

Workshops for State Review of Site Suitability Criteria for High-Level Radioactive Waste Repositories

Analysis and Recommendations

Prepared by
Potomac Research Incorporated
for the
U.S. Nuclear Regulatory
Commission

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APPENDIX A

APPENDIX A

1. Role of the States

"Considering that significant amounts of high level radioactive waste (and potential waste--spent fuel) exist and that disposal of such waste is presently a Federal responsibility, what role can and should the States play regarding siting of a HLW repository?"

Site Suitability Criteria and Issues
Discussion Group Issue Matrix

ISSUE	RESPONSE			
	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<p>Denver Sowards Group</p> <p>1. Role of the States in regard to siting a HLWR.</p> <p>1a. Final responsibility for site approval.</p>	<p>The Sowards Group reached a consensus that NRC, in co-operation with the states, should have final authority for site approval.</p>	<p>This issue raised many points that are sub-concerns of the principal issue of responsibility and authority. These were:</p> <p>(1) When and how does a state become involved?</p> <p>(2) Will a state have a veto right over the siting of a HLWR?</p> <p>(3) The states view the siting process as a significant one and want early involvement in the decision making activities.</p>	<p>A minority opinion said that ultimately the Congress or the courts will have the final authority on approval of a HLWR site.</p> <p>The group was divided on the issue of a state having the right of veto over the siting of a HLWR.</p>	<p>As a specific issue the introductory question was not addressed.</p> <p>There was discussion that ultimately the Congress or the courts will have the final authority on approval of a HLWR site because</p> <p>(1) Congress must provide the funds</p> <p>(2) Congress may have to pass a law which will authorize the commissioning of a HLWR.</p> <p>In all instances the states want to participate in the siting process.</p> <p>If there are enough sites then the states would have the right to reject.</p> <p>If the sites are limited and not sufficient in regard to the amount of waste, then NRC/with the state should decide the location.</p> <p>It was noted that the group would not want the NRC to disregard the sentiments of the local people.</p>

ISSUE	RESPONSE			
	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<p><u>Hambleton Group</u></p> <p>1. Role of the States regarding the siting of a HLWR.</p>	<p>There was group consensus that the states have a role and should participate with NRC in:</p> <p>(1) the review process,</p> <p>(2) the licensing process, and</p> <p>(3) in participation with DOE activities.</p>	<p>The principal concern of the Hambleton group was that many of the other issues suggested by NRC were dependent upon how the role of the states was to be defined.</p>	<p>NRC needs to invite the states to participate from the beginning in any HLWR siting process so that the state may be more amenable to HLWR acceptance.</p>	<p>States desire a partnership with NRC in the entire siting process.</p>
<p>1a. Final authority for site approval.</p> <p>A-1-3</p>	<p>This group reached a consensus that NRC, with strong state input and cooperation should have the final site approval responsibility.</p>	<p>The principal concern of the Hambleton group was state participation and input to the decisionmaking process. An important but subconcern was the legality of a state veto over an NRC decision.</p>	<p>Congress will eventually have to determine the site of a HLWR. This could be accomplished through control of the funding for a HLWR and by legislation concerning federal land use.</p>	<p>if the state is to have veto power over a site than the specific areas of that power need to be set forth.</p> <p>(1) health/safety (2) social (3) economic</p> <p>NRC needs to demonstrate that siting a HLWR is in the national interest so that a state may accept.</p> <p>NRC and DOE should approach all states for input on HLWR siting.</p>
<p><u>Gilbert Group</u></p> <p>1. Role of the States regarding the siting of a HLWR.</p>			<p>This group did not address the introductory question.</p>	

ISSUE

RESPONSE

<u>Gilbert Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<u>1a.</u> Final authority for site approval.	<p>The Gilbert Group was divided on who would have the final authority for siting approval.</p> <p>(1) It was generally believed that a state by state assessment would have to be made for site approval.</p> <p>(2) Another view of the group was that NRC, in cooperation with the states, should have the final approval authority.</p>	<p>A principal concern to the Gilbert Group was the role and use of preemption by the federal government over lands within a state that may be selected as a HLWR site.</p>	<p>Minnesota entered a statement of concern that a HLWR could not be located in that state without approval of the state legislature.</p> <p>A comment was made that issues 1a, and 1b, were a shotgun approach to solving the problem.</p>	<p>Oregon noted that its state had a similar law and that the question will ultimately have to be addressed by the Congress and the courts.</p>

ISSUERESPONSEWoods GroupConsensusPrincipal ConcernMinority OpinionDiscussion

1. Role of the States regarding the siting of a HLWR.

The introductory issue was addressed under the sub issues.

1a. Final authority for site approval.

The Woods Group reached consensus on the NRC, in cooperation with the states, should have final site approval authority and responsibility.

The principal concern in the Woods Group on this issue was over the types of mechanisms that a state may employ in order to preclude siting a HLWR within its boundaries.

The states most significant role may be found in educating and informing the general public on HLW activities, requirements, and locations.

The states do not want to be known only as the messenger or whipping boy of the NRC.

State professionals should speak out on the role of a state in siting a HLWR.

These were presented as:

(1) Who has the final say on whether or not a HLWR is sited?

(2) Does the state have a veto right over siting a HLWR?

(3) May a state require NRC to obtain its approval on siting a HLWR?

Montana: Only HLW or spent fuel used in the state may be buried there.

ISSUE	RESPONSE			
<u>New Orleans Mudrey Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
1. Role of the States regarding the siting of a HLWR.				The Mudrey Group did not discuss the introductory question.
1a. Final responsibility for site approval.	The consensus was that NRC, in cooperation with the states, should have the final responsibility on siting a HLWR.		The Mudrey Group had a minority opinion that the issue may end up being decided by the courts or in Congress.	
<u>Nemeth Group</u>				
1. Role of the States regarding the siting of a HLWR.	Individual states should have the opportunity to enter into an active partnership with NRC and DOE in the siting and operation of HLWRs.	The principal concern was that institutional barriers would preclude a meaningful relationship between the federal government and the states.	The states should be dealt with as a partner in trying to solve the HLW problem.	The states and the federal government should establish a working relationship that would among other things strive to educate and inform the general public on the hazards and safeguards in HLW management.
			How does one make a state an active partner with a federal agency? One suggestion was for the state to participate in the decision-making process.	

ISSUE	RESPONSE				
<u>Nemeth Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>	
1a. Final responsibility for site approval.	The general belief was that the NRC, in cooperation with the states, should have the regulatory authority for approving a HLWR.	The principal concern was that the states would be precluded from the decision-making process in siting a HLWR.	A minority view saw the Congress and the courts ultimately deciding who would have the "final" approval on siting a HLWR.	The states should be approached early in the siting process and should be included in all the decisionmaking.	The state should be involved with preliminary site investigations long before an application is made by DOE.
				The NRC needs to address itself to the problems of long term care as it relates to a HLWR. This responsibility clearly will not be a state one.	The states cannot know what the federal government is thinking until it establishes some type of policy on siting HLWRs.
				Since a repository will be essentially a federal activity, any HLWR operation has to be viewed in that light. Therefore, a site is basically a federal responsibility.	The present view of the HLWR being a commercial venture hides the federal responsibility.
				The Porter Group did not deal with the general introductory question.	One participant concerned with NRC's authority asked, "Can the NRC act independently with some assurance that it will not be reversed?"
<u>Porter Group</u>					
1. Role of the States regarding the siting of a HLWR.					
1a. Final responsibility for site approval.	No consensus was reached on this issue.	The principal concern of the Porter Group was whether or not a state had any regulatory authority over a federal agency.		Does the state have a role in siting a HLWR if the federal government selects and ignores the desires of a local community?	All states have been subjected to federal agency pressures and see the same situation occurring with HLWR siting.
				All states want the electricity generated by nuclear power but none want the waste or waste problem.	Tennessee - When TVA wants something they get it. DOE is in the same position as TVA.

ISSUE	RESPONSE				
<u>Day Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>	
1. Role of the States regarding the siting of a HLWR.				This specific issue was not clearly addressed by the Day Group.	
1a. Final responsibility for site approval.	There was general consensus that the final responsibility for siting should lie with NRC, in cooperation with the states.	<p>There were many concerns in the Day Group over this issue. Some of these were:</p> <p>(1) A state should play an active role with NRC in siting a HLWR.</p> <p>(2) A state should share the responsibility with NRC in the final approval of a HLWR.</p> <p>(3) Is the NRC authorized to make the final approval of a HLWR?</p> <p>(4) Adjacent/border states should have a part in the siting process.</p> <p>(5) If the states work in cooperation with NRC in siting a HLWR, does that give the state a right of veto over site approval?</p>	<p>The Texas position is that a state should have an active role with NRC in the siting of a HLWR.</p> <p>The Wisconsin position is NRC with the state should have final approval of the HLWR site. This would be a shared responsibility.</p>	<p>What is the position of the federal government with regard to accepting waste from other countries?</p> <p>Will this be a HLWR for US waste or will it be an international HLWR?</p> <p>If the state role is one of cooperation with NRC in siting a HLWR does this mean the state has a veto over siting a repository in its boundaries?</p>	<p>Is the NRC authorized to make the final approval of a HLWR? The question may end up with Congress and in the courts.</p> <p>Adjacent and/or bordering states need to have a voice in the siting decision.</p>

ISSUE	RESPONSE			
Philadelphia Paulson Group	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
1. Role of the States regarding the siting of a HLWR.				The group did not address the introductory issue.
1a. Final authority for site approval.	The Paulson Group reached a consensus on the NRC having final authority jointly with the impacted states.	The principal concern was over the problem of technical and political issues. This group saw the requirement for the site approval process to be split into two phases.	A minority opinion was recorded that final approval may ultimately rest with the President.	
<u>Callen Group</u>				
1. Role of the States regarding the siting of a HLWR.	The Callen Group on this issue reached general consensus on early state involvement with continuing inputs to all of NRC's, EPA's, and DOE's activities involving the siting and operation of HLWR.			
1a. Final responsibility for site approval.	The group reached agreement by saying the final authority should rest with the NRC, in a working arrangement with the impacted states.		A minority opinion was recorded that the final approval of a HLWR site was political in nature and may ultimately require action by the President or Congress.	

ISSUE		RESPONSE			
<u>Davis Group</u>		<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<u>1.</u>	Role of the States regarding the siting of a HLWR.				This group deemed it unnecessary to address the general introductory issue.
<u>1a.</u>	Final authority for site approval.	The Davis Group did not reach a consensus on who should have the final authority for site approval.	The principal concern of this group was that of a state veto over a DOE HLWR site.		It was pointed out by a participant that the states would not have the power to grant approval, only to veto a candidate site.
<u>Lavine Group</u>					
<u>1.</u>	Role of the States regarding the siting of a HLWR.				This group did not address the general introductory issue as such.
<u>1a.</u>	Final responsibility for site approval.	The Lavine Group reached consensus on the issue of final authority. A majority saw the NRC, in cooperation with the states, as having the final approval responsibility.		A minority of the group believed that the ultimate decision on site approval would rest with the Congress, the President or in the courts. Some participants did not believe the issue was correctly stated.	

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ISSUE	RESPONSE			
<u>Denver</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<u>Sowards Group</u>				
1b. NRC Licensing Process	<p>Group consensus is that states want early participation and involvement in a siting decision.</p> <p>Adjacent or surrounding states are as interested in a siting as are the impacted state.</p>	<p>The group concern was that early involvement of the state would not be forthcoming.</p> <p>What role has a neighboring state in the siting of a HLWR?</p> <p>The group concern was that states should have an opportunity to make an evaluation of the site from first notification of being a potential site. The state would then monitor and evaluate each DOE/NRC decision.</p> <p>The group voiced a strong concern over early resolution of buffer zone surface issues as they relate to the environment and community.</p> <p>A concern was whether or not the federal government will comply with strict state regulations on a HLWR.</p>	<p>The group noted that DOE should approach the public/state as early in the process as possible.</p> <p>States should become involved before DOE applies for a license to NRC.</p> <p>DOE should realize that it has a lot of coordination to do with the states before it can sink preliminary shaft or bore holes.</p> <p>DOE has done considerable work at the Hanford site, yet no official approaches have been made to the state of Oregon about the possibility of a HLWR being sited in Hanford. Oregon has a strong concern over this possible siting of a HLWR in Hanford. NRC should make sure that DOE is told of Oregon's concern.</p>	<p>NRC should give the states/public an opportunity to participate early so that they cannot say they were denied an opportunity to participate.</p> <p>NRC should deal with all the social and economic issues-impacts-early on so that the public will know what is going to occur. NRC should also solicit early involvement in the process so that everybody has an interest in the success of the venture.</p> <p>The states want to have input early so that a step by step development of the HLWR won't become "cast in concrete" from an economic standpoint.</p> <p>Can the US wait until there is a facility design before approval or disapproval of a site is given?</p>

ISSUE	RESPONSE			
Denver Sowards Group	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
1b. NRC Licensing Process		<p>Technical process should be NRC's major and only concern in site selection and licensing.</p> <p>The group expressed concern that DOE will not carry out its responsibilities to the fullest extent.</p> <p>The group expressed concern with the handling of surface and sub-surface operations. It noted that NRC/DOE should look at the impact of both these operations.</p> <p>The group expressed the feeling that NRC should insure that DOE does its job - carries out its responsibilities - and reports the findings. NRC can then judge from a technical standpoint the best site.</p> <p>The states are concerned with the process that will be used to determine the ultimate site from those nominated.</p>	<p>DOE should deal with the balance between technical and political effects of site selection.</p> <p>DOE should present a range of sites for NRC review.</p> <p>DOE should be responsible for the "front end" decisions involved with site selection.</p> <p>The underlying theme throughout the group was DOE do your job and NRC watch them to insure the protection of the people.</p> <p>There are some critical points in the licensing process. If these are reviewed jointly by NRC/ and the state, it would mean that DOE won't be moving down the concept development, preliminary site selection, application, construction, etc. path which will cost a lot of money and will be hard to turn away from.</p>	<p>NRC's step by step approach to site approval may have a considerable influence on making the hard decision to back away or turn down a site for approval.</p> <p>NRC's approval or dis-approval of a site should be on its technical design, suitability and ability to do the job while protecting the public. Any other factor is or should be for the Congress, courts, etc. to decide.</p> <p>States have an input opportunity to DOE/ NRC at the GEIS hearing and the EIS hearing.</p> <p>It was noted that an environmental review by DOE is due before the EIS to NRC.</p>

ISSUE

RESPONSE

Hambleton's Group

1b. NRC Licensing Process

Consensus

There was group consensus on the states participating with NRC in:

- (1) Review Process
- (2) Licensing
- (3) Participation with DOE.

