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The

# Radioactive Exchange®

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

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Volume 6 No. 12

June 30, 1987 (Released July 6)

## **UDALL, SWIFT, 50+ SPONSORS; SENS. SASSER ADAMS, OTHERS SEEK STOP TO HLW PROGRAM**

In two separate July 1 press conferences prominent Senate and House members, including the progenitor of the Nuclear Waste Policy Act, Interior Chairman Udall, announced the introduction of legislation to stop all site specific activities under the HLW program while an independent Commission "reviews the policies underlying the Nation's Radioactive Waste Program and implementation of those policies by the Department of Energy."

As reported in previous editions of the The EXCHANGE (Vol. 6, Nos. 10, 11), momentum was building to stop the HLW program. Senators Sasser and Brock Adams and Representative Swift played a major role in structuring the move. For a while staffers termed the ever circulating initiative the "Bill d'jour" because provisions changed daily to meet the various interests of potential cosponsors. A major breakthrough was achieved in the past week or so when House Interior Chairman Udall agreed to endorse the legislative effort and, in fact, be its primary sponsor. He headed the list of some 50+ cosponsors, most of whom serve as members of either the House Interior or Commerce Committees. (See **Stop HLW in the HLW Focus**)

## **MICHIGAN DESIGNATED AS MIDWEST LLRW DISPOSAL SITE HOST**

To the surprise of almost no one the Midwest Compact Commission has designated Michigan as the host state for the Midwest regional disposal site. The designation was approved by a 6-1 vote at the June 30 Commission meeting in Dearborn, Michigan. Ohio was designated as the first alternative host with Minnesota coming in as the second alternative. (See Related Story inside.)

## **US ECOLOGY TO DEVELOP CENTRAL STATES LLRW DISPOSAL SITE**

The Central States Compact Commission meeting in Oklahoma on June 29 selected US Ecology over Westinghouse to develop that region's LLRW regional disposal facility. According to comments made by various individuals contacted by the EXCHANGE, it seems that US Ecology's successful efforts, thus far, to select and develop a LLRW burial site in California weighed heavily in gaining the support of the Commissioners. Though the vote of the Central Commission members was only 3-2 in favor of the Louisville-based LLRW disposal operator, two of the three supporting votes (See **Central States** pg. 2)

Edward L. Helminski, Publisher

P.O. Box 9528, Washington, D.C. 20016

202/362-9756

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(Central States from pg. 1)

came from Commission members from Kansas and Nebraska -- states that rank high as possible hosts for the regional disposal facility. The third vote came from Oklahoma. The states voting in favor of Westinghouse were Louisiana and Arkansas.

When contacted at the company's headquarters in Louisville, Ky., Tom Baer, President of US Ecology-Nuclear, said they were pleased at their selection and will immediately begin to negotiate a contract with the Commission. Under terms of the selection process a contract must be negotiated and agreed to within the next 60 days.

### **Host State, Technology Undetermined**

Under the Central States site selection procedure the first order of business following execution of the contract with US Ecology will be the designation of a host state. The designation is to be made by the Commission but will, of course, involve US Ecology as the potential site developer.

The technology of the proposed disposal facility is also undetermined. US Ecology's proposal included three alternatives: an enhanced base design; a below base design; and, an above-base design. The above-base design is essentially an Earth Mounded Concrete Bunker (EMCB), incorporating interlocking concrete containers designed by Bechtel. The actual technology to be used will be selected in concert with the state and host community following an extensive public participatory program. The disposal facility, scheduled to be completed by 1993, will cost an estimated \$40 million to site, design, and construct. It will be constructed to receive an average of 150,000 cubic feet of LLRW per year for a 30-year period.

### **So What Did US Ecology Win?**

Skeptics (and even some optimists) view the selection of US Ecology as the developer of the Central States regional disposal facility as akin to receiving a notification that "you have already won a great prize,

but only if you call us and make an appointment to hear about...." You know, one of those great real estate come-on's.

US Ecology, however, feels differently. Tom Baer explained that indeed the next important step will be the selection of a host state to meet the January 1, 1988 Low-Level Radioactive Waste Policy Amendments Act (LLRWPA) deadline. Until that is done no site selection activities will be started.

President Baer did reveal that representatives of a number of communities had already contacted US Ecology expressing an interest in a disposal facility. He cautioned though that this local interest must now be coupled with officials at the state level to finally accomplish host state designation and then go on to site selection.

### **Kansas Remains In**

In the past week Kansas's Governor voiced support for remaining in the Compact, remarking that if the state pulled out, then it would have to develop its own site to meet the Jan. 1, 1988 LLRWPA milestone. The Governor also stated that if Kansas is selected as the host he would like to see the site developed as close to the Wolf Creek nuclear generating station as possible.

### **Kudo's to Ex-Midwest Compact Staff**

US Ecology's point man in the Central States selection process was none other than Richard Paton, formerly Executive Director of the Midwest Compact Commission. From discussions inside and outside the company it appears that Paton played a pivotal role in getting US Ecology to compete in the selection and worked hard on winning the award. According to Tom Baer, Paton is the Project Manager for the Central States effort. \*\*

### **MICHIGAN DEFERS DECISION ON HOST STATE STATUS UNTIL AUGUST**

David Hales, Michigan's Midwest Compact Commissioner explained in a telephone interview with the EXCHANGE staff, that

Michigan will defer making any decision regarding the designation of the state as the host of the Midwest Regional facility until after the Commission's August meeting.

He commended the Commission for doing a "wonderful job" in attempting to respond to the key concerns he had detailed in a June 18 letter to the members (See details below); and endorsing Michigan's request to host a meeting to bring together other potential host states and compact officials to discuss serious deficiencies in the national regional compact scheme.

### **Site Economics Key "Safety" Factor**

He emphasized that Michigan's bottom line when it comes down to making the decision on accepting or rejecting host state status will be what is best for the safety of the citizens of Michigan. And, in his view public safety cannot be fully protected if the development of a regional disposal site is constrained by economic factors that would warrant "cutting corners" on site design.

