANFORD DISQUALIFIED AS A SITE -- PHASE OUT FUNDING**
 - EFFECT NO NEW OBLIGATIONS
 - CANCEL AS MANY OBLIGATIONS AS POSSIBLE
 - END PROGRAM IN NO MORE THAN 180 DAYS

- II. HANFORD NOT SELECTED FOR CHARACTERIZATION -- PHASE DOWN FUNDING**
 - DETERMINED BY LEVEL OF STATE PROGRAM ACTIVITIES
 - FUNDING ON CASE BY CASE BASIS
 - ALLOWABLE AREAS:
 - PROGRAM DOCUMENT REVIEW AND COMMENT
 - ATTEND RELEVANT MEETINGS
 - PUBLIC INFORMATION

- III. HANFORD APPROVED FOR CHARACTERIZATION --PHASE 3 FUNDING**
 - ALLOWABLE AREAS
 - C&C NEGOTIATIONS
 - REVIEW AND COMMENT ON SITE CHARACTERIZATION IMPACTS
 - ATTEND RELEVANT MEETINGS
 - MONITOR AND EVALUATE SITE CHARACTERIZATION ACTIVITIES
 - DEVELOP IMPACT MITIGATION REQUEST
 - PUBLIC INFORMATION
 - GRANTS-IN-LIEU-OF-TAXES

CONGRESSIONAL PROPOSALS

DRAFT -- CBR
June 19, 1985

ON

FEDERAL LIABILITY FOR HIGH LEVEL NUCLEAR WASTE ACTIVITIES

Proposals	Amendment to Price-Anderson Act	Expressly Applicable to DOE Waste Program	Strict Liability	Compensation Objective	Funding Source	Congressional Status
A. Senate						
1. S. 1225 (by Senator Dole NOTE: prime sponsors are Senators McClure and Simpson)	Yes	Yes	No--(covers only those injuries relat- ing to "extraordinary nuclear occurrences" as defined by USDOE regulations)	Full compensa- tion as to those covered.	1. First \$2.4 billion from Nuclear Waste Fund of NWPA. 2. Remainder to be pro- vided from source under expedited procedure requiring Congress to act on compensation plan submitted by President within 60 days.	Hearing on June 25, 1985 before Subcom- mittee on Senate Energy and Natural Resources Committee.
2. S. 445 (by Senator Hart)	Yes	No	? (waiver of defenses applies to all nuclear incidents)	Full compensation.	?	"
B. House of Representatives						
1. H.R. 51 (by Rep. Price)	Yes	No	? (waiver of defenses applicable to all nuclear incidents)	\$1 billion per incident limitation.	?	Last hearings held on June 6, 1985 by the House Interior and Insular Committee's
2. H.R. 445 (by Rep. Seiberling)	Yes	No	? (waiver of defenses applicable to all nuclear incidents)	Full compensation.	?	Subcommittee on Energy and the Environment.
3. H.R. 2524 (by Rep. Morrison and Rep. Dicks)	Yes	Yes	Yes(?) (waiver of defenses applies to all DOE waste activities)	Full compensation.	1. First \$5 billion from Nuclear Waste Fund of NWPA. 2. Remainder from general federal revenues.	"
4. H.R. 2665 (by Rep. Weiss)	Yes	No	? (waiver of defenses applies to all DOE activities).	Full compensation.	?	"