

The

Radioactive Exchange®

To promote the exchange of views and information on radioactive waste management

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Volume 6 No. 6

March 31, 1987 (Released April 8)

CONGRESS ATTEMPTS TO "RIGHT" THE HLW PROGRAM WITH "BUY OUTS", REGIONAL MRS, AND WHATEVER ELSE...

A Publisher's Perspective - - - Over the past weeks actions taken by various Congressional committees and individual members of the US Senate and House of Representatives clearly demonstrate that there is little, if any, confidence in the HLW program succeeding within the confines of the Nuclear Waste Policy Act (NWSA). Senator Bennett has followed initial support of Luther Carter's "buying out" Nevada approach (See EXCHANGE, Vol. 6, No. 4) with a bill that would amend the NWSA to do just that. A former National Academy of Sciences Radioactive Waste Board member, testifying at Congresswoman Marilyn Lloyd's recent Subcommittee hearing, lent his personal support to the Nevada "buy out", noting that to his knowledge Nevada was a technically sound site. His testimony apparently provided sufficient "technical justification" to support what had to be the inclination of the members to publicly endorse a Nevada "buy out" (See story this issue). (See **Perspective in the HLW Focus**)

US ECOLOGY, WESTINGHOUSE SUBMIT PROPOSALS FOR CS LLRW FACILITY

Only two firms -- Westinghouse and US Ecology -- met the April 1 deadline for submitting proposals to develop a regional disposal facility for the Central States Compact region. Complete copies of the proposals are available for review at the appropriate Central states' agency offices. Proposal Executive Summaries may be available from US Ecology in Louisville (800) 626-5334, or Westinghouse (412) 722-5531.

Neither proposal names the host state or a site where the regional disposal facility would be located.

No SLB Facility

Both proposals are based on engineered disposal facility concepts. Westinghouse's is based on their SUREPAK concrete containerization concept and in most respects is similar to the proposal submitted by Westinghouse-Hittman to the State of California in 1985. (See **Proposals** pg. 2)

(Proposals from pg. 1)

US Ecology, for the first time in a formal proposal, revealed their concept for an engineered burial facility. Their proposal allows for the development of three different possible facility designs, one a split grade facility and two others that are above-grade. One of the above-grade designs is similar to the 30 year long term storage facility developed by Ontario-Hydro that would allow continuous monitoring, and incorporating a "cap" to achieve permanent disposal. The other is an above-grade bunker incorporating interlocking concrete containers designed by Bechtel.

The split-grade facility is patterned after the earth-mounded concrete bunker concept being utilized by the French and, again, incorporates the Bechtel interlocking containers.

Bechtel is the designated engineering firm in the proposal and together with US Ecology is responsible for the three proposed site designs. US Ecology states in the proposal that final selection of the facility design would be made after receiving state and local input. The Central States Commission has scheduled the final selection of a contractor for July 1, 1987. **

VIRGINIA POWER AWARDS JGC \$80 MILLION CONTRACT FOR ONSITE LLRW TREATMENT

During the past few weeks, Virginia Power, after a year or so of studying LLRW processing systems being utilized around the world, awarded an \$80 million contract to JGC Corporation of Japan to develop total onsite LLRW processing systems at the utility's North Anna and Surrey reactor facilities. J. A. Jones is to be construction engineer and NUS is to provide engineering consultant services. JGC is completely responsible for the development of the LLRW processing system.

Supercompactors, Bitumen Solidification

Under the contract JGC is responsible for putting in place a LLRW processing system at each reactor station. The system is to

include supercompaction, dewatering, solidification via a bitumen process, and laundering. Though the system does not include an incinerator, the stand-alone facility that will house the LLRW equipment is to be designed to allow an incinerator to be back-fitted.