He stated that the three crucial issues of concern to Michigan are:

- o Overall shared liability with the compact party states for the development and operation of the disposal site;
- o The stability of a regional disposal site's revenue flow in order that the site operate in the manner necessary to protect public health and safety and the environment; and,
- o The overall stability of the national compact system in light of the varied degrees of success within the regions of developing new burial capacity.

### **Seeks To Change National Policy**

Prior to the June 30th meeting Hales had written Commission members seeking support for a move to have Congress re-examine the compact process with the objective of adopting new legislation that would, among other things, limit the number of concurrently operating disposal sites. In this

letter Hales described Michigan's view of the current compact scheme as "interently unstable and fraught with liability, not only for host states but for all states." He called for Congress to "act to remedy obvious deficiencies before compacts or go-it-alone states make substantial investments in the construction of unnecessary facilities."

He outlined a list of deficiencies in the LLRWPA that Congress must be called upon to address, including the following items:

- o "Under the [LLRWPA] Act, as many as 13 facilities may be constructed, although the amount of waste to be handled on an annual basis is projected to be less than 30% of the 1980 volume. If shallow land burial is eschewed, each unnecessary facility will cost at least \$250,000,000 to construct and operate over the next twenty years, a totally unnecessary nationwide expenditure of at least \$2.5 billion. We believe Congress should establish a limit to the number of sites which may operate concurrently at three or four."
- o "If shallow land burial is adopted by any state as an appropriate isolation technology, substantial inequity in disposal fees from region to region may be created. Congress should remove shallow land burial as an option or establish some mechanism for equalizing fees on a national basis."
- o "Currently, substantial uncertainties surround the limits and provisions of liability coverage. In the event that private liability coverage should not be available, Congress should establish federal coverage to insure that the burden is not borne by taxpayers in host states."
- o "The provisions of the Act actually discourages source and volume reduction measures on the part of waste generators. The Act should be amended so that these activities, in which industry has acted extremely responsibly, are encouraged and incentives provided."

- o "The Act provides no funding mechanism for the design, construction, operation and long-term care of isolation facilities on the assumption that private sector monies will be available. If this assumption should prove incorrect, or if the federal law or compact relationships should be changed after facility construction, substantial liability could accrue to host state taxpayers. Congress should amend the law to provide a mechanism to prevent financial risk to host state taxpayers."

Hales revealed that he will be working with the Michigan Governor's Office to incorporate these concerns and the call for Congressional action in a policy resolution for consideration at the National Governors' Association Summer Meeting next month in Traverse City, Michigan.

### **Concerns With Host State Agreement**

In addition to Michigan concerns with the overall compact scheme and the intent to work to change national policy, Mr. Hales, in his letter and in the interview with the EXCHANGE, emphasized the state's serious doubt as to whether the proposed "Host State Agreement" that is to be executed between the accepting host state and the Compact Commission is sufficiently legally binding on the Party States to ensure safe and economically viable operation of a regional disposal site. According to Michigan legal counsel's advice "as a legal contract the agreement is of a very dubious enforceability." Upon examining various ways to execute a more binding interstate commitment, Hales revealed that there "seems to be no simple or effective remedy for this flaw," and points out that "Without a binding agreement to ensure stable legal and financial relationships, the host state incurs substantial liability by constructing and operating a radioactive waste facility." He suggests that "One way to reduce this risk would be to have legislatures explicitly approve the agreement, or explicitly recognize the governor's authority to do so."

According to officials within the region, the possibility of having the party state

legislatures ratify the agreement is being explored and will be discussed at the August session. \*\*

### **EPA SAYS LEAD CONTAINERS, LINERS NOT ALL SUBJECT TO RCRA REGS**

In a June 26 letter to Terry Husseman, Director of Washington State's Nuclear Programs and Chairman of the Northwest Compact Committee, Marcia Williams, Director of EPA's Office of Solid Waste states that "lead whose primary use is shielding in low-level waste disposal operations is not subject to Federal hazardous waste regulations when placed on the land as part of its normal commercial use."

Ms. Williams, writing in response to Husseman's request for guidance on the treatment and disposal of LLRW that "contains uncontaminated lead used as shielding, surface contaminated lead and activated lead", explains that "Lead containers or container liners which are used as shielding in low-level waste disposal operations pose a unique problem. Containers or container liners are not regulated by the Agency (See 40 CFR 261.7) nor would they be a waste because they are fulfilling intended uses.... In this instance, containers or liners may be analogous to commercial chemical products (e.g., pesticides) where as a product, their normal use is placement on the land."

### **Encapsulated Lead Non-Hazardous Waste?**

The EPA Solid Waste Director also adds that "in instances where it could be demonstrated that an encapsulation process [for lead materials] results in product that would not degrade after disposal, the resulting product could fall into the category of a non-hazardous waste." In such cases she advises the Washington Northwest Compact Committee Chairman to "petition to waive the [Agency's] EP toxicity test requirement."

According to her letter, work is now underway within the agency "to develop procedures for evaluating a waste's long-

term physical stability. [Such] procedures" she points out, "may then be used to demonstrate that the encapsulated material will not degrade and allow testing of an intact lead brick or the like."

### **Polymer Encapsulation Suitable?**

With regard to lead encapsulation technology, Ms. Williams reports that EPA has not evaluated any specific technologies, nor performed "specific laboratory analyses of materials to determine their resistance to the EP toxicity test." However she adds that "a polymer or some other material which maintains its integrity under environmental stress would seem suitable."