In the licensing process, there was a general consensus that federal funding should be made available to the states so that an independent assessment of the HLW facility could be conducted.

Principal Concern

If the state does not want a HLWR will DOE stop efforts to locate a site within that state?

States want to be involved with the development of Draft Environmental Impact Statements DEIS - both with DOE and NRC.

Minority Opinion

A minority opinion held that NRC should not license a repository unless the state in which the repository is located has demonstrated a capacity to perform an independent assessment of the facility.

Discussion

It was noted by the group that the federal government has pre-emption rights on federal land in any state.

The group expressed its desire to be involved in all repository activities. A comment warned the group not to get caught in reviewing their own developmental work.

Should NRC include in its regulations a section requiring DOE to assess and evaluate "state impacts" in the siting and licensing process?

NRC was requested to develop and establish a system for state involvement in the licensing process. This was for both (1) formal and (2) informal matters.

NRC was requested to have formal approval by the states of its licensing process.

If a state does not respond to NRC's request to participate this should not be considered or interpreted as a veto of the site.

If an applicant can show that he is not going to violate regulations - NRC will have to license. What provisions are there to insure that the most qualified applicant becomes the repository operator?

NRC was requested to publish a schedule of their decisionmaking process as it regards licensing.

NRC should not license a repository unless the particular state in which the repository is located has approved the site, except where the site is defined as in the national interest.

ISSUE	RESPONSE			
<u>Gilbert's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
1b. NRC Licensing Process	The group was satisfied with the licensing process if (1) full disclosure is made to all interested parties and (2) states have early input and participation in the process.	States want to be in on all the discussions involving a HLWR site.		A comment was made that state input is sometimes frozen out of generic reports made by federal agencies.
<u>Woods' Group</u>	No clear consensus was reached. However, the group expressed satisfaction with NRC's proposed repository licensing process.		States would have the right to become <u>an interested party automatically.</u>	What about transportation of HLW through a state to another state. Can the corridor state intervene in the proposed process as an interested state?
			If the HLWR site is in one state can an adjacent state or neighboring state intervene as an interested party?	Everytime there is a hearing the state has an opportunity to participate as an interested party.

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<u>ISSUE</u>	<u>RESPONSE</u>			
	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<u>New Orleans</u>				
<u>Mudrey's Group</u>				
Ib. NRC Licensing Process	<p><u>Chair:</u> There is general satisfaction with the licensing process and the potential for state input.</p>	<p>The Mudrey group cited federal pre-emption as its principal concern on this issue.</p>	<p><u>Chair:</u> There seems to be enough places in the licensing process to insure state participation.</p> <p>A comment was made that the state should be invited to participate in the licensing process as soon as the state is being considered as a potential HLWR site.</p>	<p>There was discussion on (1) getting NRC out of the process of site reviews and (2) letting the states conduct the reviews with NRC approving state actions.</p>
<u>Nemeth's Group</u>	<p>Consensus of the group was that the states should be involved in the licensing process from the environmental review on.</p>	<p>NRC should require that DOE in the licensing process show interface procedures with a potential impacted state and what level of involvement is anticipated from the state at which time in the process.</p> <p>At an early stage in the process NRC should give hearings on a HLWR broad media coverage. This would be a massive publicity program inviting from the public early and significant involvement. The point is by generating involvement better understanding of the problem and hopefully acceptance of the measures that need to be taken will be achieved.</p>	<p>The states should be allowed to participate at their level of technical expertise.</p>	

ISSUE	RESPONSE			
<u>Nemeth's Group</u> continued	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
1b. NRC Licensing Process		<p>May state agencies participate in the licensing process?</p> <p>When DOE approaches NRC for a license, they will conceivably submit alternative sites. What will the states be able to say about these on the site review?</p>		
<u>Porter's Group</u>		<p>If possible, the states want to be a party to the entire licensing process. One view was that the states should be required to be a party to the licensing process.</p> <p>NRC should evaluate the possibility of creating a "special role for the states in its licensing procedure."</p> <p>A mechanism for state involvement in federal decisions needs to be developed. It should address: (1) total involvement and (2) not limit the states options (3) if a state elects not to comply with a federal decision no punitive action should be suggested or applied. For example, the 55 mph law or lose highway funding.</p>	<p>Federal agencies only hold hearings when they have a problem.</p> <p>DOE Statement. DOE welcomes state input. A representative cited DOE's letter on its policy for carrying out explorations in any state. This policy honors a states desires.</p>	<p>Federal agencies are always willing to listen—will do it in shifts if need be—but they cannot surrender the ultimate right of preemption. Further, listening may or may not have an effect on what their decision will be.</p>

ISSUE	RESPONSE			
<u>Day's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
1b. NRC Licensing Process		<p>The principal concern with this group is that decisions will be made by either DOE or NRC without state participation.</p> <p>NRC should request that DOE focus in on the target states, technically, and proceed with the HLWR siting program.</p> <p>NRC needs to know that involvement by the states takes funding and manpower. Has there been any thought given to providing assistance to the states for evaluation and monitoring in waste management? Some states cannot afford the expense of monitoring a HLWR.</p> <p>If a state objects to a HLWR site on technical grounds what recourse does it have in the licensing process?</p>		<p>The state of Wisconsin wants to be involved with any decision that will affect it from the very beginning.</p> <p>Wisconsin Dept. of Natural Resources wants an opportunity to evaluate and review an EIS and to participate in every step of the licensing process.</p> <p>In the licensing process, NRC should invite the states who will be impacted to get involved early, join in the review process, monitor and evaluate the decisions, attempt to educate the public and improve communications and cooperation between the NRC and the state.</p> <p>The examples of DOE activities in the past at Hanford, Nevada, and New Mexico support the idea that they at DOE have not always clearly expressed the meaning and thrust of its activities.</p> <p>NRC should establish a written procedure so that a state knows where it can begin to participate in the decisionmaking process.</p>

ISSUE	RESPONSE			
Day's Group Continued	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
1b. NRC Licens- ing Process		<p>A side issue or concern of this group was the transportation problem. If a state is a non-candidate state yet is in a transportation corridor to a HLWR what participation can it anticipate in the licensing process?</p>		
		<p>To what extent will a state be allowed to participate in the licensing process? Administratively, Technically, etc. ?</p>		

ISSUE	RESPONSE			
<u>Philadelphia</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<u>Paulson's Group</u> 1b. NRC Licens- ing Process		<p>The group was concerned with improving the process and suggested that (1) informal discussions take place between NRC/DOE and the impacted states early in the process, and (2) that formal involvement of the states be arranged at the preliminary review stage before NRC issues any formal correspondence to DOE.</p>		<p>The Paulson Group did not make any specific proposals on the licensing process.</p>

ISSUE	RESPONSE			
<u>Callen's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
1b. NRC Licensing Process	<p>The group reached a consensus that impacted states should be informed before exploration or land purchases for a HLWR take place within the state.</p> <p>The group reached agreement that NRC should require DOE to submit several candidate sites simultaneously. NRC decision on licensing should then be based on a comparative analysis of sites.</p>	<p>The principal concern was that states should be involved in the entire site selection processes of DOE and NRC.</p> <p>The participants noted that the current policy on response to federal publications was too limited. They suggested that when a site had been specifically identified the state should be formally notified and automatically included in the licensing process.</p>		

ISSUERESPONSEDavis's GroupConsensusPrincipal ConcernMinority OpinionDiscussion

1b. NRC Licensing Process

The participants in this group were not satisfied with the licensing process as it now exists.

It was believed that involvement by the states should begin in the pre-licensing, site selection stage with DOE and continue throughout the entire process.

The concern of the group was that there should be more state involvement.

The question of public hearings also surfaced. It was indicated that state input would come at this point. It was recommended by the group that public hearings, if not obligatory, be held between the sending of the "letter" at the end of the preliminary site review and the authorization phase. It was also indicated that there should be formal meetings of the aforementioned group of NRC, DOE and state staffs concerning licensing procedures and siting methodologies before the letter is sent out. An intent of action notice should also be published in the Federal Register.

The group indicated that involvement could be accomplished through increased meetings with federal agencies.

These meetings could be used as an information distributing mechanism on what the current state of the art is in waste management.

It was suggested that state input could be in the form of a technical review.

The Davis Group indicated that state input should be mandatory.

It was suggested that state activities in the licensing process be supported by federal funds. This suggestion was made based on the increase in activities that would be required and the manpower required to accomplish these requirements.

It was suggested that state groups could be assisted by professional associations when technical expertise was needed.

ISSUE	RESPONSE			
<u>Lavine's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
1b. NRC Licensing Process	<p>The Lavine Group reached a consensus on two points under this issue:</p> <p>(1) All members were dissatisfied with the repository licensing process as proposed, and</p> <p>(2) States should be given the opportunity for input in the process as early as possible.</p>	<p>The state participants were concerned that no actual state input would be allowed in the site selection and licensing process.</p>	<p>The states noted that participation in the licensing process could cause additional funding requirements. It suggested that these be supported by federal funding.</p>	<p>Certain participants suggested that NRC should approach licensing of a repository in a wholistic perspective with technical aspects being addressed first. Other participants believed the political situation had to be considered simultaneously with the technical situation.</p>

Site Suitability Criteria and Issues
Discussion Group Issue Matrix

ISSUE	RESPONSE			
<u>Denver Sowards Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<u>1c. Appropriate State Activities</u>	<p>The group agreed that an appropriate activity for a state would be to monitor the HLW repository development process to insure satisfaction with federal activities.</p> <p>Adjacent states would also be included in the monitoring process.</p>			<p>As it concerns appropriate state activities this group did not specify any particular activity but emphasized a strong interest in participating both formally and informally with NRC and other federal agencies in the waste management program.</p>
<u>Hambleton's Group</u>				

ISSUE	RESPONSE			
<u>Gilbert's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
1c. <u>Appropriate State Activities</u>	This group agreed that all activities specified by NRC, plus some others, such as emergency planning and environmental monitoring would be appropriate state activities.	A representative from Minnesota expressed concern with alternate uses of the buffer zone around the HLWR. He wanted to know what the NRC's plans were for alternative uses of the buffer zone. Further, will NRC fund studies for alternative uses.	State laws require monitoring. Usually errors are discovered by state monitoring agencies.	It was noted that all the activities noted in the proposed NRC issues are appropriate activities for the state.
<u>Woods' Group</u>	The Woods' Group did not reach a consensus on this issue. It was a group suggestion that state technical personnel be used as resource people early in the siting process.	Will the federal government fund state agencies who want to monitor the area around a HLWR?	Performing environmental monitoring and review, technical reviews, siting reviews, proposed regulatory guide reviews and general cooperation with NRC.	

A-1-24

ISSUE	RESPONSE			
New Orleans Mudrey's Group	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
1c. Appropriate State Activities	<p>The Mudrey Group agreed that all state laws should be satisfied in the siting process.</p> <p>The consensus of the group was that rate-payers should assume the costs of these extra responsibilities.</p> <p>The group noted that it would be appropriate for states to provide environmental monitoring and handle safety and police responsibilities.</p>	<p>There was expressed concern over the transportation of HLW and how a state could interface with the various regulatory agencies to insure adequate safety for the public and yet let the waste be transported.</p>	<p><u>Chair:</u> If NRC and DOE continue their present activities there would be little for the states to do in monitoring the technical activities of a HLWR. The expense of monitoring would be large and how would this be paid?</p> <p>The states should work independently of NRC in performing off-site environmental monitoring, while they should be allowed full participation in NRC inspections involving health and safety of facility operations.</p>	<p>Discussion centered on the shipment of HLW by rail and truck and how many of each type vehicle would be moving each day. The discussion included future requirements as well as past inventories.</p> <p>The discussion on HLW transportation elicited a comment on the materials handling requirement at the HLWR.</p> <p>The group concluded that overall responsibility for assuring health and safety in facility operations, environmental protection and physical safety and materials accountability must be assumed by the licensee.</p>

ISSUE	RESPONSE			
<u>Nemeth's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<u>Ic. Appropriate State Activities</u>	The Nemeth Group agreed that impacted states, if they desire, should be involved in the preparation of Environmental Impact Statements, and should be included in the site selection process.	A concern was indicated that states should be consulted on transportation issues and socio-economic problems.	It was noted that the states have the ultimate responsibility for the health and safety of its citizens.	The federal government has interfered enough in states activities that one does not desire to encourage them to enhance their position.
<u>Porter's Group</u>	This group did not agree, in general, on what was an appropriate state activity.	The Porter Group expressed a general concern over the need of a state to conduct environmental monitoring around a repository.	It was noted that states may vary in what each may consider an appropriate activity.	The Porter Group was divided over what exact role a state should play in the preparation of an environmental impact statement.

ISSUE	RESPONSE			
<u>Day's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<u>Ic. Appropriate State Activities</u>	<p>This group agreed that states should contribute at all levels of the siting process.</p> <p>The group agreed that federal funding should be available to train the personnel needed in monitoring tasks.</p> <p>The Day Group reached a consensus on appropriate state activities as being (1) regulating and monitoring a repository and (2) regulating and monitoring transportation of waste.</p>	<p>A concern of this group was whether or not NRC or the federal government would comply with state laws for public health and safety, land use planning, etc. in siting a HLWR.</p>	<p>When it comes down to the final analysis the federal government will not comply with state law.</p> <p>- DOE Position -</p> <p>(1) Intends to follow state laws but will not make application for state licenses, etc.</p> <p>(2) This is so a precedent will not be set.</p> <p>It was noted that state activities should include educating the public on waste management.</p>	<p>A principal activity for a state could be training personnel to handle monitoring tasks and the risks involved with transporting HLW.</p>

ISSUE	RESPONSE			
<u>Philadelphia Paulson's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
1c. <u>Appropriate State Activities</u>	This group reached a consensus on all of the proposed NRC activities as being appropriate state functions.	A concern was expressed over state activities in the area of transporting HLW. This was noted as an important area of state interest.		The group noted the need for state assistance in all appropriate activities.
<u>Callen's Group</u>	The Callen Group agreed that states should have an option of participating or not in the development activities, the monitoring of its operation and the decommissioning of a repository.			The group was concerned over whether or not development of the ALARA concept was an appropriate state activity. The discussion was non-conclusive.