70% of Award to American Firms

Under the terms of the contract JGC is to spend seventy percent of the award for American manufactured equipment or American based expertise. No decisions have been made regarding the purchase of the necessary processing equipment. Specifications are now being finalized with the intention to begin issuing Request for Bids in May of this year. **

SE COMMISSION AGREES ON COMPACT CHANGES TO KEEP NORTH CAROLINA IN

At their March 26 meeting following months of negotiations and discussions, the Southeast Compact Commission members adopted a policy resolution requesting that their respective state legislatures amend the SE LLRW compact agreement to satisfy the concerns voiced by North Carolina officials when that state was selected as the host for the second SE regional disposal facility. The proposed changes limit the time period a host state would be required to operate a disposal facility and set a time period for withdrawal of a party state upon the beginning of operation of the second regional disposal facility.

20 Year Limit For Host State

To allay North Carolina's concern that once it becomes the host for a disposal facility it would remain so forever, the Commission amended the Regional Management Plan and recommended that their legislatures adopt a change to the SE Compact stating that: "No party state shall be required to operate a regional facility longer than a 20-year period or to dispose of more than 32,000,000 cubic feet of low-level radioactive waste, whichever event occurs first."

In order to protect a host state from being forced to continue to serve in that capacity

because party states designated to host a disposal facility in the future withdrew, the Commission recommended that the Compact language be amended to read as follows: "The right of a party state to withdraw ...shall terminate no later than 5 years following the commencement of operation of the second host state disposal facility. Thereafter a party state may withdraw only with the unanimous approval of the Commission and with the affirmative consent of Congress." **

S. CAROLINA ISSUES GUIDE TO DETERMINE COMPLIANCE WITH '88 LLRWPA MILESTONE

Within the past week the South Carolina Department of Health and Environmental Control, on behalf of the State Board of Health and Environmental Control, issued the "Guidance" that will be used by the Board to determine State and Compact compliance with the 1988 milestone of the Low-Level Radioactive Waste Policy Act Amendments. This milestone requires that by January 1, 1988 each compact region without a LLRW burial facility identify a host state, or if they are an unaffiliated state select a site for a disposal facility and, that the selected host state, or compact or unaffiliated state, develop a siting plan including a schedule for constructing a facility and preparing a license application.

The Guidance document plainly states that upon determining non-compliance the Board will impose the penalties allowed under the law.

Details On Specific Requirements

Though at Waste Management '87 sited state officials explained that the key basis upon which compliance with the 1988 milestone will be determined would be "sincerity of effort" (See EXCHANGE, Vol. 6, No. 5), the SC Board sets out rather specific requirements that will need to be included in host state or compact siting plans. The Guidance breaks down the requirements into three separate areas: host state identification; siting plans, and delegation of authority.

Legal documents must be submitted to prove host state identification. With respect to the "siting plans" and "delegation of authority" requirements, host states or compacts must submit information that includes the following:

Siting Plan: At a minimum a siting plan should provide a description of the elements described in the LLRWPA, with sufficient explanation that would allow the "executing agency ability to implement the plan."

If the plan is found to provide "too little guidance...to have [no] practical effect in accomplishing the goal of establishing a disposal facility" within the timetable specified in the LLRWPA, the plan can be found out of compliance.

In the event that a siting plan does not demonstrate a sequence of tasks that will allow the responsible agency to submit a license application by January 1, 1990, the siting plan must indicate that the Governor of each state in the region will submit a certification to the NRC indicating that each will be capable of providing for, and will provide for, the storage, disposal, or management of any LLRW requiring disposal after December 31, 1992, as required.

In the event that a siting plan does not demonstrate a sequence of tasks that will allow the responsible agency to begin operation of a disposal facility by December 31, 1992, the siting plan must indicate that the region or each state in the region after December 31, 1992, will store, dispose or manage all applicable LLRW generated within its borders.

Delegation of Authority The SC Board intends to place "particular emphasis on the demonstration of the legal chains of authority that will drive successful and smooth implementation of the [siting] plan.

"Agencies submitting siting plans must submit a statement by specific legal reference and certified by the Governor of the State or the State Attorney General, showing their authority for submitting such plan on behalf of the state."

"A list of citations showing legal authorities to perform the various activities described in the plan, by itself, will not be considered a 'siting plan.' The plan must either identify a lead agency that will take responsibility for coordinating the implementation of the various activities, or there must be a mandate binding each of the agencies involved in each of the activities to perform the activity in accordance with goals and schedules in the plan."