### **Activated, Contaminated Lead**

With regard to waste containing activated or contaminated lead, Ms. Williams emphasizes that it is a mixed waste and falls under RCRA regulation if the waste material is radioactive, and, if held in storage until the radioactivity decays, the remaining "non-activated or elemental" lead may be disposed of as a hazardous waste in a hazardous waste disposal facility. She further cautions that "in States authorized to administer the Federal mixed waste program or in States with Federally administered hazardous waste programs, any storage of mixed waste in excess of ninety days for generators and ten days for transfer facilities would require a Resource Conservation and Recovery (RCRA) permit. Similarly, designated storage facilities must obtain a RCRA permit." \*\*

### **WA STATE DELAYS RCRA CERTIFICATION WHILE S. CAROLINA SETS REGULATIONS**

Washington and South Carolina State Officials took the opportunity at the Radioactive Exchange Third Decision-maker's Forum in Traverse City, MI, June 16-19, to announce their respective actions regarding the treatment of LLRW contaminated with waste falling under EPA-RCRA regulations.

Terry Husseman, Director of Washington's Department of Ecology Nuclear Waste

Programs announced that the state had decided to "briefly delay" implementation of the proposed regulation requiring that all waste shipped for disposal to the Richland Commercial LLRW disposal facility be accompanied by a signed certification that the shipment was "RCRA-waste" free. Terry cautioned the attendees that the brief delay should not be construed to mean that the state was considering dropping the requirement. He explained that additional time was being taken to discuss a uniform certification requirement with the states of South Carolina and Nevada.

### **SC Sets Barnwell RCRA Guidelines**

Prior to Husseman's "surprise" revelation, Heyward Shealy, Chief of the SC Department of Health and Environmental Control's Bureau of Radiological Health, outlined his states new requirements regarding mixed waste. As reported previously, he announced that the state "do[es] not plan to require specific certification that the waste [shipped to Barnwell] does not contain hazardous materials or mixed wastes" (See EXCHANGE, Vol. 6. No. 11).

However, he explained, because of recent actions at the federal level which "appear" to put mixed waste under the joint regulation of EPA and NRC, South Carolina, as an Agreement state, is "now planning to take two additional steps to reinforce its past and present prohibitions on the receipt of mixed waste and other hazardous substances" at Barnwell.

First, the state intends to "amend Chem-Nuclear's license to make it clear that they are not authorized to receive hazardous waste listed or characterized in 40 CFR Part 261." However, he added, Chem-Nuclear will be allowed "the opportunity to evaluate waste streams which may contain discrete quantities of hazardous materials or substances for possible approval by our Department for receipt and disposal."

Second, the state is developing a guidance document entitled "Prohibition of Mixed Waste at the Barnwell Waste Management Facility - Regulatory Guidance" which will be "made available to all S.C. Radioactive

Waste Transport permittees." Heyward emphasized that at this time there will be "no further requirements with regard to mixed waste."

### **Barnwell Not to be a RCRA Site**

On the possibility of Barnwell being required to be designated as a RCRA facility, Shealy made it clear that the State's "review of past regulatory actions and prohibition of receipt and disposal of potentially hazardous and mixed waste, coupled with the site design and packaging requirements, and the environmental monitoring program for non-radiological constituents, strongly indicates that RCRA is not applicable to the Barnwell facility."

He emphasized that "To declare Barnwell a RCRA facility, would, in our opinion, be counter-productive to all our efforts and progress made thus far. We intend to continue our regulatory vigilance and avoid the receipt of mixed waste; but also be reasonable enough to at least evaluate potential health hazards associated with these wastes, and put them in perspective for appropriate disposal thus assuring protection of the public's health and safety and the environment."

The new guidance document should be available this summer. If you do not receive a copy and want one write the Bureau of Radiological Health, SC DHEC, 2600 Bull Street, Columbia, SC 29201. \*\*

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### **REPORTS OF NOTE (LLRW)**

**Low-Level Radioactive Waste Management Handbook Series: Low-Level Radioactive Waste Management in Medical & Biomedical Research Institutions** (DOE/LLW-13Th); Published by National Low-Level Radioactive Waste Management Program, EG&G Idaho, Inc., Idaho Falls, Idaho 83415; Compiled under the direction of the University of California at Irvine, Health Physicist Jim Tripodes; Edited by Charlotte Baker. The handbook characterizes medical and biomedical LLRW; Describes management practices to reduce waste; discusses upcoming Federal regulatory changes. Available from EG&G-Idaho, National LLRW Program, Idaho Falls, Idaho 83415

# Wrap Up (LLRW)

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## IN APPALACHIA

The **Pennsylvania Department of Environmental Resources (DER)** has awarded a \$1.5 million contract to **Roy F. Weston, Inc.** to provide technical support to the agency in facilitating the siting and development of a regional LLRW disposal facility. A separate solicitation will be issued for the actual development of the regional disposal facility. Weston's support contract is intended to be in effect for the next five years. The West Chester, PA-based firm is to provide support in the development of a regulatory framework, contractor selection, development of a siting plan, operator licensing, permitting of generators and brokers for use of the facility, and informational-community relations support for the overall program.

## IN THE SOUTHEAST

**South Carolina's** Budget and Control Board, meeting on June 8, approved a budget of \$600,000 for operation of the Southeast Compact Commission July 1, 1987 - June 30, 1988. In addition, a \$40,000 budget was approved for South Carolina's administrative costs in collecting the surcharge funds.

The FY 87-88 budget will result in a substantial decrease in the surcharge from \$.84 per cubic foot, as collected in 1986-87, to \$.66 per cubic foot beginning in July.

Are the clients of Chem-Nuclear's Barnwell facility jumping for joy? Well, not exactly. The \$.22 decrease pales in the light of the \$2.00 increase in the tax on LLRW for South Carolina's general fund. This surcharge has been raised to \$6.00 per cubic foot for 1987-88.