ISSUE	RESPONSE				
<u>Davis's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>	
<u>1c. Appropriate State Activities</u>	The Davis Group reached general agreement that the NRC proposed state activities were all appropriate ones, however, there was disagreement over implementation techniques.	A principal concern was state activities in the area of monitoring repository development.		After it was indicated that NRC activities should be monitored by state personnel, a disagreement arose over the use of certain terminology. An opinion was expressed that instead of the word "monitoring" the words "performance assessment" should be used.	The group believed that state personnel should be a part of the waste management program.
<u>Lavine's Group</u>	This group agreed that all NRC proposed activities were appropriate ones for the states.	A principal concern was that states should become involved early in the process.		If the states had the technical capability, they should be urged to conduct environmental and technical reviews along with NRC.	
				It was assumed that if a state had been nominated as a repository site it would conduct environmental monitoring.	

Site Suitability Criteria and Issues
Discussion Group Issue Matrix

ISSUE	RESPONSE			
Denver Sowards Group	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
Id. Federal/State Communications	<p>The Sowards Group agreed that if their recommendations concerning state activities were followed then better communications would prevail.</p>	<p>The division of responsibility concern can be eased if the states are allowed to participate early in the process.</p> <p>The group noted that the division of responsibility problem can be exhibited at the federal government level by noting the problems of transporting hazardous materials. DOT sets the regulations while NRC regulates them and states enforce them.</p>	<p>Responsibility is divided in the states among many participants but usually certain agencies can be identified who have state interest in HLWR matters.</p> <p>Transportation of waste is a critical issue in siting a HLWR. It is also a critical issue from the standpoint of safety and complying with state regulations.</p>	<p>It was noted that the new administration has taken a completely different approach to transportation regulations as they affect hazardous materials.</p>

ISSUE	RESPONSE			
<u>Hambleton's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
1d. Federal/State Communications	This group agreed that states want and welcome an opportunity to provide input to the waste management program.			<p>The Hambleton Group suggested that NRC</p> <ol style="list-style-type: none"> (1) develop a detailed schedule of state input points now mandatory by federal statutes. (2) suggest additional state input mechanisms to improve communications and facilitate decisionmaking. (3) identify existing political mechanisms of each state that deal with HLW disposal. (4) provide the states with information on the NRC's latest guidance on HLW to other federal agencies.

ISSUE	RESPONSE			
<u>Gilbert's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
1d. Federal/State Communications	The Gilbert Group noted that the division of responsibility and federal/state interaction was not easily defined or implemented. The group pointed out that the division of responsibility and interaction between and among concerned agencies would vary according to organizational structure in the state.	The waste management program is so fractionated that there is an urgent need to get moving on a viable program.		<p data-bbox="1283 249 1575 531">A comment was made that the states need to organize their own house before tackling the federal bureaucracy. The political nature of many states causes confusion in state agency offices and office holders.</p> <p data-bbox="1283 557 1575 869">Periodic conferences between state and federal employees helps to generate good communication and serves as a sounding board for ideas and problems in New Mexico. This includes DOE - state and contractor personnel.</p> <p data-bbox="1596 249 1894 471">NRC prepare a periodic synopsis of waste management publications. This synopsis would then be sent to a selected distribution of interested state and federal agencies.</p>

ISSUE	RESPONSE			
Woods' Group	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
1d. Federal/State Communications				<p data-bbox="1299 212 1580 324">Workshop approach is a step in the right direction toward improved communications.</p> <p data-bbox="1299 347 1575 483">The workshop approach is in essence asking the states to join NRC in the decisionmaking process.</p> <p data-bbox="1299 506 1559 584">NRC should talk to the right people in each state.</p> <p data-bbox="1299 606 1582 719">Office of State Programs is not contacting the right nor enough people at the state level.</p> <p data-bbox="1299 742 1569 854">NRC should investigate the Bureau of Mines Liaison Officer Program.</p> <p data-bbox="1299 877 1575 1013">NRC, through the Office of State Programs, should contact each state agency that has an interest in HLW.</p> <p data-bbox="1299 1035 1582 1172">NRC should request that each Governor establish a list of people/agencies in his state that have an interest in HLW.</p>
				<p data-bbox="1610 212 1902 414">The Office of State Programs NRC should establish a Liaison officer program and promulgate a list of interested agencies in HLW activities.</p> <p data-bbox="1610 436 1892 661">The Woods' Group reported extensive discussion on the matter of improved communications between the states and the federal government. The group recommended that</p> <p data-bbox="1610 684 1902 1206"> (1) NRC write to the Governor of each state and the leadership of the state legislature requesting identification of all interested state agencies in HLW management. (2) NRC continue the state liaison officer program currently in effect. (3) It should be the responsibility of NRC to keep interested agencies informed of current developments in waste management including NRC regulations and regulatory guides. </p>

ISSUE	RESPONSE			
<u>New Orleans Mudrey's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
1d. Federal/State Communications	The Mudrey Group agreed that federal agencies have a responsibility to keep the states informed about their activities.	<p>Concern was expressed over the division of responsibility particularly in the approval area and in the area of transportation.</p> <p>Florida - concern was expressed over the fact that many state agencies have an interest in nuclear activities and that communication between the state agencies is not good.</p>	A discussion was held on how to institutionalize the establishment of good contacts and communications.	The Bureau of Mines Liaison Officer system was cited as being very effective.
<u>Nemeth's Group</u>			The states look to NRC as a very credible agency, when NRC comes to the states with a request for input on a problem the states accept it as a bona fide situation. Is it realistic to believe then that NRC can request DOE to integrate its HLWR activities with the desires of the states and the regulatory responsibilities of NRC?	<p>This group recommended that NRC and DOE release a monthly summary of their activities in waste management. These summaries may include but would not be limited to list of publications, staff opinions, basic decisions, and other associated releases. It was noted that the states wanted an opportunity to comment on and evaluate these summaries.</p> <p>NRC has made progress in developing a dialogue with the states but much more can be done. In the case of HLWR siting, how does NRC see the integration of efforts toward a goal of an operating HLWR?</p>

ISSUE	RESPONSE			
<u>Porter's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
1d. Federal/State Communications	The group noted that the picture was generally confused on lines of responsibility and communication.	This group approached the division of responsibility issue by suggesting the possibility of creating a "mini" regulatory role for the states. This was envisioned as a state regulatory role over DOE similar to that in being between NRC and DOE.		The Porter Group discussed the role of EPA in waste management vis a vis the states. A question was presented over whether or not EPA was going to allow state input into the development of regulatory methods.

ISSUE

RESPONSE

Day's GroupConsensusPrincipal ConcernMinority OpinionDiscussion

Id. Federal/State
Communications

Day's Group generally agreed that communications between the federal government and the states had been good in the past.

The group emphasized that NRC had the responsibility to initiate communications as it relates to HLW repository siting.

A principal concern under this issue is the division of responsibility found in developing and enforcing regulations on transportation of hazardous material.

NRC should review this area of concern with a view toward improving the regulatory function of transporting HLW.

There could be better communication between states and federal government. The old AEC had a bad reputation on cooperation with the states.

NRC should clearly define and describe the hazards of the various categories of nuclear waste.

The Group suggested that NRC write to the Governor of the state where a potential site is located and request a point of contact to deal specifically with siting the repository and NRC.

There are 50 states with different laws on Highway safety. The federal government has many agencies handling these problems. There needs to be a synthesis of the regulations and an attempt to clarify the many problems associated with moving HLW.

Transportation is a critical issue for siting a HLWR. Both the impacted state and transportation corridor states should play a role in the siting process.

ISSUE	RESPONSE			
<u>Philadelphia Paulson's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
Id. Federal/State Communications	Paulson's Group generally agreed with the present arrangement on the division of responsibility.			<p>The group proposed that a network of information exchanges be established between DOE, NRC and a state appointed liaison officer. Further, at a site specific location the state designate a central point of reference who would act as the facilitator of communications between federal agencies and state personnel.</p>
<u>Callen's Group</u>				<p>This group suggested that one way that communications could be improved would be for NRC to review OCS Act (S 9 H 1614). This Act requires the Secretary of Interior to respond to Governors' comments. The group believed that a similar arrangement could be made by NRC in its activities.</p>

ISSUE	RESPONSE			
<u>Davis's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
1d. Federal/State Communications	<p>The Davis Group indicated that the division of responsibility at the federal level did have an affect upon interactions between the states and federal agencies.</p>	<p>This group's principal concern with the issue of division of responsibility was how to integrate state input with the activities of DOE and NRC. A suggestion was made that greater emphasis should be placed upon DOE to integrate state officials and agencies into their activities.</p>	<p>With regard to improving communications the group felt that some effort should be made by DOE, as early as possible in the process, to educate the public with regard to site selection. A notice of intent of action should also be published in the Federal Register. It was also stated that the newly formed Department of Energy should publish a discussion of nuclear energy in terms of the overall national energy needs.</p>	

ISSUE	RESPONSE			
<u>Lavine's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
Id. Federal/State Communications	<p>The Lavine Group expressed a general sentiment that certain federal agencies have not done a good job in the area of communications.</p>	<p>The Lavine Group noted that the division of responsibility at the federal level created additional work for the states. An example was cited where the state would have to deal with many agencies/regulatory bodies in waste management and repository siting while the federal government only had to deal with the state.</p> <p>This group offered a strong suggestion that NRC demand that DOE prove its cooperation and working relationships with the states during the licensing phase of repository siting.</p>		<p>While the NRC has shown awareness with these workshops there was general recognition that these meetings answered NRC's needs more than the state's needs. Therefore, there must be ongoing communications on these criteria and the general area of waste management.</p>

APPENDIX A

2. Reconciling Local/National Concerns
"What approaches could be used to assure that local and national concerns are reconciled with respect to approving a site for a geologic HLW repository?"

Site Suitability Criteria and Issues
Discussion Group Issue Matrix

ISSUE	RESPONSE			
	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<p>Denver Sowards Group</p> <p>2. Approaches to reconciling Local/ National concerns</p> <p>2a. State statutes which identify a role in siting a HLWR.</p>	<p>There was group consensus for a conscious examination of state laws.</p> <p>NRC should be complimented for asking the states to participate in their decision making process.</p>	<p>The Sowards Group principal concern was whether or not federal agencies would preempt state laws that deal with transporting HLW, land use planning, air and water quality in their search for a repository site.</p>	<p>Does NRC know how much area and which regions of the US will be precluded from investigation because of the criteria?</p> <p>Areas precluded include those with</p> <p>(1) present economic resources</p> <p>(2) potential resources</p> <p>(3) known geologic instability.</p> <p>Montana law says they will handle their own waste but no one elses.</p> <p>Utah - Federal government manages local concerns by "selective neglect."</p> <p>The group noted that the states want and need to be heard!</p>	<p>The states want their laws recognized and complied with.</p> <p>The NRC criteria will exclude many areas from consideration, even regions, as it now reads.</p> <p>It was noted that DOE in some of its activities follows the intent of state regulations but does not comply with the law.</p>

ISSUE	RESPONSE			
<u>Hambleton's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2. Approaches to reconciling Local/National concerns				The Hambleton Group did not address this issue as such.
2a. State statutes which identify a role in siting a HLWR.				
<u>Gilbert's Group</u>	The Gilbert Group agreed that laws governing land use planning and statutes designed to control HLW disposal identify a role for the states in siting a HLWR.		NRC should research the problem of local concerns to siting a HLWR in relation to existing state - community regulations.	The Gilbert Group noted that this issue is unique to each state in that state laws and ordinances were specific unto themselves.
<u>Woods' Group</u>			The Woods' Group did not address this issue.	

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ISSUE

RESPONSE

New Orleans
Mudrey's Group

ConsensusPrincipal ConcernMinority OpinionDiscussion

2. Approaches to reconciling Local/National concerns

2a. State statutes which identify a role in siting a HLWR.

The Mudrey Group generally agreed that states have laws dealing with solid waste management that can be extended to cover the disposal of HLW.

One concern of this group was that the technical nature of HLW management left no alternative for the states but to reconcile their concerns with federal needs. Therefore, a state must accept what the federal government says with regard to HLWR.

There was an expressed concern that DOE would not comply with state laws in the siting process.

No general type of statutes were specified but there was a concern that states would be precluded from participating at an early stage of the process.

The group was concerned that the government should own and control the land area of a HLWR. They were opposed to the use of the buffer zone by outside parties and suggested that a HLWR should be put into a class... land use category... which absolutely prohibits other uses.

Any HLWR should satisfy the minimum standards (criteria) before other factors come into play.

That NRC should notify the impacted states in any HLWR siting as soon as potential sites have been identified.

The group noted that all levels of government should cooperate in solving the HLW disposal problem.

ISSUE	RESPONSE			
<u>Nemeth's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<p><u>2.</u> Approaches to reconciling Local/National concerns</p> <p><u>2a.</u> State statutes which identify a role in siting a HLWR.</p>			<p>The Nemeth Group discussed a wide range of laws dealing with the states role in the siting process. For example, Florida and Arkansas have power facility siting legislation which could be extended to cover the siting of HLW repositories. Kentucky and Iowa are considering legislation that would address the location of repositories.</p> <p>Minnesota now has a statute that requires legislature approval before siting a HLWR in the state. Further, Minnesota has restrictions on transportation of HLW as does North Carolina.</p>	<p>In Illinois new electronic equipment is in use to detect illegal shipments of radioactivity material. In Georgia airborne mapping and surveys are being conducted to identify and detect radioactive materials.</p>

ISSUE	RESPONSE			
<u>Porter's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2. Approaches to reconciling Local/National concerns.	The Porter Group agreed that many states now have laws that give them a role in siting a HLWR. These were characterized as transportation regulations and land use planning statutes.	The principal concern of this group was the use of federal pre-emption rights. Specifically, it was pointed out that federal agencies are not bound by state and local laws and may not act in compliance with them. One participant noted that there have been instances where state laws have been cited to obtain federal compliance.		The Porter Group discussed the transportation of HLW in great detail. It was noted that certain states currently have laws regulating the transportation of HLW. These were seen as a highly desirable control mechanism and an area where states can gain input into the siting process for a HLWR.
2a. State statutes which identify a role in siting a HLWR.	The Day Group reached a consensus that DOE should be required to comply with state laws in repository siting.	The Day Group showed concern that DOE should have to comply with state laws in siting, if this wasn't the case then the issue of siting a repository was a moot one. NRC should require DOE to comply with all state laws in siting a HLWR.		