"In the case of a compact that submits a siting plan that is to be implemented by the compact, the compact must demonstrate that it has clear and specific legal authority to implement each activity in the plan within the state identified as host."

For a complete copy of the Guidance document write: Heyward Shealy, SC DHEC, 2600 Bull Street, Columbia, SC 29201. **

REQUEST FOR PROPOSALS

State of California Department of Health

LLRW Disposal Site Selection Process Review (RFP-87-018): The CA Department of Health is requesting proposals from technical contractors capable of reviewing the data produced by US Ecology and their contractors during the LLRW disposal site characterization process, and also assisting the Dept. of Health in developing site licensing guidance. CONTRACT VALUE: approximately \$100,000; PROPOSAL DEADLINE: April 30, 1987; AWARD DATE: July 15, 1987; CONTACT: Reuben Junkert (916) 323-3021.

LLRW Disposal Enhanced Technology Evaluation (RFP-87-019): The CA Department of Health is requesting proposals from an outside contractor capable of evaluating enhancements to shallow land burial and alternative disposal technologies for LLRW. Evaluation is to include an analysis of the cost effectiveness of the technologies. CONTRACT VALUE: \$225,000. PROPOSAL DEADLINE: April 30, 1987. AWARD DATE: July 15, 1987. CONTACT: Reuben Junkert (916) 323-3021.

LLRW Disposal Site Environmental Impact Report and Environment Impact Statement (RFP-87-020) (TO BE RELEASED BY MAY 1): The Dept. of Health will be issuing this RFP seeking contractors capable of completing a LLRW disposal site Environmental Impact Report/Statement upon US Ecology's submission of a license application to the State for the selected site. Request for Proposal not yet issued.

LLRW Volume Disposal Update

LLRW ACCEPTED FOR DISPOSAL AT BARNWELL, BEATTY AND HANFORD

Through February 1987

(Volumes in Cubic Feet)

	<u>February</u>	<u>Year to Date</u>		<u>February</u>	<u>Year to Date</u>
Northeast			Rocky Mountain		
Connecticut	3,879.50	6,054.40	Colorado	0.00	0.00
New Jersey	1,685.00	2,408.20	Nevada	0.00	0.00
	<u>5,564.50</u>	<u>8,462.60</u>	New Mexico	0.00	0.00
			Wyoming	0.00	0.00
				<u>0.00</u>	<u>0.00</u>
Appalachian			Western III		
Pennsylvania	6,988.40	15,052.90	South Dakota	0.00	0.00
West Virginia	0.00	0.00	Arizona	0.00	0.00
Maryland	1,222.00	1,222.00		<u>0.00</u>	<u>0.00</u>
Delaware	150.00	150.00			
	<u>8,360.40</u>	<u>16,424.90</u>			
Southeast			Northwest		
Georgia	2,974.00	3,887.00	Idaho	0.00	0.00
Florida	4,963.50	17,310.70	Washington	4,477.90	10,935.90
Tennessee	13,523.90	21,668.30	Oregon	6,389.20	14,755.40
Alabama	3,903.60	8,930.10	Utah	0.00	0.00
N. Carolina	5,214.00	11,905.80	Alaska	0.00	0.00
S. Carolina	10,719.70	17,578.30	Hawaii	0.00	573.80
Mississippi	988.00	2,754.00	Montana	0.00	0.00
Virginia	3,807.30	5,862.40		<u>10,867.10</u>	<u>26,265.10</u>
	<u>46,094.00</u>	<u>89,896.60</u>			
Central States			Unaligned		
Arkansas	0.00	0.00	Rhode Island	58.10	172.20
Louisiana	2,985.00	4,537.00	Vermont	440.50	440.50
Nebraska	2,412.00	5,771.00	New Hampshire	345.00	367.50
Kansas	1,092.00	1,714.50	Maine	45.00	45.00
Oklahoma	3,967.50	11,535.00	New York	6,159.10	8,039.80
	<u>10,456.50</u>	<u>23,557.50</u>	Massachusetts	3,783.40	6,073.20
			Texas	0.00	0.00
Central Midwest			North Dakota	0.00	0.00
Illinois	14,093.00	31,923.40	California	7,411.70	13,385.30
Kentucky	124.20	124.20	Puerto Rico	0.00	0.00
	<u>14,217.20</u>	<u>32,047.60</u>	D.C.	0.00	0.00
				<u>18,242.80</u>	<u>28,523.50</u>
Midwest			TOTAL:	123,859.40	252,539.80
Wisconsin	1,260.50	1,436.50			
Indiana	1,278.00	1,278.00	(As reported 2/15/87)		
Iowa	489.00	1,840.00	JANUARY:	128,680.40	128,680.40
Ohio	1,648.00	2,646.00			
Michigan	2,733.00	3,652.50			
Minnesota	2,648.40	3,911.20			
Missouri	0.00	12,597.80			
	<u>10,056.90</u>	<u>27,362.00</u>			