## IN THE CENTRAL STATES

On Wednesday, July 1, the **Nebraska LLRW Task Force** met and adopted a policy resolution recommending to the Governor that the state "not withdraw" from the Central States Compact. The use of the "not withdrawn" terminology rather than using "remain in" was a subject for considerable debate. The final choice was

made in order to connote the state's displeasure with some of the Compact actions. The recommendation was adopted by a 6-1 vote. The Task Force also adopted by unanimous vote a policy resolution calling on Congress to revise the LLRWPA to limit the number of disposal states and address the liability issue.

**Arkansas** Governor Bill Clinton, in a move that surprised everyone outside of the state, invited the Central States' Governors to meet in Little Rock on July 2nd to discuss the Compact. As this edition was going to print, the EXCHANGE learned that all but one Central States Governor was going to attend. No one was clear as to what was on the agenda for the session other than it was to be a general briefing session and that Ray Peery, the Commission's Executive Director, would be attending.

## IN THE CENTRAL MIDWEST

At its upcoming July 16 meeting, the Central Midwest Compact Commission will consider adopting a policy resolution that would give the Commission the authority to pass through monies received from January 1988 generator surcharge rebates to communities that the Illinois Department of Nuclear Safety determines may serve as host communities for the region's LLRW disposal facility. The funds are to be used for supporting local public information programs on LLRW, identifying and evaluating the potential impacts of hosting a LLRW disposal facility, identifying the conditions under which the construction and operation of specific disposal facilities would be acceptable to the community, and other activities that would assist in establishing a LLRW disposal facility. Proposals are to be accepted from each county in which an alternative site, or portion thereof, is identified for characterization. Grants will be made in amounts up to \$100,000 per site and for a maximum of four sites.

Please note that the new telephone number for the Central Midwest Commission is 217-785-9937.

## IN THE ROCKY MOUNTAIN WEST

Governor Bryan of Nevada has signed into law a bill adopted by the legislature that levies a \$2.00 per cubic ft. surcharge on any LLRW accepted for burial at the Nevada-Beatty LLRW commercial disposal site. The monies collected are to be used to support a comprehensive state program for monitoring and tracking the transport and disposal of hazardous waste; establishing a state training center for emergency response; and setting up a statewide hazardous materials radio communications network. The surcharge goes into effect on August 17.

The surcharge is expected to raise \$800,000 over the next two years, that is, if Beatty is able to come up with 200,000 cubic feet of waste per year. In 1986 only 100,000+ place cubic ft. was delivered to the site. Under the LLRWPA A Beatty is required to accept 200,000 cubic ft. per year. For 1987 the state has decided to carry over the 100,000 cubic ft. it did not receive in '86, allowing acceptance of around 300,000 for 1987.

At their most recent compact meeting (June 22) the **Rocky Mountain Compact Board** considered but did not act on requests from the District of Columbia and Rhode Island to accept, under contract, LLRW from their respective generators for disposal at Beatty. Members of the Board have, however, indicated that they are "sympathetic" to the requests from the District and Rhode Island because of their concerted efforts to join compacts. The Board is, however, concerned that any action on establishing contracts for waste acceptance would undermine the basic tenet of the LLRWPA A that every state should be responsible for its own LLRW. The Board directed Leonard Slosky, the Executive Director, to develop a staff paper on the pros and cons of entering into contracts to accept LLRW and possible repercussions on the implementation of the LLRWPA A.

## IN CALIFORNIA

The **California Department of Health**

**Services** has selected EnviroSphere/Ebasco as the outside contractor to evaluate enhanced disposal technologies and to develop recommendations for licensing conditions and/or regulations that would require the site developer to possibly utilize enhanced technologies in the construction of the state's LLRW disposal facility. A contract is now under negotiation. The maximum value of the contract is set at \$225,000. The project will be handled out of EnviroSphere's Sacramento office.

**Roy F. Weston, Inc. (Weston)** has also been selected by the California DHS to provide technical support to the low-level waste management program staff in evaluating US Ecology's site selection process work. The maximum value of the contract was set in the procurement at \$100,000.

## IN THE INDUSTRY

**LN Technologies** has been awarded two separate contracts to evaluate the feasibility of full primary system chemical decontaminations. A PWR study was authorized by EPRI and a BRW study by Commonwealth Edison. These studies will address a number of issues related to full system decons with and without fuel in place. These issues include engineering feasibility, chemical requirements, waste generation considerations, material compatibility, deposit characteristics, system boundaries, application methods and, finally, an overall cost-benefit analysis. Both studies are expected to be completed by September, 1987.

## ON THE MOVE

**Donald L. Ledbetter** has been elected vice president, business development, advanced technology, of Kaiser Engineers, Inc. In addition, **Donald B. Mausshardt** and **W. Curt McGee** have joined the company as directors of business development, advanced technology. Ledbetter, who has been with Kaiser Engineers since 1986, will direct and manage the company's marketing activities for work in the fields of space/defense, nuclear research, and advanced technology. Mausshardt, based at Kaiser Engineer's



office in Arlington, Va., was previously deputy director of the Nuclear Regulatory Commission's Office for Nuclear Material Safety and Safeguards. W. Curt McGee, based at Oakland, previously held management and marketing positions with Bechtel National, Inc.

**Leo P. Duffy**, formerly the manager of Westinghouse's Nuclear Waste Program, and who joined Roy F. Weston, Inc. a few months ago, has been named Vice President and Director of Project Development for Weston

Services, Inc. Duffy is now responsible for developing the firm's full range of services for turnkey remedial action and facility construction and operations programs.

**Andrea Dravo**, a former key staffer to Interior Chairman Morris Udall and for the past year or so a private consultant, has joined the American Nuclear Energy Council as Vice President for Planning and Strategy Development. Andrea can be reached at ANEC's office (202) 484-2670.