Day' Group

ISSUE	RESPONSE			
	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
Philadelphia <u>Paulson's Group</u> <u>2.</u> Approaches to re- conciling Local/ National concerns. <u>2a.</u> State statutes which identify a role in siting a HLWR.	The Paulson Group agreed that state statutes addressing land use planning, zoning restrictions, condemnation pro- cedures, trans- portation, and health and safety measures gave the state a role in siting a reposi- tory.	The group raised a concern over whether or not state laws would apply on federally owned land. This issue was not resolved.		Discussion in the Paul- son Group noted that federal agencies should undertake aggressive action to ensure the maximum opportunity for state and local comments on all activi- ties related to site selection. One reason for this is to inhibit the premature genera- tion of federal momen- tum, based on exten- sive exploratory expendi- ture and masses of techni- cal data that would tend to force a siting decision over the objections of the general public and state and local representatives.

ISSUE	RESPONSE			Discussion
<u>Callen's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2. Approaches to reconciling Local/National concerns.	The Callen Group agreed that a wide variety of statutes gave a state a role in repository siting.			The group discussed the various state laws that identified roles for the states in siting a repository. For example, Vermont's legislature must approve a repository location in that state and the transportation of HLW through Vermont.
2a. State statutes which identify a role in siting a HLWR.	The Callen Group agreed that NRC should send each state a specific request for complete information on any law that might impact on repository siting.			New York City prohibits transportation through the city without a permit and restrictions. The Indiana State Board of Health has some authority over HLW entering the state. In New England, traditional governmental procedures give significant emphasis to local community approval.
	The group noted that federal activities must be consistent with local coastal zone management programs.			

ISSUE	RESPONSE			
<u>Davis' Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2. Approaches to reconciling Local/National concerns.	The Davis Group noted that a variety of state statutes already exist that give the states a role in the siting process. Specific examples of state statutes cited by the group are transportation laws, and land use laws pertaining to storage of HLW.	The group expressed much concern on the issue of federal preemption of state statutes in repository siting.		
2a. State statutes which identify a role in siting a HLWR.	The Davis Group agreed that in order to preclude federal preemption, states should have input into the licensing process and all other phases of repository siting as early as possible.			

ISSUE	RESPONSE			
<u>Lavine's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2. Approaches to reconciling Local/National concerns.	The Lavine Group agreed that certain state laws could identify a role in siting a repository.	The principal concern of the group was that state statutes would not be specific enough to apply to HLW repositories.		
2a. State statutes which identify a role in siting a HLWR.		The group noted that states may need to pass legislation that would specifically deal with repository siting in order to protect local concerns.		

Site Suitability Criteria and Issues
Discussion Group Issue Matrix

ISSUE	RESPONSE			
	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
Denver Sowards Group 2b. Reconciling Federal Actions and State Laws.	The Sowards Group agreed unanimously that DOE should conform to state laws which are applicable and that the level of compliance be determined in DOE's EIS.	NRC regulations should be written so that DOE or its contractor comply with state laws. Oregon is concerned with the possibility that Hanford may become a HLWR site. This concern was based on Hanford's poor technical characteristics.	The group noted that the selection of Hanford, Nevada or New Mexico constitutes a digression from the siting process in that DOE appears to be proceeding on a site in an area where past experience tells them it will be accepted. <u>Not</u> whether or not the site is technically suitable!	It was noted that a DOE letter to each governor clearly said that if a state did not want DOE to proceed, DOE would cease activities in the state. The group stated that if early state input was allowed then the requirement for state laws would be unnecessary.

ISSUE	RESPONSE			
<u>Hambleton's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2b. Reconciling Federal Actions and State Laws	<p>This group agreed that NRC should:</p> <ul style="list-style-type: none"> (1) develop and suggest additional state input mechanisms, (2) identify the existing political mechanisms of each state that deals with waste management, and (3) contact interstate political groups for input. 	<p>The group expressed its interest in having NRC communicate to DOE that the states want to be involved in all stages of the site selection process, operation and monitoring of the HLW repository.</p>		<p>The group noted that NRC should not license a repository unless it had state approval of the site. This expression was qualified to state except where NRC could demonstrate that the site is in the national interest.</p>

ISSUE	RESPONSE			
<u>Gilbert's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2b. Reconciling Federal Actions and State Laws	<p>The group agreed that in the case of waste transportation, major state input would be through their representatives in Congress or the appropriate federal agency.</p> <p>In the case of land use planning, the group felt that interaction between federal and state agencies would vary from state to state.</p> <p>There was a group consensus that congressional influence will cover this issue.</p>			<p>The Gilbert Group addressed this issue in two areas, transportation and land use planning.</p> <p>The group indicated that NRC/DOE should involve the states impacted early in the process and include the states in the actual planning activities.</p> <p>The NRC licensing process should have an interested state section so that each impacted state will automatically be brought into the chain of decisionmaking.</p> <p>The Woods' Group did not specifically address this issue.</p>
<u>Woods' Group</u>				

A-2-13

ISSUE	RESPONSE			
New Orleans Mudrey's Group	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2b. Reconciling Federal Actions and State Laws	<p>The Mudrey Group suggested that a way to improve the federal/state interface would be to establish an ad hoc committee or the appointment of individuals to be points of contact for better communications once a site has been proposed by DOE.</p>	<p>The group expressed interest in having DOE maintain communications with appropriate state agencies throughout all phases of site development.</p> <p>A concern was expressed that DOE or its contractors would be allowed to proceed to a point where they can't back off from an economic standpoint. All this would be done without public involvement.</p> <p>A concern was expressed over the need to educate and inform the general public on HLW management.</p>	<p>This issue may be the most important and crucial to the entire workshop.</p> <p>States have passed laws and created regulations so that the federal government will acknowledge their interests and to gain access to federal proceedings.</p>	<p>NRC should suggest to DOE that it should review sites that are technically acceptable and then educate and inform the public on the national need for a HLWR.</p> <p>This was seen as a key point in gaining public acceptance of a HLWR.</p>

ISSUE	RESPONSE			
<u>Nemeth's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2b. Reconciling Federal Actions and State Laws	<p>The Nemeth Group agreed that NRC should require DOE to demonstrate either (1) that they have complied with state laws, or (2) give an adequate explanation of why they have not complied.</p>	<p>The group expressed concern that the states should be informed about specific movements of waste through their state and that federal agencies should not disregard state laws on transportation of hazardous materials.</p> <p>Is it possible for NRC to issue a regulation that requires DOE to include a leading role for the states in waste management?</p> <p>As a priority requirement NRC should take steps to centralize the regulations concerning the transportation of HLW.</p>		<p>In North Carolina there is a law that prohibits transportation of nuclear waste without a state permit. However, the military moves the material without complying or notifying the state. Where is the federal credibility in this situation?</p>

ISSUERESPONSEPorter's GroupConsensusPrincipal ConcernMinority OpinionDiscussion

2b. Reconciling Federal Actions and State Laws

The Porter Group noted that compliance with state laws could be accomplished if federal statutes required federal agencies to comply as is the case in several instances now.

There was a concern expressed over the role of the local government in land use planning and the siting of a HLWR.

It was noted that land use planning, transportation, public health and safety all offer a vehicle for federal/state interaction, however, in many cases federal agencies do not apply for permits, they say they conform to state laws but in many cases do not.

A comment was made on the Tennessee case of DOE using hydrofracture techniques to dispose of waste. This is being done without state involvement in the process. No hearing-no license. The waste is not classified as HLW.

A comment was made that state agencies need to organize themselves better in order to improve communications at the federal level.

A-2-16

Day's Group

This group addressed this issue in conjunction with the issue on giving states a role in the siting process.

The group expressed itself by noting that if DOE complies with state laws and statutes, then interaction between state and federal governments would follow.

In many cases the states have only received "lip service" from the federal government.

ISSUE	RESPONSE			
<u>Philadelphia Paulson's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2b. Reconciling Federal Actions and State Laws	<p>The Paulson Group agreed that NRC should require DOE to take into consideration all pertinent state laws prior to submitting its preliminary site selections to NRC. Further, the group noted that DOE should be explicitly required to address any areas of conflict between DOE's proposed activities and State laws in their initial presentation to NRC.</p>			<p>The group emphasized that states should establish and make available a liaison officer to both NRC and DOE for waste management.</p>
<u>Callen's Group</u>	<p>The Callen Group suggested that NRC send each state a specific request for complete information on any law that might play a role in a repository siting.</p>			<p>The group noted that township ordinances and laws should be researched and that other recognized organizations, both official and unofficial, should be contacted for input.</p>

A-2-17

ISSUE	RESPONSE			
<u>Davis' Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2b. Reconciling Federal Actions and State Laws	The Davis Group noted that NRC could make compliance with state laws a provision of NRC permits.			The group noted that the National Governor's Association and/or the National Conference of state legislatures could be utilized as a vehicle for improving interface with federal agencies and other state agencies.
<u>Lavine's Group</u>	The Lavine Group agreed that the states would like to have NRC require DOE to comply with state laws.			

Site Suitability Criteria and Issues
Discussion Group Issue Matrix

<u>ISSUE</u>	<u>RESPONSE</u>			
	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<p>Denver Sowards Group</p> <p>2c. NRC regulations that obviate the need for state laws.</p>	<p>The Sowards Group noted that early and effective communications between NRC and the states could reduce the need for state laws.</p>	<p>The group expressed concern over whether or not this would be a desirable situation.</p>		
<p><u>Hambleton's Group</u></p> <p>A-2-2-19</p>				<p>This group did not address the issue of features that NRC could include in its regulations so that state laws would be unnecessary.</p>
<p><u>Gilbert's Group</u></p>	<p>The Gilbert Group agreed that if the NRC or federal regulations were more restrictive than state laws the suggestion that NRC regulations be drafted to obviate state laws would be acceptable.</p>	<p>The group stated that if all states passed legislation prohibiting waste disposal, the problem would be elevated to a federal responsibility and could become a national necessity.</p>		<p>There was a comment on the need for agreement at the federal level on regulations that would apply to a state in HLWR siting.</p>

ISSUE	RESPONSE			
<u>Woods' Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2c. NRC regulations that obviate the need for state laws.	The Woods' Group did not address this issue.			
New Orleans <u>Mudrey's Group</u>	<p>The Mudrey Group noted that this issue was covered in other issue discussions.</p> <p>NRC needs to develop a program that will explain the hazards of nuclear energy while at the same time it explains the safeguards being employed to handle nuclear waste.</p> <p>The word "radiation" has a tremendous mystique. People are afraid of it and its use.</p> <p>The social psychological impact on the general public when nuclear energy is discussed has a significant bearing on how some legislation is developed in the states. The Louisiana law restricting HLWR from the state was such a development.</p>			
<u>Nemeth's Group</u>	The Nemeth Group agreed that there are no features that could be included in NRC regulations to obviate the need for state laws.			

ISSUE	RESPONSE			
<u>Porter's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2c. NRC regulations that obviate the need for state laws.	The Porter Group agreed that there were features that could obviate the need for state laws but did not specify any particular ones.			The group referred its discussion on this issue back to the issue specifying roles for the states. If an authoritative role was provided for the states this issue would not be necessary.
<u>Day's Group</u>	The Day Group reached consensus that NRC should develop a model law addressing HLW repository siting. This could be useful in obviating state laws.	Is it possible for the NRC to act on behalf of the states by requiring the applicant (DOE) to call upon the state for an opinion on siting a HLWR within their boundary. States in this group did not want NRC to act for the state within its own boundaries.		NRC could assist the states by suggesting a model law addressing a HLWR so that the states could review and agree or disagree as the case may be.

ISSUE	RESPONSE			
	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
Philadelphia <u>Paulson's Group</u> 2c. NRC regulations that obviate the need for state laws.	This group agreed that if the federal regulatory process were orchestrated properly it may well result in ap- propriate modifi- cations to existing state laws.			The Paulson Group noted that, in general, existing state laws were not drafted with HLWR siting in mind.
<u>Callen's Group</u>				This group did not address this issue.
<u>Davis' Group</u> A-2-22	The Davis Group agreed that this issue would become unnecessary if the appropriate federal/ state interfaces were accomplished.			
<u>Lavine's Group</u>				This group did not address this issue.

Site Suitability Criteria and Issues
Discussion Group Issue Matrix

ISSUE	RESPONSE					
<u>Denver Sowards Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>		
2d. Balancing Technical and Nontechnical Criteria	<p>The Sowards Group reached a consensus that there needed to be a balance between surface and subsurface considerations.</p> <p>Group consensus was that optimum siting should include:</p> <ul style="list-style-type: none"> (1) the views of the locality (2) geologic structure (3) surface/subsurface restrictions. 	<p>The Soward's Group expressed concern over how the site would be selected. Will it be the best technical one or will it be the best political one, or somewhere in between?</p> <p>The concern was reduced to two alternatives:</p> <ul style="list-style-type: none"> (1) give total consideration to subsurface features, or (2) give consideration to both surface and subsurface features. 	<p>The site should be selected as the best location technically.</p>	<p>Define the optimum site as the more acceptable one and not necessarily the optimum site.</p> <p>Optimum site needs to consider local views and sentiments.</p> <p>The group noted that surface/subsurface problems may cause complications with NEPA requirements.</p>	<p>A recommendation to proceed with development of a HLWR was suggested if there was substantial evidence that the site was a good one and suitable. The evidence would have to be <u>not arbitrary or capricious</u>.</p>	
<u>Hambleton's Group</u>	<p>The Hambleton Group agreed that any HLWR site should be chosen from a scientific standpoint. The site should not be chosen on a political basis.</p>					

ISSUE	RESPONSE			
<u>Gilbert's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2d. Balancing Technical and Nontechnical Criteria	The overall consensus of the Gilbert Group was that this issue would become viable when a state and specific site have been identified.	<p>The group expressed concern over the definition of "optimum". What is an optimum site?</p> <p>NRC should require an applicant to study and consider alternative sites.</p> <p>NRC should define what balance of risks will make a site acceptable?</p>		<p>If an applicant submits an application for a specific site with no alternatives under what conditions can the applicant be requested to submit an alternate site?</p> <p>Should NRC approve a site that is technically acceptable and disregard local sentiment? If so who will have the final say.</p>
<u>Woods' Group</u>	The Woods' Group did not reach a consensus on this issue. The group agreed that if there were several sites nominated then local views and sentiments should be considered, if only one site was proposed local views would be overridden.	A principal concern of the group was that NRC should stay away from an absolute situation. This tends to shut off the dialogue between states and NRC or other federal agencies.		<p>The problem is one of information and education.</p> <p>If the site is safe, then it is an optimum one.</p> <p>If there are to be many sites, then there will be many local concerns and local problems to reconcile with federal laws.</p> <p>If only one or two HLWRs are planned then the overall benefit is to NRC.</p> <p>The hearing process is a vehicle for reconciling local views with federal requirements.</p> <p>How much weight is given to optimum siting?</p> <p>What is the importance of local concerns in siting process?</p> <p>What laws get the states involved in the siting process?</p> <p>What counts on optimum siting is where are the votes!</p> <p>Optimum siting should take into consideration local views and the impact of a HLWR being sited in a community.</p>

ISSUE	RESPONSE			
<u>New Orleans Mudrey's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2d. Balancing Technical and Nontechnical Criteria	This group concluded that safety was the most important feature in a HLWR. It noted that other circumstances might intervene, but that any repository should optimally satisfy the siting criteria.	A principal group concern was that DOE should identify, as well as possible, specific site areas so that the criteria will be more site specific. In this case, the discussion of the criteria may be more specific and meaningful.	A site would be more acceptable if the state knew the whole range of sites being considered. The idea is that the public and the state would probably be more acceptable to a site if they knew there were other locations being considered along with their community.	HLWR should be sited in a remote area. Future use of land over the HLWR may cause problems. 500 years from now who will know that a HLWR existed on that location.
<u>Nemeth's Group</u>	The Nemeth Group reached a consensus that each potential repository site should meet some basic technical standards. Once the technical standards were met then political aspects should play a role in siting a repository.	A concern was expressed that DOE should be told of the interest in their activities at the workshop.	Nevada wants a HLWR but does not have salt formations. If there are technically more optimum sites on what basis does one proceed? Does this mean technically optimum or merely acceptable? NRC should require DOE to have state officials who are site knowledgeable participate in the siting process.	NRC should not preclude the best technically optimum site for a politically acceptable one. Once every technically acceptable site had been identified then those politically more acceptable should be identified.