Wrap Up (LLRW)

IN NEW ENGLAND

A bill to establish the **Maine** LLRW Authority has been introduced in that State's legislature by Senator Kany and cosponsored by State Representatives Mitchell, Holloway and Coles. A public hearing was held on March 20.

IN THE SOUTHEAST

At an early April session of the **North Carolina Legislature's Committee on Water and Air Resources** Chaired by Representative Dan Devane, the NC House bill to rescind the state's membership in the Southeast Compact was referred back to subcommittee at the request of the bill's sponsor, Representative Joe Mavretic. Though Rep. Mavretic's reasons are not entirely clear the Subcommittee was requested thereafter to look into the cost implications of North Carolina going it alone. It was pointed out to the EXCHANGE that this action should not be construed as an attempt to kill the bill. Representative Mavretic, as sponsor, is definitely interested in pursuing the bill's passage, as are others in the House. There is no companion bill in the Senate. Public hearings on the House measure were held on March 25.

A "new" legal analysis has been presented to NC state officials regarding the ongoing discussion of North Carolina pulling out of the Compact, going it alone, and developing a state-only burial facility. The memo argues that a state-use-only disposal facility may not be legally viable. From what the EXCHANGE has learned the legal analysis argues **against** the view that a state could develop a LLRW disposal facility and prohibit out-of-state use of such a facility even if it met the Court's definition of being a "market participant." Copies of the analysis may be available from the SE Compact Commission. Contact: Kathy Visocki at (919) 781-5128. **

IN THE CENTRAL MIDWEST

Governor James R. Thompson is proposing a 73 percent increase in appropriations for the **Illinois** Department of Nuclear Safety (IDNS). Much of the increase is in the

areas of nuclear power plant monitoring and low-level radioactive waste management. More than half of the increase is due to a recommended increase in appropriations from the Low-Level Radioactive Waste Fund, from \$1.9 million to \$10.6 million. LLRW generators pay fees into this fund. The appropriation increase reflects an increase of fees that will be assessed on generators of LLRW. In FY 88, the IDNS will begin detailed characterization of four alternative sites for such a facility in FY 88, at an approximate cost of \$2 million per site.

IN THE CENTRAL STATES

Though the **Arkansas** legislature adjourned this past Friday, April 3, without taking any precipitous action regarding the Central States Compact, legislative and executive activity has far from ceased in Kansas and Nebraska.

Ever since **Kansas** came out top-ranked as a possible host for the regional LLRW facility, the reports received at the EXCHANGE seem to indicate that the entire population of the state has made it their top concern. At a March 18 public meeting on the Compact Phase II Siting Study, an auditorium with a 2,700 person capacity couldn't accommodate the attendees. Crowds assembled outside to hear CS Executive Director Peery describe the study. At a scheduled April 2 session of the State's Senate Energy and Natural Resources Committee to discuss three pending bills dealing with LLRW and the CS Compact, the Committee room was jammed packed with spectators (or as described by some "demonstrators") against putting any LLRW disposal facility in the state.

At the April 2 session the Committee: amended a bill proposing to prohibit shallow-land burial providing that the legislature must approve any proposal to build a below-grade disposal facility; directed that a bill proposing to establish a state LLRW disposal facility program be prepared to be sent to the floor; and, though not taking any final action on a bill to rescind the state's membership in the central States Compact, acted procedurally to allow the possibility that the legislature

could meet in "Emergency Session" this summer after adjourning from the regular session to consider the measure.