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## REPORTS OF NOTE (LLRW)

**Development of a Computerized Data Base for Low-Level Radioactive Waste Leaching Data: Topical Report (LLRWM-TIC-4500);** Nuclear Waste Research Group, Department of Nuclear Energy, Brookhaven National Laboratory, Associated Universities, Inc., Upton, Long Island, New York 11973. A computerized data base (db) of low-level waste (LLW) leaching data is being compiled by Brookhaven National Laboratory under contract to the DOE Low-Level Waste Management Program. Although this db is being compiled as part of an effort to develop accelerated leach test procedures for LLW forms, others involved in LLW management may find it useful. The db is implemented on an IBM PC XT and is self-contained in that its data manipulation and analysis programs are not proprietary (i.e., need not be purchased). The db includes data from the Accelerated Leach Test(s) Program plus selected literature data, which have been selected based on criteria that include completeness of the experimental description and elucidation of leaching mechanisms.

**Weldon Spring, Missouri, Raffinate Pits 1, 2, 3, & 4: Preliminary Grout Development Screening Studies for in situ Waste Immobilization (ORNL/TM-9264);** Oak Ridge National Laboratory, Oak Ridge, TN 37831; Results of Oak Ridge National Laboratory's initial support program to develop a preliminary grout formula to solidify in situ the Weldon Spring waste are presented. The screening study developed preliminary formulas based on a simulated composite waste and then tested the formulas on actual samples. Future data needs are also discussed. Available from NTIS, US Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

**Heat Transfer for Grout Disposal of Radioactive Double-Shell Slurry and Customer Wastes (ORNL/TM-9227);** Oak Ridge National Laboratory, Oak Ridge, TN, 37831; The primary purpose of this report is to document the history of the Transportable Grout Facility program at Rockwell Hanford. Available from NTIS.

# LLRW Volume Disposal Update

## LLRW ACCEPTED FOR DISPOSAL AT BARNWELL, BEATTY AND HANFORD

(REVISED)

Through April 1987

(Corrections from previously published April data marked by \*)

(Volumes in Cubic Feet)

	<u>April</u>	<u>Year to Date</u>		<u>April</u>	<u>Year to Date</u>
<b>Northeast</b>			<b>Rocky Mountain</b>		
Connecticut	2,202.40	10,502.50	Colorado	630.00	630.00
New Jersey	5,453.20	15,190.40	Nevada	0.00	0.00
	<u>7,655.40</u>	<u>25,692.90</u>	New Mexico	0.00	0.00
			Wyoming	0.00	0.00
				<u>630.00</u>	<u>630.00</u>
<b>Appalachian</b>			<b>Western III</b>		
Pennsylvania	13,616.10	39,756.40	South Dakota	0.00	0.00
West Virginia	0.00	0.00	Arizona	2,368.70	2,822.60
Maryland	3,279.70	4,584.70		<u>2,368.70</u>	<u>2,822.60</u>
Delaware	112.50	457.50			
	<u>17,008.30</u>	<u>44,798.60</u>			
<b>Southeast</b>			<b>Northwest</b>		
Georgia	1,400.90	7,897.88	Idaho	1.50	1.50
Florida	2,231.40	20,475.10	Washington	1,884.30	14,498.30
Tennessee	16,343.30	51,961.30	Oregon	7,830.60	27,793.40
Alabama	10,021.00	25,004.40	Utah	0.00	0.00
N. Carolina	9,495.40	28,956.00	Alaska	0.00	0.00
S. Carolina	11,966.40	39,665.60	Hawaii	886.70	1,460.50
Mississippi	1,007.70	4,940.70	Montana	0.70	0.70
Virginia	3,045.50	15,817.65		<u>10,603.80</u>	<u>43,754.40</u>
	<u>55,511.60</u>	<u>194,718.63</u>			
<b>Central States</b>			<b>Unaligned</b>		
Arkansas	4.90*	4.90*	Rhode Island	80.60	320.30
Louisiana	1,445.60	6,924.60	Vermont	1,230.40	1,948.90
Nebraska	1,823.40	9,298.40	New Hampshire	0.00	367.50
Kansas	0.00	1,714.50	Maine	1,068.50	1,113.50
Oklahoma	2,808.20	21,078.20	New York	6,355.00*	20,643.60*
	<u>6,082.10</u>	<u>39,020.60</u>	Massachusetts	4,597.40*	15,783.10*
			Texas	14,378.60	15,399.60
<b>Central Midwest</b>			North Dakota	2.90*	2.90*
Illinois	12,187.40	58,270.10	California	7,369.10	28,481.40
Kentucky	6.50	130.70	Puerto Rico	0.00	0.00
	<u>12,193.90</u>	<u>58,400.80</u>	D.C.	0.00	0.00
				<u>35,082.50</u>	<u>84,000.80</u>
<b>Midwest</b>			<b>TOTAL:</b>	<b>156,210.70</b>	<b>545,650.43</b>
Wisconsin	410.00	2,200.50			
Indiana	3.60	1,282.40	(As reported 4/15/87)		
Iowa	3,869.10	7,684.10	MARCH:	136,899.93	389,439.73
Ohio	827.70	5,829.70			
Michigan	1,472.70	9,503.70			
Minnesota	1,392.50	8,288.80			
Missouri	1,098.80	17,021.90			
	<u>9,074.40</u>	<u>51,811.10</u>			

# **the HLW Focus**

*of the Radioactive Exchange®*

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(Stop HLW from pg. 1)

Cosponsorship in the Senate is equally impressive including (at the time of publication), in addition to Senators Sasser (TN) and Brock Adams (WA), Senators: Biden (DE); Bentsen (TX); Proxmire (WI); Hatfield (OR); Reid (NV); Gore (TN); Mitchell (ME); Cohen (ME); Rockefeller (WV); and Sanford (SC). Notably absent is Senator Johnston who at a June 29 HLW hearing vowed to fight any moratorium or any more studies of the HLW program.

The House bill was introduced as a stand-alone measure the afternoon of July 1 with the Senate bill being introduced as an amendment to Senator Johnston's Contractor-Only Price-Anderson Liability Coverage bill, S. 748.