ISSUE	RESPONSE				
<u>Porter's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>	
2d. Balancing Technical and Nontechnical Criteria	<p>The Porter Group did not agree on the meaning of optimum nor could they agree on what NRC meant by the term/concept.</p> <p>The group did agree that the optimum site had to address both technical and political considerations and that neither could be precluded from the concept.</p>			<p>The group challenged the ALARA concept in relation to optimum siting. Is ALARA objective or subjective? Can ALARA be meaningfully defined?</p>	<p>A comment was made that it is feasible technically to dispose of waste but it is not feasible to dispose of it psychologically!</p>
<u>Day's Group</u>	<p>The Day Group agreed that a HLWR should be optimally sited. The decision on the location should be predicated on a risk assessment along with other considerations. The most important feature of optimal siting is safety. Other factors such as social, economic and environmental effects need to be considered after health and public safety.</p>			<p>NRC should require alternative site locations for a HLWR. The one that meets all the minimum standards and causes the least resistance should be the acceptable one.</p>	<p>The optimum site concept is very general and would fall under site specific information.</p>

ISSUE	RESPONSE			
Philadelphia Paulson's Group	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2d. Balancing Technical and Nontechnical Criteria	<p>The Paulson Group concluded that siting a repository optimally means to maximize the factors of public health and safety and environmental considerations. Further, the group agreed that all potential sites should be subjected to a review which takes into consideration social and economic impacts.</p>	<p>A concern of the group was that the public's view should be considered before final disposition by NRC. Further, the group explicitly noted that concurrence of the state involved was necessary for final site approval.</p>		
<u>Callen's Group</u>	<p>This group concurred that NRC needed to establish a set of minimum technical criteria for site suitability. The group did not attempt to identify what these criteria would be.</p>			

ISSUE	RESPONSE			
<u>Davis' Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2d. Balancing Technical and Nontechnical Criteria		<p>The principal concern of this group was that procedures for determining an optimum site should be developed. They suggested weighing the factors of health and safety, environmental, social, and economic impacts. After this process was completed, the local issues of siting should be addressed. The optimum site would then be a balance between the weighted issues and local sentiments.</p>		
		<p>The Lavine Group expressed concern the NRC should require DOE to present an examination of all optimum sites.</p>		<p>The discussion in this group centered around the definition of optimum and how an optimum site would be determined. Participants from states that have laws prohibiting a repository indicated that it would be very difficult to convince the public in their states that their state was an optimum site for a repository.</p>

Site Suitability Criteria and Issues
Discussion Group Issue Matrix

ISSUE	RESPONSE			
	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
Denver Sowards Group				
2e. Balancing Health & Safety with Other Risks	<p>The Sowards Group reached a consensus on public health and safety being the most important factor in siting considerations.</p> <p>The group saw the health and safety factor as the most important short and long term risk of the HLW.</p>	<p>A principal concern of the group was what level of risk are we willing to accept?</p> <p>NRC needs to consider health and public safety as a major concern in licensing a HLWR.</p>		<p>The group noted that NRC needs to set forth its position on ALARA for public consideration. A comment was made that the old AEC approach of "we know best in atomics" does not hold any more.</p> <p>NRC has not talked about its approach to the ALARA concept.</p>
<u>Hambleton's Group</u>				<p>The Hambleton Group did not specifically address this issue.</p>

ISSUE	RESPONSE			
<u>Gilbert's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<p>2e. Balancing Health & Safety with Other Risks</p>	<p>The Gilbert Group reached a consensus that public health and safety factors should not be overridden in determining an optimum site. Thus they are the most important factors in siting decisions.</p>		<p>The approach to accepting a HLWR site is that there be "zero risk." The site should achieve as near as possible technical superiority.</p> <p>There should be no reason for assuming a failure and even if a failure occurs there should be little risk to the population.</p>	<p>The most important factor is public health and safety. This is the number one priority that all HLWR's standards much achieve.</p> <p>The group saw the responsibility for assessing the proper balance of risks involved with a HLWR as one leading to state legislatures and the courts.</p>
<p><u>Woods' Group</u></p>	<p>The Woods' Group reached a consensus that public health and safety factors were the most important in siting decisions. It should take precedence over all other factors.</p>	<p>The group expressed concern that in siting a HLWR, public health and safety factors receive the highest value. This group saw no other value which could equate with the safety and health factor.</p>		

ISSUE	RESPONSE			
New Orleans <u>Mudrey's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2e. Balancing Health & Safety with Other Risks	This group generally agreed that the safety of stored waste was of primary importance.	The group expressed concern that a HLWR should have good geological structure first and provide adequate safety.	A minority view was that NRC have the final authority for assessing the proper balance between risk and benefit.	
<u>Nemeth's Group</u>	The Nemeth Group agreed that health and safety aspects should have highest priority in risk assessment. This group indicated that the States and DOE should have the responsibility for assessing the proper balance between health and safety with other risks and benefits.			

ISSUE	RESPONSE			
<u>Porter's Group</u> 2e. Balancing Health & Safety with Other Risks	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<u>Day's Group</u>	<p>The Day Group agreed that health and safety considerations were most important. They believed that if scientific and technical experts agree on the safety of a site, then the other problems could be minimized.</p>	<p>The group concern was with public health and safety as the major risk factor.</p> <p>There is no way a balance on this issue can be addressed until a specific site is suggested.</p> <p>The concern of public health was extended to consider whose health is at issue? Nation, state, community, present, future, etc.</p>		<p>A comment was made on who would be responsible for assessing the proper level of health and safety to be maintained.</p> <p>The problem of state assessment leads to 50 possible evaluations.</p> <p>The problem of federal assessment leads to political intervention as fits the national needs over those of the impacted state.</p>

ISSUE	RESPONSE			
<u>Philadelphia Paulson's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2e. Balancing Health & Safety with Other Risks				The Paulson Group believed that they addressed this issue under another issue of similar nature.
<u>Callen's Group</u>	The Callen Group agreed that once DOE went site specific the impacted states could judge the risk to benefit relationship. This group did note that once the selected site ensured the factors of health and safety, its citizens could better assess the benefits of having a repository.			

ISSUE	RESPONSE			
<u>Davis' Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
2e. Balancing Health & Safety with Other Risks	<p>The Davis Group reached a consensus that health and safety concerns were most important. The group felt that standards for these factors would have to be met before any other considerations be taken under study.</p> <p>The group agreed that the responsibility for assessing the proper balance between risk and benefit should be left with the states and NRC.</p>			
<u>Lavine's Group</u>	<p>The Lavine Group agreed that health and safety were the most important considerations. Further, the group saw the responsibility for assessing the proper balance between risks and benefits as a cooperative role between the federal and state governments. The actual way of assessing the balance would depend upon the specific site suitability criteria.</p>			

APPENDIX A

3. Other Siting Impacts

"What issues related to site suitability should be considered in selecting and licensing a site for a HLW repository?"

Site Suitability Criteria and Issues
Discussion Group Issue Matrix

ISSUE	RESPONSE			
Denver Sowards Group	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<p>3. Other Siting Impacts</p> <p>3a. Short/Long term socio-economic effects.</p>	<p>The Sowards Group agreed that the impact on a community of siting a HLWR could be substantial. It could result in positive or negative reactions.</p>	<p>The group expressed a concern on how the cost of a HLWR will be recovered by DOE.</p> <p>Construction costs should include payments to the community for local services used.</p> <p>DOE should propose to NRC how the community impact should be handled.</p> <p>DOE should in its community impact study consider more than the front end costs.</p> <p>The group showed concern with identification of a HLWR. Should it have a "low profile" or significant identification.</p>	<p>A comment was made that the cost of a HLWR will be a federal responsibility. Another comment noted that federal costs will be recovered through some yet undefined means. Another comment noted that the present cost of nuclear power plants is greatly distorted because of the initial cost of nuclear power development being paid by the federal government.</p> <p>Some legislators would like the NRC to come out and say that if a HLWR is to be sited in their district than the odds are that a reprocessing plant will also be colocated for economic reasons.</p>	<p>North Dakota would like the point made to the NRC that a site for a HLWR consider the military value of the area. If the area is a prime target for military purposes it should not be a HLWR site.</p> <p>A group member discussed the case of Hershey, Nebraska when a nuclear power plant was constructed. The theme was one of "boom or bust."</p> <p>The case of a military base in North Dakota was discussed. This was another "boom or bust" situation.</p>

ISSUE	RESPONSE			
<u>Sowards Group</u> <u>Continued</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
3. Other Siting Impacts 3a. Short/Long term socio-economic effects				<p>It was noted that a DOE community impact analysis could reveal:</p> <p>(1) That some states will say no to the HLWR and any assistance.</p> <p>(2) Some states will say you should support the community after the front end period is over.</p> <p>(3) Some states may bargain for bigger things, i.e., a reprocessing plant, a military base or other favorable consideration from the federal government.</p>
<u>Hambleton's Group</u>				<p>The Hambleton Group did not discuss this issue as such.</p>

A-3-3

ISSUE	RESPONSE			
<u>Gilbert's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<p>3. Other Siting Impacts</p> <p>3a. Short/Long term socio-economic effects.</p>	<p>The Gilbert Group reached a general consensus that the long term economic benefits would be site specific and state oriented. Each state would have to project its own ideas on the long term benefits of a HLWR.</p> <p>Short term effects are the only way to address the problem. Short term is viewed as a fifty year period.</p>	<p>The group was concerned with the definition of HLW in relation to repository siting and what was LLW and methods for disposal of it.</p> <p>Who owns the HLWR? If there is federal ownership then the tax base available to a community is lost.</p> <p>Concern was shown with what types of benefits a state may anticipate if a HLWR site is located in its boundaries.</p> <p>One concern was that a HLWR would not create any economic benefits for a state.</p>	<p>An EIS would look at the cost and benefits of a HLWR and be more site specific than any general criteria.</p> <p>People would not want to work in an under-developed area with radioactive material.</p>	<p>The case of Los Alamos New Mexico was discussed with benefits derived by the state from that federal activity.</p> <p>The group noted the problems this issue raises with regard to the "boom or bust" concept in economic development.</p>

ISSUE	RESPONSE			
<u>Woods' Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<p>3. Other Siting Impacts</p> <p>3a. Short/Long term socio-economic effects.</p>	<p>The Woods' Group did not reach a consensus on this issue.</p>	<p>The principal concern was an economic one. Who and how would the up front costs of building a HLWR be addressed?</p> <p>If the HLWR is to be on federally owned land, the community would lose a potential tax base.</p>	<p>Some members showed little interest in social effects of a HLWR on a community.</p> <p>The "boom - bust" concept was discussed and its impact on community development, services, recreation and social psychological factors.</p> <p>When a HLWR is site specific DOE could use the long lead time approach to educating the general public on the value of having a HLWR.</p>	<p>DOE could make payments to the state in lieu of taxes to cover the socio-economic impact of building a HLWR in a community.</p> <p>The group defined short term as approximately 10 years and long term to be more than fifty years. They saw emotional responses as a short term concern while long term concerns were to be considered in the planning process.</p>
<p>New Orleans <u>Mudrey's Group</u></p>		<p>This group was primarily concerned with the perpetual costs associated with operating a HLW repository. These costs were identified as the maintenance of public safety services, public health services, and environmental monitoring.</p>		

A-3-5

ISSUERESPONSENemeth's GroupConsensusPrincipal ConcernMinority OpinionDiscussion

3. Other Siting Impacts

3a. Short/Long term socio-economic effects.

The group agreed that social services, public health and safety services, medical and other protective services would have to be provided. Further adequate transportation facilities would have to be provided. In order for the impacted state to accomplish all these the group agreed that the state should be allowed to collect an inventory tax, or the equivalent from the site users to cover added financial burdens.

The group agreed that NRC should consider underground retrievable storage of waste as long as health and safety aspects were not compromised.

The Nemeth Group noted with concern the potential impacts on the host community during the development stage of a repository site. These impacts were identified as problems of construction and financial liabilities.

The Nemeth Group was concerned over the retrievability issue. Some participants held that it was too early to make a decision on this issue and that only temporary storage should be approved until the potential value of the waste was either proved or disproved.

The policy on the problem of retrievable versus non-retrievable was discussed. Some participants noted the economic value of the waste and that it was too early to decide that the waste should be put in permanent, non-retrievable storage.