What is startling (and reflective of the intense public reaction against the possibility of having a LLRW disposal facility in the state) is that an Emergency Session just to consider the compact membership bill is thought to be a real possibility.

Following this session, on April 6, Kansas Governor Mike Hayden announced that he was appointing a committee of state experts to study the LLRW disposal issue with the directive that they report back by the end of April. This would be after the regular session adjourns, enhancing the probability that the Kansas legislature will meet in an Emergency Session this summer to consider just how it will deal with the Compact membership and the possibility of hosting a LLRW disposal facility.

In **Nebraska** the action is not as heated as Kansas. Further legislative movement is somewhat on hold while a twenty-two member study commission appointed by the Governor studies the LLRW disposal issue and considers membership in the CS Compact.

IN THE EPA AND NRC

The EPA and NRC have reached agreement on **joint locational guidance** for LLRW burial facilities. The eleven point list of guidelines should appear in the **Federal Register** within the coming weeks. The objective of the "guidance" is to allow states sufficient information to develop siting plans for LLRW disposal facilities to meet the LLRWPA 1988 site-plan milestone. Of the eleven guidance points, ten reflect NRC siting requirements ala 10CFR Part 61, the eleventh, EPA's responsibility for protecting vulnerable groundwater.

The EXCHANGE has been informed that the two agencies are also very close to agreeing on a **joint guidance for facility design criteria** for LLRW burial facilities. The design that both agencies have settled on is similar to that of a modified tumulus facility. This guidance should be released

in four to six weeks.

IN THE INDUSTRY

Arkansas Power & Light is the eleventh U.S. utility to contract with **Duratek Corporation** for their portable sluiceable EVR Processing System. This compact system is designed for easy operation and low operator exposure (ALARA). Its unique design and quality fabrication make it a low-maintenance alternative to in-plant equipment. Use of the system with the Durasil exchangers will substantially cut waste volumes and operations costs for Arkansas Power & Light Company.

WasteChem Corporation has completed a total upgrade of a high temperature, two-stage hazardous waste incinerator. The incinerator, owned and operated by Stablex South Carolina, Inc. of Rock Hill, SC, destroys chlorinated and non-chlorinated organic wastes. The incinerator upgrade project included complete replacement of the off-gas scrubber system and waste heat boiler, modification of the incinerator internals, and a total revision of the incinerator controls. The incinerator has recently concluded a series of monitored test burns. All effluent streams were in compliance with regulatory guidelines, and Stablex South Carolina has notified the U.S. Environmental Protection Agency and the South Carolina Department of Health and Environmental Control that it is prepared to conduct formal trial burns. Stablex expects to receive its RCRA Part B license in the near future. The incinerator will continue to operate under a Part A license in the interim.

International Technology Corporation (IT) of Torrance, CA, and **Fluor Daniel**, a unit of Fluor Corporation of Irvine, CA, announced that they have entered into a long-term worldwide teaming arrangement to provide on-site treatment and disposal services to generators of hazardous waste.

International Technology Corporation (IT) has acquired **Delian Corporation** in a pooling-of-interests transaction. Delian, with annual sales of about \$6 million and 48 employees, provides risk and resource

management services to the nuclear utility industry. The company is headquartered near Pittsburgh, PA and has offices in Washington, D.C., Idaho Falls, Idaho, and San Jose and San Diego, California.

Babcock & Wilcox Nuclear Power Division has signed a distribution agreement with **Fluid Tech, Inc.** of Las Vegas, Nev., to distribute that company's low-level liquid radwaste solidification media on an exclusive basis in the Eastern U.S. Fluid Tech's solidification media offerings include four dry powder products -- Aquaset, Aquaset II, Petroset, and Petroset II -- which individually or blended together solidify most forms of wet low-level radioactive waste, including oils, solvents, sludges, resins, antifreeze, alcohols, treated acids and bases, evaporator concentrates, and decon solutions.