The principal basis of both bills is identical -- a moratorium on all site specific activities related to either an MRS facility or a HLW repository until a Commission called for in both bills reports to Congress with recommendations, and Congress acts to "authorize resumption of such activities."

The bills differ in the structure of the called-for Commission, with the Senate also including a provision providing for a "credit" against the HLW fee for on-site storage (See details below).

## **Broadly Based House Coalition**

The House Coalition backing the moratorium measure, led by Congressmen Udall and Swift, had 50+ cosponsors by late afternoon July 1st. Included in the list are Tom Foley (WA), the House Democratic Majority leader, Bruce Vento (MN), Chairman of the Interior Public Lands Subcommittee; Ed

Markey (MA), a prominent member of both the Interior and Commerce Committees; and numerous other members who hold subcommittee chairs or who are influential minority members.

A dozen or so of the group attended the July 1, 1:00 pm press conference where Mo Udall eloquently explained his reasons for sponsoring the bill. When he was challenged by the attending press on the House's ability to reach an agreement with the Senate given Senator Bennett Johnston's opposition to a moratorium and more studies, the Interior Chairman responded that he had worked out tougher problems with the Energy Committee before and he is optimistic that something can be worked out now. From the looks of things it appears that House passage of the bill is almost certain.

## **Udall Reveals More to Come**

At the press conference Udall also revealed his own thoughts on resolving the stalemate in the HLW program. He described a process whereby a "negotiator" would be named to determine the terms under which a state would find the siting of a HLW facility an acceptable proposition. When a reporter remarked that this seemed to be in line with Senator Johnston's financial incentives bill and asked Udall if a "Grand Compromise" was possible, the Interior Chairman said "Yes". He then explained that he had decided not to introduce his own "Negotiator" bill at this time so as not to diminish the impact of the "consensus" initiative. He did, however, alert the attendees that he would be introducing a bill in the near future. The EXCHANGE has learned that this could even happen prior to the August recess.

## Key Senators Oppose Approach

Though the broad spectrum of support behind the moratorium in the House, coupled with Udall's sponsorship, almost assures adoption in that chamber, the outlook in the Senate is, at best, mixed. Because the Senate version is being introduced as an "amendment" to the Energy Committee's Contractor-only Price-Anderson Reauthorization Bill (S. 748) which is already on the calendar for floor action, it will not be referred to a committee for consideration, but will be brought up directly for debate on the Senate floor. This avoids the distinct possibility of having it "bottled up" in Senator Johnston's Energy Committee, which could have happened had it been introduced as a stand-alone bill.

The downside on this maneuver, however, is that the bill may not move. As Senator Brock Adams explained at the 10:00 am cosponsors press conference, if S. 748 doesn't move consideration will then be given to attaching the legislation to another vehicle.

## More Senate Support Forthcoming?

In discussions with several Congressional staffers it does appear that there may be more support for the "moratorium/study" measure if something can be worked out to restart the HLW program without requiring Congressional reauthorization. As one Senate staffer pointed out, requiring reauthorization would allow one member to filibuster the legislation, halting any resumption of the program no matter what the general consensus turned out to be.

Congressman Udall is equally concerned about the mechanism to restart the program once it is stopped, even though he decided to sponsor the bill with the reauthorization requirement. He is said to be looking into other means to assure an "automatic restart" and force Congress to act.

## Key Provisions, Senate, House Version

As noted above, the Senate and House versions of the proposed legislation both call for a moratorium on all site specific

activities and the establishment of a study commission to report to Congress in eighteen months. Both require Congress to reauthorize restarting any site specific work. Site specific activities are defined with both definitions being essentially the same.

The Senate version defines as "site-specific activity" any "activity required under the NWPA or the NEPA...relating to land acquisition, site characterization, preparation of documents, or the selection of candidates for a specific repository or monitored retrievable storage facility." It does not include "generic or basic research on nuclear waste disposal or storage that is unrelated to a specific repository or storage site."

The Senate version provides for the establishment of a three member Commission to be appointed by the Speaker and the Senate President Pro Tempore, while the House proposes a thirteen member body. The House proposed Commission would include four members -- each to be appointed by the President, the Speaker of the House and the President, Pro Tem of the Senate. Individuals are to be selected to represent potential host states (for the MRS, 1st and 2nd round repository), the Indian Tribes, the utility commissioners and environmental interests.

An 18-month study period is proposed, after which a report, with recommendations on program changes, is to be submitted to the Congress.

## Requirements For On-Site Storage

The most significant difference between the two bills is that the Senate proposal requires that the Nuclear Regulatory Commission (NRC) promulgate regulations requiring that NRC licensees who store or generate spent fuel "develop and implement a contingency storage plant to provide for the safe storage of spent nuclear fuel in the event that disposal of such fuel is not available in 1998."

In exchange for providing for on-site storage of spent fuel under a plan approved

by the NRC, the licensee is to be eligible to "receive a credit against contributions already made or required to be made to the Nuclear Waste Fund...in an amount equal to the cost of implementing [the] plan." \*\*

#### **MRS AUTHORIZATION BILL INTRODUCED BY SENATOR JOHNSTON**

On June 25, Senator Bennett Johnston, at the request of the Department of Energy, introduced legislation to authorize construction of a Monitored Retrievable Storage (MRS) facility. The bill (S. 1423) drafted by the DOE and transmitted to Congress on June 17 was then referred to the Louisiana Senator's Energy Committee.

Though some DOE officials had reported that the legislation would include specific statutory language stipulating the conditions under which DOE would be required to develop the MRS, as listed in the MRS proposal transmitted to Congress, the proposed bill merely refers to the "proposal and program plan submitted to Congress in March 1987."

The one-page measure simply requests authorization "to construct and operate, as part of an integrated waste management system" an MRS facility "at a site on the Clinch River in the Roane County portion of Oak Ridge Tennessee." It refers to the MRS proposal as submitted to Congress and specifically lists those provisions of the proposal "relating to financial assistance and measures designed to be responsive to the concerns and recommendations of the State of Tennessee and affected local governments."