ISSUE	RESPONSE			
<u>Porter's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<p>3. Other Siting Impacts</p> <p>3a. Short/Long term socio-economic effects.</p>		<p>The Porter Group was concerned with the short and long term economic effects on a specific community. This concern identified the areas of adequate educational facilities, sewage disposal, water, hospitals, and transportation facilities to accommodate any increase in population due to construction personnel.</p> <p>The Porter Group also expressed concern over who will bear the cost of a repository.</p>		<p>Discussion in the group resulted in these questions being placed in the record for NRC.</p> <p>Is a HLWR cost effective in relation to the present state of the art in waste management?</p> <p>Does NRC have the authority to force DOE to do a community impact study?</p> <p>How does NRC interpret NEPA in relation to waste management?</p> <p>A discussion by the DOE representative put the cost of a HLWR at a billion dollars. Initial surface facilities would cost in the area of 200 - 300 million dollars. The intent of DOE is to recoup cost over the years from the HLWR users.</p>
<u>Day's Group</u>		<p>The Day Group noted that the siting of a HLWR in any state or community will cause additional economic burdens on state manpower, services and facilities.</p>	<p>One participant noted that construction of a HLWR won't have any other or different problems associated with it than any large construction project.</p>	<p>Discussion in this group centered around state costs of training additional state personnel to deal with transportation risks and technical judgements. On the local level, the community could expect problems with providing adequate schools, hospitals, sewage disposal, and other amenities necessary for a construction and operating force.</p>

ISSUERESPONSE

Philadelphia
Paulson's Group

ConsensusPrincipal ConcernMinority OpinionDiscussion

3. Other Siting Impacts
3a. Short/Long term
socio-economic
effects.

The Paulson Group expressed concern that the socio-economic impacts in this issue be identified. The group included these considerations in their concern: (1) job creation; (2) training programs to use local people; (3) co-location of acceptable facilities (specifically agricultural or silvicultural activities on the surface to help maintain buffer zones); (4) the potential impact on needed community services, especially in rural areas; (5) the effect of delaying the creation of H.W facilities e.g., a backlog of spent fuel which might lead to the shutdown of power reactors; and (6) impacts of transportation corridors.

ISSUERESPONSECallen's GroupConsensusPrincipal ConcernMinority OpinionDiscussion

3. Other Siting Impacts

3a. Short/Long term socio-economic effects.

The Callen Group agreed that siting a repository would place a large financial burden on a local government.

This group agreed that the state should be compensated by DOE from charges to users paid in the last analysis by ratepayers. These charges would be for direct and indirect costs created by the repository.

The Callen Group stressed that economic incentives should be given to host states as well as others affected by a repository siting.

The group noted that the construction period would be a large drain on public services and facilities that would have to be provided by the community. They cited mitigating measures, such as impact fees, as needed to cover the costs to a state created by large construction crews residing in the area for a short period of time.

This group saw the need for continuing incentives so that future generations may benefit from having the repository in that state.

The group believed that having a repository put a limitation on the land use around the site, hence, restricting the economic and social value. This limitation, the group felt, should be covered by compensation in lieu of the value that could be received.

ISSUE	RESPONSE			
<u>Davis' Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<p>3. Other Siting Impacts</p> <p>3a. Short/Long term socio-economic effects.</p>	<p>The Davis Group agreed that economic considerations should not override the health and safety considerations of siting a repository.</p>	<p>The Davis Group showed concern with several economic issues. These were:</p> <p>(1) The value lost by the preemptive use of land for a repository,</p> <p>(2) The value lost in resources, particularly mineral, by use of the land for a repository site,</p> <p>(3) The construction "boom or bust" concept and its impact on the community, and</p> <p>(4) The esthetic value of the land may be lost, particularly from a recreation standpoint, by siting a repository.</p>		
<u>Lavine's Group</u>		<p>The Lavine Group saw immediate economic concerns as (1) the creation of jobs, (2) the need for service facilities and service related jobs, and (3) that the states would be very concerned with the political and psychological impact of siting a repository in their states.</p>		

Site Suitability Criteria and Issues
Discussion Group Issue Matrix

ISSUE	RESPONSE	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<p>Denver</p> <p><u>Sowards Group</u></p> <p>3b. Should there be multi- & ple, regional HLW 3c. repositories or one or two large HLWR's.</p>	<p style="text-align: center;"><u>Consensus</u></p> <p>The Sowards Group agreed that multiple repositories would be preferable.</p>	<p>The Sowards Group concern on this issue was controlled by transportation considerations.</p> <p>A risk analysis is needed to determine which risk is greater . . . transportation across many states or the containment of HLW in many sites throughout the country.</p> <p>The more HLWR's that exist the higher probability of a smaller risk.</p> <p>The fewer HLWR's that exist the higher probability of a greater risk.</p> <p>The risk is equal to the probability times the consequences.</p> <p>Transportation problems could dictate regional HLWR's.</p>		

ISSUE	RESPONSE			
	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<u>Hambleton's Group</u> 2b. Should there be multiple, regional HLW repositories or one or two large HLWR's.	The Gilbert Group agreed that there should be multiple sites - at least two and there should be above ground storage until the reprocessing problem is solved.	The concern over the number and location of HLWRs depends on the timing of the need, environmental impact, transportation restrictions and constraints and is in essence a site specific consideration.	A minority opinion expressed by the Oregon representative indicated preference for a SURF type facility.	The Hambleton Group did not address this issue as such.
<u>Gilbert's Group</u>	The Gilbert Group agreed that there should be multiple sites - at least two and there should be above ground storage until the reprocessing problem is solved.	The concern over the number and location of HLWRs depends on the timing of the need, environmental impact, transportation restrictions and constraints and is in essence a site specific consideration.	A minority opinion expressed by the Oregon representative indicated preference for a SURF type facility.	The group noted that (1) NRC should endorse concurrent development of two HLWR sites, (2) NRC should support the option of surface storage until the reprocessing problem is solved, (3) NRC should limit the size of the HLWR (amount of HLW stored in one site) and (4) NRC should control size of above ground and subsurface storage as there would be a difference.
<u>Woods' Group</u>	The Woods' Group showed a preference for having one or two national repositories if there was technical confidence that backup repositories were probably not needed and if transportation problems are not too complex.	The Woods' Group expressed concern that the Western portion of the US with its vast federally owned lands will be the prime area of consideration for HLWR siting.		

ISSUE		RESPONSE			
		<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
	New Orleans <u>Mudrey's Group</u>				
3b. & 3c.	Should there be multiple, regional HLW repositories or one or two large HLWR's.	The Mudrey Group did not agree on the need for regional repositories.	<p>The principal concern of the group was that transportation problems surrounding a single repository argue for regional ones.</p> <p>The Mudrey Group's concern over the number and location of HLW repositories was expressed in terms of (1) geologic structures and stability, (2) waste migration, and (3) surface transportation systems.</p> <p>Another group concern was that the cost of more than one HLWR would be prohibitive for concurrent construction.</p>		It was discussed that from a technical standpoint (1) regionalization would minimize the general risk to transportation hazards, (2) one or two HLWR's would be preferable from a population exposure standpoint.
	<u>Nemeth's Group</u>	The group reached a consensus that no more than two HLWR's be constructed. The group did not support the regional concept of construction.	The cost of a HLWR was a concern. This caused the group to be unable to agree on the issue with little or no pertinent site specific information.		

ISSUE	RESPONSE			
<u>Porter's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<p>3b. Should there be multi- & ple, regional HLW 3c. repositories or one or two large HLWR's.</p>	<p>The Porter Group agreed that two sites should be developed concurrently.</p>	<p>The Porter Group was concerned with military waste disposal sites, particularly whether or not they came under the purview of NRC.</p> <p>Another concern was whether or not military and commercial wastes could be stored at the same site.</p> <p>The Porter Group suggested that because of the inventory of military wastes there may be a need for more than the two currently discussed repository sites.</p> <p>The Porter Group noted the arrangements for returning wastes from foreign reactors and suggested the need for additional repositories to eliminate transportation risks to some states.</p> <p>Concern was expressed over current DOE activities in waste disposal in New Mexico, Nevada and Washington. A question was asked if DOE was committed to those sites as military waste repositories.</p>		<p>A comment was made that there is nothing sacred about keeping separate commercial and military wastes.</p>

ISSUE	RESPONSE			
<u>Day's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<p>3b. Should there be multiple, regional HLW repositories or one or two large HLWR's.</p> <p>3c.</p>	<p>The Day Group reached a consensus that two or more large national sites are needed.</p> <p>Another Day Group consensus was that the US should not become the repository for the world's waste.</p>	<p>A concern of the Day Group was that transportation of HLW will have a significant impact on how many and where the HLWR's will be sited.</p>	<p>The issue of the US accepting other countries waste was addressed.</p> <p>The group recommended that an international repository be set up under the IAEA.</p>	<p>What has been done in the research area to scientifically neutralize the waste?</p>
<p>Philadelphia <u>Paulson's Group</u></p>	<p>This group reached a strong consensus that HLW repositories should be national, not regional, in nature, and that the fewer there are the better it will be from a technical and political standpoint.</p>			

ISSUE	RESPONSE			
<u>Callen's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<p>3b. Should there be multiple, regional HLW & repositories or one or two large HLWR's.</p>	<p>The Callen Group did not reach agreement on location or number of repositories. The group did agree that the number of repositories should be considered from the perspective of cost effectiveness.</p>			<p>The Callen Group addressed the issue of colocation of a repository with a reprocessing plant for the potential economic incentives involved.</p>
<u>Davis' Group</u>	<p>The Davis Group believed there should be multiple sites.</p> <p>The overriding consensus was that the number of sites should be determined by a cost/benefit analysis to be made by DOE.</p> <p>The Davis Group endorsed the GAO recommendation on the development of the DOE Carlsbad site as a pilot commercial demonstration repository. It was noted that this effort could reconcile national concerns on deep geological disposal of HLW.</p>	<p>The Davis Group expressed many concerns on this issue. Some of these were: (1) cost of construction and operation of a HLWR, (2) cost of having a backup repository, (3) transportation risks and problems.</p> <p>The Davis Group was interested in having a reprocessing plant collocated with a repository so that the transportation risk could be decreased along with the amount of waste to be stored.</p> <p>The group suggested that the geographic relationship of waste producing facilities to geologic storage sites be considered when determining the number of repositories needed.</p>		

ISSUE	RESPONSE			
<u>Lavine's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<p>3b. Should there be multi- & ple, regional HLW 3c. repositories or one or two large HLWR's.</p>	<p>The Lavine Group did not agree on this issue primarily because of the questions surrounding transportation of waste. The sentiment of the group, as polled, was for two large sites.</p>			

A-3-17

Site Suitability Criteria and Issues
Discussion Group Issue Matrix

ISSUE	RESPONSE			
	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<p><u>Denver Sowards Group</u></p> <p>3d. Should there be regional coalitions of states to deal with siting issues?</p>	<p>The Sowards Group decided that regional coalitions were unnecessary.</p>	<p>A group concern was that bordering states would not be included in the siting process with an impacted state. It noted that NRC should take the lead in contacting bordering states for input.</p>	<p>The group noted that in the southwestern US experiences dealing with regional coalitions indicated that they were not very productive.</p> <p>One participant noted that bordering states want to be involved, however, there is little value in regional coalitions.</p> <p>Office of State Programs at NRC has a study noting that no regional constituency exists.</p>	<p>One participant noted that instead of the word coalition one should use the term association. Further, it was stated that if there were no associations of states how would bordering states express an opinion in siting a HLWR?</p> <p>The case of WINB was cited as an example of the problems with compacts. WINB it was noted has not taken the lead in any significant regional activities.</p>
<p><u>Hambleton's Group</u></p>			<p>The Hambleton Group did not discuss this issue as such.</p>	

ISSUE	RESPONSE			
	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
3d. Should there be regional coalitions of states to deal with siting issues?	Group consensus on regional coalitions was that they already exist and that their use will be determined more by being site specific than anything else.			The coalition concept has been used in the past to more or less exercise political and/or technical power. Political factors will determine their use in deciding on a HLWR site.
<u>Woods' Group</u>	The group did not endorse the regional coalition idea.			There was a feeling of individualism in the states replies. The group felt that if a problem arose that needed a coalition, one could be readily formed.
<u>New Orleans Mudrey's Group</u>	In general the Mudrey Group accepted the value of regional or interstate compacts in dealing with repository siting issues.			The group discussed the concept of a coalition of states in the light of transportation problems. The concern was that transportation problems are so fractionated among agencies that a coalition or compact might be of assistance in dealing with the federal government.
				A coalition or compact could assist in (1) providing expertise, (2) training, and (3) education and information to all association states.

ISSUE	RESPONSE			
		<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
<p>3d. <u>Nemeth's Group</u></p> <p>Should there be regional coalition of states to deal with siting issues?</p>	<p><u>Consensus</u></p> <p>The Nemeth Group reached a consensus that all states potentially impacted by the siting of a repository should be involved in the siting process.</p>			<p>This group decided that NRC should be the catalyst in gaining participation from the states.</p>
<p><u>Porter's Group</u></p>	<p>The Porter Group did not reach a consensus on this issue.</p>			<p>Comment: A consensus or decision could be reached quicker without a regional coalition.</p> <p>A comment was offered that if a specific site was identified one might see a large role for regional coalitions.</p> <p>A comment was made that it is too late to organize regionally for involvement with the federal government on siting of a HLWR.</p>
<p><u>Day's Group</u></p>	<p>Group consensus was that coalitions have merit, particularly when dealing with NRC from a border or nonimpacted state viewpoint.</p> <p>The Day Group agreed the coalition could be helpful on siting issues but when it came to site specific issues the state and its interests would prevail.</p>			<p>Compacts require Congressional approval. WINB and SINB are good sounding places for policy making.</p>

ISSUE	RESPONSE			
Philadelphia Paulson's Group	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
3d. Should there be regional coalition of states to deal with siting issues?	<p>The Paulson Group saw a potential value for regional coalitions if they grew voluntarily within the states. This group saw the possibility of having coalitions of professional associations and political organizations. They viewed the role of the coalition as a constructive, advisory one without decision making authority.</p>			
A-3-21 Callen's Group	<p>The Callen Group agreed that existing regional coalitions of states might be a mechanism to deal with problems involving a repository affecting several states directly or indirectly. It was agreed that through these organizations, smaller states might be able to draw on the expertise of larger states.</p>			

ISSUE	RESPONSE			
<u>Davis' Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
3d. Should there be regional coalition of states to deal with siting issues?	<p>The Davis Group agreed that coalitions could be a favorable device for dealing with siting issues.</p>	<p>The group noted that regional coalitions could address the concerns of the states such as common transportation problems. This group noted that NRC and DOE must be receptive to working with the states on a regional basis in order for the idea to be of value.</p>		<p>The group discussed the fact that many coalitions already exist that could address siting functions.</p>
<u>Lavine's Group</u>	<p>The Lavine Group noted that a regional coalition may be a worthwhile organization for dealing with siting issues with two exceptions. These were: (1) that a state may not want to give up its individual power, and (2) the coalition concept would never work in the New England states.</p>			

Site Suitability Criteria and Issues
Discussion Group Issue Matrix

ISSUE	RESPONSE			
<u>Denver Sowards Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
3e. Should there be compensation or special incentives given for siting a repository?	<p>The Sowards Group voted unanimously that compensation be paid to the impacted states for physical facilities and other items effecting community impact.</p> <p>There was a group consensus for <u>no</u> individual special incentive. No "bribes!"</p>		<p>The group noted that impacted states and those that will be transportation corridors should be given consideration for benefits.</p> <p>The group recommended that compensation be given for transportation requirements and other community impacts.</p> <p>The group recommended that if the Price-Anderson Act did not apply in liability cases then it should be extended to cover any risk.</p> <p>The group discussed two types of special benefits:</p> <p>(1) Colocation of a reprocessing plant.</p> <p>(2) Transportation improvements.</p> <p>The Hambleton Group did not address this issue.</p>	<p>DOE views rail as the prime shipping method with truck a secondary.</p> <p>Will security guards be necessary with each shipment? If so, who will pay for these services plus all the other remaining services?</p> <p>The Utah case of allowing a contractor to pay advance taxes which were then used for facilities and services was discussed as one way of paying the front end costs of developing a HLWR in a community.</p> <p>It was noted that Nevada which is a state willing to be considered as a potential HLWR site would look favorably on compensation to assist the state in building a railroad to the storage site so that it would be able to handle waste shipments.</p>
<u>Hambleton's Group</u>				

ISSUE

RESPONSE

Gilbert's Group

Consensus

Principal Concern

Minority Opinion

Discussion

3e. Should there be compensation or special incentives given for siting a repository?