Aquaset is a water-activated, granular solidification agent for aqueous liquids containing small amounts of dissolved and suspended solids, detergents, chelating agents, resins and organics. Aquaset II solidifies aqueous solutions that are extremely high in dissolved solids such as neutralized acids and bases as well as water soluble or miscible organic liquids.

Petroset and Petroset II can be used in combination for liquid radwaste mixtures of water and organics such as oils and solvents. Petroset II solidifies water-free waste fluids such as oils. The solidified radwaste is acceptable for

disposal at the Hanford, WA, and Beatty, NV, disposal sites.

Chem-Nuclear Systems, Inc. has been awarded a full service contract for waste processing and transportation at Detroit Edison's Fermi 2 plant. Services started on March 1, with Chem-Nuclear's RDS-1000 (Rapid Dewatering System) being used as the prime processing technique. Future processing plans include use of Chem-Nuclear's 21-300 (322 cu.ft.) liner.

ON THE MOVE

Dinkar P. Kharkar, Ph.D., a specialist in radiochemical studies for nuclear and mixed hazardous waste projects has joined The Earth Technology Corporation. Kharkar has been involved in nuclear projects for the European Nuclear Energy, Brookhaven National Laboratory, and U.S. Department of Energy.

Jack O. Vance, a Director of McKinsey and Company, Inc., has been elected a Director of International Technology Corporation (IT).

Russell C. Brown has joined ICF Incorporated as a vice president. As vice president Brown will work closely with ICF's energy clients, particularly electric utilities. Prior to joining ICF, Brown was senior vice president of the Management Analysis Company (MAC), a San Diego based consulting firm.

REQUEST FOR PROPOSALS

Washington State Department of Ecology

The Washington State Department of Ecology invites those qualified to submit proposals to review and discuss the extent of possible bodily injury and property damage to third parties and of possible environmental impairment presented by the state licensed possession and use of radioactive materials and by the generation, handling, transportation and disposal at the Hanford facility of LLRW. Costs associated with possible occurrences (accident and incidents) must also be developed. Demonstrated knowledge and/or experience required in environmental economics, engineering, radiation health physics, hydrology and in performing risk assessments or hazard evaluations. Project length: Four weeks. Budget to \$50,000. Minority and Women's businesses are encouraged to apply. Call (206) 459-6228 for RFP. Proposal deadline: 4/30/87.

the HLW Focus

of the Radioactive Exchange®

(Perspective from pg. 1)

In the meantime, while all of this "If the Price is Right a State will take a Repository" thinking was going on, Senator Evans, McClure, Brock Adams and Representative Morrison, started talking about Regional Monitored Retrievable Storage facilities (in other words, going back to the concept of AFR's). Senator Evans explains that regional MRS's would ensure regional equity. In his view Washington may be willing to do its share by being the regional MRS for "Defense wastes" if this would speed up the cleanup of the HLW waste already at the facility. Senator McClure implies that Idaho might be interested in a regional MRS as long as there was more than one. (Possibly, we may even hear from Illinois, who has been lobbying intensely for the Supercollider. Perhaps Illinois should offer the Morris facility as the site for an MRS in exchange for getting the Supercollider. The silly season is on.)

Meanwhile DOE, who in past years has adamantly defended the NWPA as one of Congress' greatest achievements, advising that it should be left alone and it will succeed, has had their collective head turned by this attractive way to get out from under all the criticism from the states and begin to be viewed as "St. Nick" carrying gifts rather than as the Angel of Death carrying the plague and pestilence.

If this all sounds a little crazy and more than a little shameful, it should. Mr. Rusche's glorification of the NWPA over the past year or so may have been more politically motivated than not, but his statements were indeed a reasonable assessment of what the Congress achieved when it adopted the law. It was not easy. It took the leadership of the best statesmen

on the Hill to get it done. Financial incentives were considered and left out because it was felt then, and it remains true today, that the HLW repository location must be decided in a manner that maximizes national public health and safety and environmental protection. Putting the facility in a site less qualified than another because a host state decided to take "the risk, given the financial incentive," could lead to a national catastrophe that would end up in the taxpayer's lap. Those leaders in Congress that crafted the NWPA perceived this possibility and rightly decided against offering the apple to a willing Eve. Where are those leaders today?