Interestingly, though Senator Johnston is a supporter of the MRS, he offered no endorsement in his floor statement, opting instead to request unanimous consent that DOE's letter of transmittal and text of the bill be printed in the **Congressional Record**.

A companion MRS bill had not been introduced in the House at the time this issue of The EXCHANGE went to print. But, according to reports from various staffers, this will occur within the coming week. \*\*

#### **GAO FAULTS DOE HLW FEE ESTIMATES; FINDS HLW SITE EAs WERE EXPANDED**

A "draft" GAO report being compiled at the request of the Senate Energy and Natural Resources Committee and obtained by The EXCHANGE charges DOE with "over-estimating spent fuel projections and the expected revenues from the HLW 1.0 mill per kWh fee" and is "thereby creat[ing] a danger that current [HLW] fees may be set too low to produce revenues at the rate needed to cover total program costs." The GAO "draft" also includes the finding that DOE "expanded the initial scope and content of the [HLW repository] environmental assessments.... Therefore additional funds were needed to complete these documents."

The "draft" report, currently titled "Nuclear Waste: A Look at Current Use of Funds and Cost Estimates for the Future", is intended to address three specific requests from the Energy Committee: (1) compare the use of fiscal year 1985 program funds to the approved budget, (2) assess the effects of schedule delays on program costs, and (3) assess DOE's long-range cost estimates and reasons for substantial increases in the estimates.

#### **Delays Increase Costs**

The "draft" reports that the delay in issuing the recommendation of three sites for characterization increased near term program costs "by an amount that has not been precisely measured...but is estimated by DOE officials to be in the millions of dollars." The GAO also finds that DOE's cost estimating methodology has been improved but "program uncertainties will limit confidence in the [life cycle cost] estimates for the next several years." The results of the analysis performed by GAO and reported findings conflict with DOE's generally optimistic report on the adequacy of the HLW fee just released to Congress. (See Related Story in **Wrap Up (HLW)**.)

#### **Highlights of Key Results, Findings**

In addition to the above stated study results and findings the GAO reports that:

- o "Some [DOE HLW] activities planned for fiscal year 1985 had not been started or completed because of delays in issuing the environmental assessments. ...Site characterization plans were not started or completed as planned. Because activities such as these were delayed, DOE used the related funds to cover the increased costs of other activities."
- o DOE's broadening of the scope and content of the Hanford site EA increased the cost of this activity in FY '85 from an initially planned \$92,000 to \$1 million.
- o "Cost estimates have changed significantly from one year to the next. Since 1983, for example, development and evaluation cost estimates (essentially, costs incurred up to repository construction) have increased about \$4 billion while transportation cost estimates have decreased \$2 billion to \$3 billion. Repository cost estimates increased \$.6 billion to \$8.5 billion from 1983 to 1986 (in constant 1986 dollars.) DOE attributes these changes in life cycle cost estimates from year to year to changes in the type of waste disposal system to be implemented, revised engineering designs, and use of different estimating methods. Underlying these reasons is uncertainty over the final design, construction, and operation of the waste system."

### **More Realistic Projections Needed**

In the "draft" GAO explains that "DOE could reduce the uncertainty inherent in projecting spent fuel inventories and revenues by basing these projections on the number of nuclear plants operating and under active construction." It therefore recommends "that the Secretary of Energy project spent fuel inventories on the basis of nuclear plants operating and under active construction."

As to incorporating the spent fuel that could be generated by new plants, the GAO explains that "Because 16 or more years are required to build new nuclear plants and to allow spent fuel to cool sufficiently for

disposal in a repository, [the GAO] approach to projecting spent fuel inventories allows DOE ample time to incorporate new plants into its waste program plans." \*\*

### **DOE REPORT ON HLW SYSTEM CAPACITY, ACCEPTANCE PRIORITY, PRESUMES MRS**

Sometime within the next week the DOE Office of Civilian Radioactive Waste Management (OCRWM) is expected to publicly release the first **Annual Capacity Report (ACR)** which provides "for planning purposes the projected annual receiving capacity and annual acceptance rankings for the first 10 years of waste management system (WMS) operations." This first edition is based upon a "projected waste schedule for an illustrative [waste] system configuration as defined in the Mission Plan Amendment," and, as stated in the advance copy obtained by the EXCHANGE, "presumes" Congressional approval of DOE's MRS proposal, and "reflects DOE's plans to integrate an MRS facility into the waste management system (WMS) to begin waste acceptance in 1998."

The first ACR issuance was required by July 1, 1987 under the provisions of the "Standard Contract for Disposal of Spent Nuclear Fuel and/or Radioactive Waste." New editions are to follow on an annual basis until 1990. Starting in 1991 the ACR Acceptance Ranking is to be converted in to an annual priority ranking for receipt of Spent Nuclear Fuel (SNF) and HLW.

### **Allocation Priority, Acceptance Rights**

The report states that by starting the WMS by 1998 the "MRS facility could accept 6000 MTU of spent fuel by the time repository operations are projected to begin in 2003." The total quantity of spent fuel to be accepted over the first ten years of operation is projected at 18,600 metric tons of uranium (MTU).

The allocation of "acceptance rights" is currently based on the projected annual capacity of the WMS and the age of permanently discharged spent fuel as determined from 1985 data provided to the

Energy Information Administration (EIA). The oldest fuel is given the highest priority.

No priority is assigned to non-light-water reactor spent fuel, Federally owned SNF being used for research and development activities, HLW, nonfuel-bearing wastes, or SNF from future purchasers. If required, adjustments to priority listings, resulting from the inclusion of these wastes, will be reported in future ACRs.

#### **Acceptance Capacity = Operating Capacity**

According to the report "The acceptance capacity available for allocation...will equal the system operating capacity, unless part of that operating capacity is used to accommodate contingencies, e.g., emergencies, the Contract's 20 percent adjustment provision, and cask loading considerations."