The Gilbert Group noted that no special incentives should be offered but there should be compensation for socio-economic dislocation. The group also reported that there should be compensation to the states for off site monitoring and emergency responses.

There was a concern that this criteria held a veiled notion of a "bribe" to accept a HLWR. Transportation corridors are of major concern. Who would own and maintain those at the site and who would pay for upkeep of avenues of approach through the surrounding states?

Without a cost breakdown of a HLWR - no opinion can be given on benefits or compensation.

Group recommended that NRC reword the criteria to read "compensate for negative economic impacts." Group also recommended that NRC compensate for any required dislocation of people and land.

The compensation should be strictly limited to HLWR impacts on a community. NRC should not consider any individual special incentives as such.

There was group consensus that compensation should be provided for any adverse community impacts in siting a HLWR.

Woods' Group

The group did not endorse special incentives to accept a HLWR.

The group was concerned that a special incentive might be construed as a "bribe!" The group recommended that special benefits to a state, such as a railroad, new transportation corridors, etc. to a HLWR would be appropriate and not construed as a "bribe."

ISSUE

RESPONSE

New Orleans
Mudrey's Group

Consensus

The Mudrey Group included discussion on this issue with the issue on risk compensation. The group agreed that the rate payer would pay for risks and special incentives.

Principal Concern

A concern was expressed over the employment of people to operate a HLWR. In order to employ the skills necessary to operate a HLWR, the federal government will have to offer incentives to work at a HLWR.

Minority Opinion

Discussion was held on relocation compensation for families to move out of a prospective area and location incentives for people to move in. One form of incentive to reduce community impact is that used by TVA. (Payments for services in lieu of taxes.)

Discussion

There was a comment that one scenario included 600-800 employees at a HLWR for 30 to 35 years. This scenario urged DOE to employ locally about 90% of the skills needed.

It was noted to move the five year cooled spent fuel generated between 1982 and 1987 it would take 4000 single assembly truck shipments or 409 multiple assembly rail shipments. If the amount of spent fuel was reduced these figures could be reduced to 356 truck and 36 rail shipments. By 1987, these calculations would increase to 8400 single assembly truck shipments of spent fuel and 840 rail. This again could be decreased by reprocessing to 755 truck and 76 rail shipments. It was noted that these figures do not take into consideration the backlog of accumulated spent fuel or military waste.

A concern was expressed that compensation should be paid by the federal government after decommission a HLWR.

The Mudrey Group noted with concern that the amount of HLW that would have to be moved and lowered into the repository on a daily basis was approaching the technical limits of handling capacity for the facility.

The group discussed the magnitude of the transportation problem. Based on a scenario of assumed nuclear power generation in 1987 of 380 gigawatts there would be a requirement for two rail shipments a day to the repository with 12 canisters a day passing through the head of the mine shaft.

ISSUE

RESPONSE

<u>Nemeth's Group</u>	Consensus	Principal Concern	Minority Opinion	Discussion
3e. Should there be compensation or special incentives given for siting a repository?	The Nemeth Group agreed that the states impacted by a repository siting should be compensated in lieu of tax payments.	The group showed major concern with HLW transportation hazards. The group believed that NRC should compensate the states for transportation accidents involving the movement of high level waste.		
<u>Porter's Group</u>	The Porter Group agreed that some type of compensation was required but there was disagreement on the type of compensation that should be rendered.	<p>The group expressed concern over the extent of the compensation. For example would the host state along with states that were transportation routes or corridors both be compensated for economic impacts.</p> <p>Illinois - The principal concern of this state is with transportation of HLW through the state.</p> <p>A concern was expressed over emergency services. How does a community protect itself from spills of radioactive material during transportation accidents?</p>	<p><u>Comments:</u> One speaker envisioned a community might want a HLWR if incentives were given. One incentive might be reimbursement based on the volume of waste stored and its level of radioactivity.</p> <p>One speaker saw the question of compensation as a psychological one rather than an economic recourse.</p>	<p><u>Comment:</u> Another speaker noted that a regional HLWR would spread the cost of disposal, reduce transportation hazards and spread the risk of a large unplanned disaster to remote areas.</p> <p>A special incentive may be construed to be a "bribe."</p> <p>Will states who are transportation corridors be compensated for public safety services and highway improvements?</p>

ISSUE	RESPONSE				
<u>Day's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>	
3e. Should there be compensation or special incentives given for siting a repository?	<p>The Day Group generally agreed that states involved with siting a repository should be compensated for direct and indirect costs.</p> <p>Group consensus: NRC should investigate a mechanism to assist the states in monitoring the activities of a HLWR without the penalty of losing any ongoing programs.</p>	<p>The concern of the group was to provide economic assistance through compensation not to give incentives just to overcome opposition to a HLWR site.</p> <p>The group was concerned with establishing and maintaining liability for a HLWR and waste transportation. Does the Price-Anderson Act apply?</p> <p>The ultimate concern of what will be the cost of a HLWR to a state or community was voiced. If the federal government offers compensation initially will this be held as a threat over the state in the future should operations or activities change?</p> <p>The group was concerned with the threat of withholding compensation for one reason or another. A good example was the 55 mph imposition by the federal government or the threat to withhold highway funds.</p>		<p>The states will spend money monitoring a HLWR. Who will pay for those services?</p>	<p>Group feeling was that a state would not be persuaded to accept a HLWR if some type of compensation was not offered.</p>

ISSUE

RESPONSE

Philadelphia
Paulson's Group

Consensus

Principal Concern

Minority Opinion

Discussion

3e. Should there be compensation or special incentives given for siting a repository?

The Paulson Group agreed that both the host state and other impacted states should be compensated or offered special incentives to underwrite economic impacts.

The group noted that the provisions of the Price-Anderson Act should apply to high level waste disposal and transportation risks. "This was not to be then some other form of indemnification should be provided to the states.

Callan's Group

This group agreed that host states should be given funds with no strings attached, to provide for research and monitoring activities, including the activities that occur before the actual designation of a site.

Discussion in this group indicated that the federal government should assume statutory, financial responsibility for all impacts of actions involving a repository.

ISSUE	RESPONSE			
<u>Davis' Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
3e. Should there be compensation or special incentives given for siting a repository?	The Davis Group agreed that special incentives and/or compensation should be made available to the host state and those impacted by the siting of a repository.	<p>A concern of the group was that compensation should be distinguished from special incentives in that compensation would be a "must" for the state. It was noted that specific incentives are more site or state specific. The group noted that the host state or other impacted states could ask for whatever special incentives they feel are necessary.</p> <p>Another concern of the group was that inflationary effects should be figured into any type of compensation. The group noted that sufficient compensation should be provided for the perpetual care and decommissioning of the site.</p>		<p>This group discussed the possibility of a state receiving an impact fee. These fees would be to cover the various effects of siting.</p> <p>The Davis Group discussed the possibility of having compensation for negative economic impacts.</p> <p>The Davis Group saw the need for compensation for lost revenues due to the loss of surface tax potential. This compensation could be offered to the states in lieu of a property tax.</p>

ISSUE	RESPONSE			
<u>Lavine's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
3e. Should there be compensation or special incentives given for siting a repository?	The Lavine Group agreed that the host state should receive special incentives and compensation.			<p>Discussions in this group noted that special funding should be available for training security/police officers, civil defense, road improvements, and radiological monitoring.</p> <p>Some special incentives suggested were: (1) in lieu of taxes the host state could charge utilities per cubic foot, (2) a portion of federal taxes could go to the host state, and (3) do not exempt federal land from state and local taxes.</p>

Site Suitability Criteria and Issues
Discussion Group Issue Matrix

ISSUE	RESPONSE			
Denver Sowards Group	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
3f. Who Pays - Rate-payer or Taxpayer?	Group consensus was that no special incentives be considered by NRC.	The group concern was that ultimately the taxpayer would bear the cost of a HLWR.		It was suggested that no special incentive would be necessary if community impact problems were solved.
<u>Hambleton's Group</u>				The Hambleton Group did not address this issue.
<u>Gilbert's Group</u>	The Gilbert Group agreed to delete the 'special incentive' words from the issue. Further, they agreed that if risk compensation was interpreted as accident compensation then the federal government should make remuneration to the states.	A principal concern of the group on this issue was the interpretation of risk compensation. One section of the group indicated that the federal government should be liable for accident compensation while another section thought that costs of this nature were a part of waste management and should be included in the rate base structure.		

ISSUE	RESPONSE			
<u>Woods' Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
3f. Who Pays - Rate-payer or Taxpayer?	The Woods' Group noted that this issue was covered by discussion on previous issues which were similar in nature.			
<u>New Orleans Mudrey's Group</u>	This group noted that impacts generated by siting would have to be compensated for in some way. The group agreed that the ratepayers should be responsible for any compensation.			
<u>Nemeth's Group</u>	The Nemeth group agreed that the host state and DOE should be compensated by the rate payers for any costs or projected costs directly or indirectly related to the repository. This group concurred that the federal government should assume unlimited financial responsibility for catastrophic accidents affecting the repository site and/or operations.	This group expressed concern that NRC should compensate any impacted states for a HLWR in lieu of taxes and the federal government should maintain liability for unplanned accidents or events.	The group suggested that a formula be developed to cover the cost of inventory in storage and the perpetual care of a HLWR.	The group identified items for compensation consideration as: (1) Development Costs to DOE, (2) Storage costs to state. (3) Monitoring costs to state. (4) Perpetuity costs to the state.

A-3-32

ISSUE	RESPONSE			
<u>Porter's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
3f. Who Pays - Rate-payer or Taxpayer?	<p>The Day Group agreed that incentives should be given to the states. They noted that these should come from DOE to the impacted states.</p>			<p>The Porter Group addressed this issue as a part of the previous issue.</p> <p>This group identified four specific incentives that a host state could use. These were:</p> <p>(1) grant programs, (2) host state should be able to store waste with no charge, (3) the host state should have the capacity to tax stored waste, and (4) DOE and/or NRC should assist the state with on site technical representatives to assist the states.</p>

ISSUE

RESPONSE

Philadelphia
Paulson's Group

Consensus

Principal Concern

Minority Opinion

Discussion

3f. Who Pays - Rate-
payer or Taxpayer?

The Paulson Group agreed that compensation and special incentives should be given and that the utility ratepayers, not the general taxpayers, should be charged.

The Paulson Group discussed the types of compensation and/or special incentives to be given and identified the following:

- (1) reimbursement for increased local and state expenditures, direct and indirect, related to siting and waste transportation,
- (2) highway maintenance costs,
- (3) police and civil emergency costs, and
- (4) social services costs.

The group cited the need for training programs for the potential local work force.

The group suggested a no strings attached 'tombstone tax' to be used for any purpose.

The group was divided on how the tax should be made. One section believed a charge should be made proportional to the distance the waste is transported, a second section believed a charge should be made on a uniform national basis, and a third group desired more information before making a judgement.

ISSUERESPONSECallen's GroupConsensusPrincipal ConcernMinority OpinionDiscussion

3f. Who Pays - Rate-payer or Taxpayer?

The Callen Group agreed that compensation should be given to DOE for development costs. These expenditures should be the responsibility of the rate payers.

The group noted that host states should be given funds, with no strings attached, for research and monitoring activities.

The group indicated that the federal government should assume financial responsibility for corrective actions after the repository has been decommissioned.

Davis' Group

The Davis Group discussed this issue as a part of the previous issue.

Lavine's Group

The Lavine Group discussed this issue as a part of the previous issue.

APPENDIX A

4. Evaluation of Siting Criteria

"What is the reaction of the State representatives to the Preliminary Site Suitability Criteria proposed by NRC?"

Site Suitability Criteria and Issues
Discussion Group Issue Matrix

ISSUE	RESPONSE			
Denver Sowards Group	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
4. Evaluation of Siting Criteria	<u>Adequacy</u>	The group noted that the criteria were not specific enough to solicit appropriate comment.	The Sowards Group did not address each sub-issue in this question nor did they address all the criteria.	
	<u>Conditions</u>	The group agreed that the criteria would be more meaningful if they were site specific.		
		The group indicated that NRC needs to be consistent in the use of terminology.		
	<u>Modifications</u>	The group agreed that the criteria do not discuss the relationship of a repository to population centers and population concentrations.		
	<u>Specificity</u>	The group requested that NRC define what it means by the terms "geologically stable events."		