Most assuredly a host for a HLW repository or an MRS may be accepting a national responsibility that is far beyond the benefits derived from the facility itself or the nuclear generated electricity. There should be compensation for taking on this responsibility. But the compensation cannot be the motivation to accept the risk.

If compensation shades the site decision, and the risk that is allowed to be accepted by a willing host is beyond what should be technically and scientifically acceptable, it is the nation, the general public, the fifty states that will pay the price.

Deciding on the single site approach at this stage of the game -- prior to characterization -- could mean spending \$750 million on characterizing a site and then discovering a technical problem. What happens then? Would the powers that be then decide to go to another site and restart, or would the expenditure of \$750 million, plus the time delay, plus the fact that the host may have been bought out and getting \$50 million a year, sway the system

to "engineer" around the problem or, worse yet, overlook it?

It is noteworthy that it took almost seven years to legislate a process to site a HLW repository. Now within a week or so actions are proposed to throw it all out the window for a quick fix, finding a sacrificial lamb. The nuclear industry can't afford it, the nation can't afford it, and the public can't afford it.

Everyone knew it wasn't going to be easy and it isn't. But as Harry Truman said, "If you can't stand the heat, get out of the kitchen." The heat was expected so why the fuss. DOE shouldn't be trying to escape but should be in there fighting, as it has been, for the integrity of the Act and the siting process.

The nuclear industry won't be in any trouble if the repository is not in operation in 2003 or 2010 for that matter.

What is it going to take to get on with it? Continuing through the process honestly, credibly. Not looking to get away from the heat but taking it head on. DOE shouldn't look at the program as theirs. It isn't. They should be acting on behalf of the national interest.

The states, on the other hand, need to continue to aggressively, even adversarially, questioning DOE activities and studies. After all, it is the states that are responsible for protecting the public's health and safety. But the state leaders as part of this United System must also recognize their national responsibility. If a site in Texas is better, safer than one in Illinois, or one in Nevada safer than one in Michigan, then it behooves each to recognize the necessity to serve for the betterment of all. In the end it serves the individual interest of each.

If there are any changes in the NWPA process to be made it is in the schedule, in the implementation, and, possibly, in the manner in which spent fuel being generated is held prior to permanent disposal.

The concept of using an MRS as halfway

house or backup for a permanent repository is sound and needs to be resurrected. But, maybe it is even unnecessary. Some utilities seem to be of this mind. A real alternative would be to provide utilities "compensation" from the Nuclear Waste Trust Fund for storing their spent fuel on site, according to DOE packaging regulations, so it would be ready to be directly transported to a repository when it opened. For utilities that could not do so, provide a federal storage facility.

The schedule needs to set based on sound technical projections of the time necessary to assure finding a safe site. Though regional equity -- siting an Eastern and Western repository knit the final political compromise on NWPA -- that idea may indeed need to be forgotten with equity achieved by the nuclear-powered states taking the responsibility for long term storage in some manner, and when a site is technically decided upon, paying the host for taking the responsibility.

With regard to putting creditability back into the implementation of the program, why not drag the National Academy of Sciences directly into the process? Why should they stand aside, being drawn on when DOE decides. These proposals need to be discussed, not bribes. **

JOHNSTON, McCLURE SPONSOR BILL TO "BUY" HOST MRS REPOSITORY STATES

Following up quite quickly on his inclination that a positive "financial incentive package" might entice states to host a HLW repository and possibly even a Monitored Retrieval Storage (MRS) facility (See EXCHANGE, Vol. 5, No. 4), Senator Bennett Johnston, Chairman of the Energy and Resources Committee, introduced legislation (S. 839) that would do just that -- provide a "pot of gold" in exchange for a "pot of nuclear waste" (thereby ending the eternal search of the alchemist for a way to turn lead into gold).

The bill, initially co-sponsored by Senator McClure, ranking minority member of the Energy and Natural Resources Committee, and on April 3 by Senator Warner, leaves the