ISSUE	RESPONSE			Discussion
<u>Sowards Group</u> (Continued)	<u>Consensus</u>	<u>Principal Concern</u> <u>Regulations/Regulatory Guides</u>	<u>Minority Opinion</u>	
4. Evaluation of Siting Criteria		The Sowards Group expressed concern over the difficulty of including state input to NRC regulations and regulatory guides.		
<u>Hambleton's Group</u>		<u>Adequacy</u> (Ownership and Control)		Criteria should be revised as suggested by group.
	The Hambleton Group suggested that NRC revise the criteria as noted in this issue.	Group was concerned with "control"! Suggested that "U. S. Ownership" be inserted instead.		How does one define "ownership and control"?
	Group consensus on this point.	Group was concerned with the definition of "ownership and control" of a HLWR.		The NRC shall not issue a license for a HLWR unless provisions have been made for the state to participate in the monitoring, evaluation and assessment of the proposed HLWR.
	<u>Additions</u> (Licensing Process)	When can a state become involved in the siting process.		NRC should not license an applicant until the state has made an independent evaluation and assessment of the proposed HLWR.
	As a political reality the group was concerned over the timing of state participation in the siting process.	Does NRC plan to license the optimum site or what is determined to be an acceptable site?		The NRC position was to look at a broad area, eliminate some potential sites for obvious reasons and then refine the siting process into a detail approach.
				The state would have a veto right if the site failed inspection.

ISSUE	RESPONSE			<u>Discussion</u>
<u>Hambleton's Group</u> (Continued)	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
4. Evaluation of Siting Criteria	<p>There was group consensus that an applicant for licensing "shall" meet all the criteria. Delete "should"; "shall" and "must".</p>	<p>Modifications (System of Multiple Natural Barriers to Waste Transport)</p> <p>What is meant by multiple barriers?</p> <p>This group was concerned with the use of "should", "shall" and "must".</p>		<p>Does multiple mean 2 or 20?</p> <p>NRC position - Barriers would be employed so that confidence was not placed in a single barrier to waste transport.</p>
		(Radiological releases)		
		<p>The group was principally concerned over the definition and use of the terms: "seismic and tectonic geological events."</p>		
		<p>What does this mean in relation to NRC's siting process?</p>		

ISSUE	RESPONSE			
Hambleton's Group (Continued)	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
4. Evaluation of Siting Criteria	<u>Modifications</u> (Continued) (ALARA concept)			
		The ALARA concept seriously weakens this criteria.	NRC should investigate the chemical toxicity of water as well as the radioactivity.	The group suggested that NRC investigate the exposure rates established by EPA.
		The group was concerned that chemical toxicity of water may be as important to NRC as the radioactivity it contains.	The criteria needs a statement about the relationship of population centers and concentrations to the siting of a HLWR.	
		There is nothing in the criteria about population centers and population concentrations vis a vis the siting of a HLWR.		
		(Monitoring and Decommissioning of a HLWR.)		
		Does decommissioning imply that NRC or licensee will no longer monitor the HLWR?	Site suitability criteria does not address monitoring.	
			Recommend that the word "monitoring" be inserted in this criteria.	

ISSUE	RESPONSE			
Hambleton's Group (Continued)	Consensus	Principal Concern	Minority Opinion	Discussion
4. Evaluation of Siting Criteria	<u>Modifications</u> (Continued) (Geologic Stability)			
	Group consensus that 10^7 was unrealistically long.	<p>The group was concerned with 10^7 being unrealistic. It is difficult to establish that period of years in geologic structure.</p> <p>Why the 10 million year figure?</p> <p>How long will control be required?</p> <p>Does 10^7 years cut out many potential sites and regions?</p> <p>Do away with the 10^7 year requirement and rank sites according to erosion, faulting, etc. Choose the most stable one.</p>	<p><u>Chair</u>: A point was made to discuss the first attempt to dispose of waste by the old AEC in Lyons, Kansas. This discussion lead to several points of concern.</p> <p>It was noted that the old AEC ignored the concerns of geologists and the state in the Lyons operation.</p> <p>The group recommended that 10^7 figure be deleted.</p>	<p>A HLWR would not be located in a Tectonically active area.</p> <p>The effects of vulcanism may not be bad. The effects of erosion need to be considered.</p> <p>The best site geologically may not be the best site for HLW.</p> <p>A HLWR should be located in a region, based upon events, where no geologically foreseeable event would allow for radioactive releases.</p> <p>The group discussed using the word "region" instead of "area."</p>
		(Unplanned natural or man made events.)		
		<p>The group's principal concerns were:</p> <p>(1) A HLWR being situated near a military target.</p> <p>(2) Downstream from a dam.</p> <p>(3) On an international boundary.</p>		

ISSUE	RESPONSE			
Hambleton's Group (Continued)	Consensus	Principal Concern	Minority Opinion	Discussion
4. Evaluation of Siting Criteria	<p>There was a consensus that monitoring funding should be paid by the federal government.</p>	<p><u>Modifications (Continued)</u> (Future value of natural resources in the HLWR area.)</p>		
<p>What does "unduly deprive" mean?</p>		<p>NRC's interests should be broader than regulatory matters.</p>	<p>NEPA - This act extends NRC's obligations and responsibilities beyond health and safety measures.</p>	
<p>(1) The group was concerned with mineral and other natural resources. (2) Economic and esthetic values of the land in the future.</p>		<p>NRC should be reminded that "resources" go beyond mineral.</p>	<p>(2) A HLWR should have minimal disruption to esthetic values and conditions.</p>	
<p>A HLWR site would compromise social-economic status of a community. It would have a negative impact.</p>		<p>Additional criteria recommendations: (1) A HLWR site should have minimal disruption to social-economic status of a community. No negative effect or disruption.</p>	<p>Any state that accepts a HLWR should be provided with monitoring funds.</p>	
<p>Will NRC/federal government fund state monitoring costs?</p>	<p>New Mexico expects DOE to fund monitoring costs on the Waste Isolation Pilot Plant.</p>			
<p>A critical concern of the group was that of transportation. (1) Who will determine corridors, avenues of approach? (2) Who will evaluate the conditions of the roads, railroads, harbors? (3) Who will pay for improvements to transportation facilities so that a safe operating mode is reached?</p>				

ISSUE	RESPONSE			
<u>Hambleton's Group</u> (Continued)	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
4. Evaluation of Siting Criteria		<u>Failure to attain standard</u>		
		The group did not see this as a major concern.	There will always be an unknown element in this type of work.	Site specific investigations would be more meaningful to assessing the importance of one criteria over another.
		<u>Regulations/Regulatory Guides</u>		
		Balance of one criterion over another. Criteria to be supplemented by information in regulatory guides.	Regulatory guides are not subject to the review process therefore they may be biased.	Regulatory guides are sometimes seen as after the fact items. The group discussion resolved itself into a desire to see schedules of regulatory guides promulgated.
		NRC should give the states an input opportunity to review regulations and regulatory guides.	Regulatory guides do not have the force of the law.	
<u>Gilbert's Group</u>		<u>Adequacy</u>		
		The principal concern of the group was that the criteria are too broad and general.	There needs to be more time allowed for state review of NRC regulations and draft regulatory guides.	The credibility of the proposed criteria needs to be examined.
		<u>Modifications</u>		
		ALARA concept needs to be clarified when applying it to a HLWR.		
		<u>Specificity</u>		
		NRC should define "buffer zone". ALARA, etc. in more detail.		

ISSUE RESPONSE

<u>Woods' Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
4. Evaluation of Siting Criteria	<u>Adequacy</u> <u>Additions</u> <u>Modifications</u> (The concept of geologic stability)	The scope is certainly adequate. The content may be inadequate. There is nothing in the criteria on meteorology. Population centers and demographic concentrations should be a factor (criterion) in siting a repository. The concern was over the 10 million year period of geological stability. Do not put an absolute number on geological stability. Licensing of a nuclear reactor plant is only 2 million years. (Unplanned intrusions by man or natural events)		To get away from the 'number of years' type of criteria use "based on geologic stability, a repository site should be selected on the probability that it is acceptable from a geologically stable standpoint."
		The concern was that this criteria was redundant with some others.	Make a complete review of all restrictions outside the repository area.	Identify and isolate the area. Notify state officials of restrictions or land use of HLWR area early.

ISSUE	RESPONSE			
<u>Woods' Group</u> (Continued)	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
4. Evaluation of Siting Criteria	<u>Modifications</u> (Continued) (Use of the land area around a repository)			
	<p>This concern addressed the problem of radio-nuclide migration in water and the possibility of transporting itself in aquifers.</p> <p>The downstream impact of repository siting should be considered in the licensing process.</p>		What is 200 miles in geologic structure?	If the area around the HLWR is hydrologically sound then 200 miles is an acceptable area.
	(Waste transportation risks)		Has NRC investigated the implications of the geologic structure around the HLWR? Has consideration been given to the homogeneity of the earth?	200 miles is acceptable as the approximate radius from the repository if the geologic structure of the area is sound.
	Distances are not important because of the present location of most nuclear reactors.			
	If a reprocessing plant is to be built it should be sited at the repository location.			
	The risk is small in shipping to and from a reprocessing plant.			

ISSUE	RESPONSE			
<u>Woods' Group</u> (Continued)	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
4. Evaluation of Siting Criteria	<u>Modifications</u> (Continued)			
		An issue was the location of a reprocessing plant at HLWR or elsewhere.	Recommend that a HLWR site should consider the potential of having a re- processing plant.	Recommend that a HLWR site should consider the second order effects of transportation.
	<u>Weighting</u>			
		Yes. Different weights are needed but each criterion should be minimally attained.		
		Site specific weighing would be more meaningful.		
		The criteria are very broad but each deserves some weight.		
		The criteria should be strictly weighed by risk analysis.		

ISSUE	RESPONSE			
Woods' Group (Continued)	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
4. Evaluation of Siting Criteria	<u>Regulations/Regulatory Guides</u>			
	What is the balance desired between regulations and regulatory guides?		NRC should hold another workshop to explain the regulatory guide process. That is, development, adoption and implementation.	
	States are concerned with the drafting and implementation of regulatory guides.			
	It was noted that there is no legal mechanism to obtain state input to regulatory guide development.			
	Regulatory guides are just advance notice of what NRC's staff is thinking. They are not binding unless approved by the commission.			
	Notify all Governors on the availability of regulatory guides and request state comment.			
	<u>Most Important Characteristic</u>			
	Is one criterion more important than another?			
	None are less important, some are more important as they become site specific.			

ISSUE	RESPONSE			
New Orleans Mudrey's Group	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
4. Evaluation of Siting Criteria	<u>Adequacy</u>	The criteria are adequate as modified by the group.		
	<u>Additions</u>	Some suggested additions to the criteria were:		
	The group was split over the absolute ownership and control position versus leased surface land.	More state participation in the development of HLWR's.		Federal site - Both surface and subsurface. The buffer zone should be federally owned.
		NRC evaluate a remote site and the impact of having a site near a population concentration.		
		NRC evaluate the benefits of colocation of a reprocessing plant and a waste repository.		
		NRC investigate and document the problems of decommissioning a nuclear power plant and HLWR.		
	<u>Failure to attain standards</u>			
		<u>Chair:</u> (1) Applicant needs to satisfy all the criteria. (2) Site should meet the criteria to a high degree - ALARA is appropriate.		All criteria must be met as a minimum standard for any applicant.

ISSUE	RESPONSE			
Mudrey's Group (Continued)	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
4. Evaluation of Siting Criteria	<u>Regulations/Regulatory Guides</u>			
	The group agreed with the criteria and supported the use of regulatory guides as a means of implementing the criteria as opposed to regulations.			
	<u>Most Important Characteristic</u>			
	Public health and safety were seen as the most important considerations.			
			<u>Comments on criteria</u>	
			<u>Criteria</u>	
			<p>(b) <u>CHAIR</u>: The barrier concept is acceptable. A point of interest was what is adequate in the way of numbers and types of barriers.</p> <p>(c) <u>CHAIR</u>: Unplanned intrusions should be engineered out.</p> <p>(d) <u>CHAIR</u>: The ALARA concept is one that we can live with but hopefully do better. A concern was expressed that NRC/EPA/CEQ should get together on standardizing acceptable risks. What constitutes "reasonably acceptable". Reasonably foreseeable events needs to be defined.</p> <p>(e) <u>CHAIR</u>: The criteria is acceptable. If there is to be continued exploration, this may cause problems with structural fracture of barriers.</p> <p>(f) <u>CHAIR</u>: This can be controlled. The criteria is okay.</p> <p>(g) The estimate of 10^7 years is unrealistic. Weather is an important feature ignored in the criteria. A HLWR should be conceptually developed in a geologically stable structure.</p>	

ISSUE	RESPONSE			
<u>Mudrey's Group</u> (Continued)	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
4. Evaluation of Siting Criteria				<u>Comments on criteria</u> (Continued)
				<ul style="list-style-type: none"> (h) <u>CHAIR</u>: Acceptable concept (ALARA). (i) <u>CHAIR</u>: DOE should investigate the geologic structure of an area of about 200 miles in their preliminary site investigations. (j) <u>CHAIR</u>: This criteria presents problems in that it is or would be difficult to predict what resources will have value in the long term. (k) <u>CHAIR</u>: The criteria as written is acceptable. Transportation problems have been addressed elsewhere in this workshop.
<u>Nemeth's Group</u>		<u>Adequacy</u>		
		The criteria were deemed insufficient on all matters other than geological aspects.		
		<u>Additions</u>		
		<p>NRC should in its criteria spell out a substantive role for the states in:</p> <ul style="list-style-type: none"> a. Social/Economic Matters b. Institutional Matters c. Humanities d. Demographic Matters. 		

ISSUE	RESPONSE			
<u>Nemeth's Group</u>	<u>Consensus</u>	<u>Principal Concern</u>	<u>Minority Opinion</u>	<u>Discussion</u>
(Continued) 4. Evaluation of Siting Criteria		<u>Modification</u> As already pointed out by the group. <u>Weighting</u> As already discussed by the group. <u>Failure to attain standard</u> A HLWR should meet all minimum standards. <u>Most Important Characteristic</u> Public health and safety are the most important features in siting a HLWR.		<u>Other Comments:</u> (1) Workshop was a good vehicle to gain state input. (2) DOE needs to be at these type workshops. (3) EPA needs to be at these type workshops. Representatives from the National Governor's Association and NCSL should have been invited to attend the workshop.
<u>Porter's Group</u>		<u>Adequacy</u> Criteria are very general. <u>Most Important Characteristic</u> Public health and safety are the most important concerns in siting a HLWR.		

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