The ACR appendices list, by nuclear fuel purchaser, the acceptance priority for SNF on a yearly basis and also include a priority listing of SNF based on the oldest fuel. According to DOE's data (as obtained from EIA) the SNF with the highest acceptance priority belongs to Commonwealth Edison, coming from their Dresden 1 reactor. Next in line is fuel from Northeast Utility Services' Haddam Neck reactor, Southern Cal Edison's San Onofre plant and GE's Morris facility.

#### **Need for New Contract Guidance Cited**

In this first edition DOE-OCRWM identifies several areas where "additional contract guidance may be needed to fully address such issues as the criteria and procedures for acceptance of consolidated SNF, fuel storage containers, non-fuel bearing components, or dual purpose casks." DOE also notes that in the future it expects to develop and report on procedures for submittal for approval of delivery commitment schedules, exchanges of approved delivery commitment schedules, final delivery schedules, and criteria for evaluation of requests for emergency deliveries and changes to the acceptance priority. \*\*

#### **BREAUX "TAKES CHARGE" OF HLW PROGRAM; NRC OPPOSES MRS LINK TO HLW SITE**

"It is incumbent on Congress to provide some direction to the [nuclear waste] program," said Senator John Breaux, Chairman of the Subcommittee on Nuclear Regulation of the Senate Committee on Environment and Public Works, as he opened a generally uneventful June 18 hearing on the Monitored Retrievable Storage facility (MRS) proposal. The only notable aspects of the hearing were NRC's public opposition to DOE's proposal that the operation of the MRS be linked to NRC's issuance of a license for construction of the HLW repository, and DOE's support of Senator Johnston's "buy a host state" approach.

In this last of three well-staffed hearings on the high-level waste program, Sen. Breaux showed that he is rapidly becoming a knowledgeable and active player in the radioactive waste arena, despite his newness to the Senate, the committee, and the subject. Perhaps this infusion of new blood into a tired debate will help Congress provide the sense of direction that is so badly needed.

#### **NV, WA Endorse Long-term MRS**

Not surprisingly, representatives of two first-round states, Senators Hecht (R-NV) and Evans (R-WA), strongly supported the idea of an MRS for long-term above-ground storage, in contrast to DOE's emphasis on short-term storage. Both endorsed proceeding with an MRS while deferring the repository. They expressed opposition to the proposals calling for a general moratorium on both the MRS and the repository now being supported by those who want the entire program reviewed by a blue-ribbon commission.

"It's not desirable to delay for years and do nothing," said Evans. "We ought to move ahead. We're on our own 20 yard line and keep trying to throw touchdown passes [by trying to get a repository first]. We should make a major policy change and proceed with the MRS as a 'first down', and proceed at a slower pace towards the 'touchdown' with the repository."

## **TN Voices Strong Opposition**

While Hecht and Evans emphasized that the MRS should not be a substitute for a repository, concerns that the MRS would wind up as a permanent resting place were voiced by Ben Smith (speaking for the governor of Tennessee), Roy Pruett (Mayor of Oak Ridge), Bob Peelle (a Roane county legislator who served on the local MRS task force), Brooks Yeager of the Sierra Club, Andrew Mayer of Save Our Mountains (a West Virginia group opposing an MRS in their state), and Leon Lowery, speaking for the Tennessee Nuclear Waste Task Force (a Tennessee group opposed to the MRS). Describing the long history of recurrent enthusiasm for a Federal storage facility beginning with the Atomic Energy Commission's 1974 proposal for a Retrievable Surface Storage Facility, Yeager noted that the current increase in interest in the MRS as a "safety valve" for the troubled repository program contributes to the anxiety about the MRS becoming a de facto permanent repository.

## **NRC Opposes MRS-HLW Site Link**

DOE's proposal to link operation of the MRS to NRC approval of a construction authorization for the repository came in for some criticism from several witnesses. Explaining the linkage to Senator Breaux, Ben Rusche said that DOE's interactions with Tennessee convinced them that the linkage and the 15,000 metric ton ceiling on the MRS were needed to provide enough confidence that the MRS would not become a substitute for the repository. However, Hugh Thompson of the NRC said that the Commission opposed the proposed linkage because it has no technical justification and could lead to at least the appearance of inappropriate pressure on NRC to issue the construction authorization.

Speaking on behalf of the nuclear industry, Don Schaufelberger (CEO of the Nebraska Public Power District) also criticized the proposed linkage, although for different reasons. Arguing that uncertainties about the schedule for the repository construction authorization could lead to delay of operation of the MRS beyond the January

1998 commitment to accept waste, he called for Congressional approval of the MRS with no restrictions on its use.

Speaking for Tennessee, Ben Smith criticized the calls for unrestricted use of the MRS as reflecting a willingness to accept a temporary solution.

Neither Thompson nor Schaufelberger suggested alternative ways to deal with the widely-expressed concern that the MRS could become a substitute for the repository.

## **DOE Supports "Buying" MRS-HLW Hosts**

Senator Johnston's proposal (S. 839) providing for multimillion dollar incentives to states that volunteer for an MRS or repository received mixed reviews. However, Ben Rusche said that the idea is timely and deserving of serious consideration, and that the Department would be prepared to support such legislation. Senator Evans, however, observed that such payments would probably be necessary in any waste storage program, while Don Schaufelberger said that the nuclear industry recommends that "the MRS incentives similar to those contained in S. 839 be incorporated in the MRS authorization legislation."

Taking a somewhat less enthusiastic view, Brooks Yeager said that Johnston's proposal (S. 839) made the incorrect assumption that there are no technical problems with geologic disposal and thus failed to address the technical deficiencies of the program. Andrew Mayer went further to say that he was "alarmed" by the payments proposed by Senator Johnston, and asked "If the MRS is so good, why are payments needed?" Tennessee's Ben Smith argued that use of such incentives would not be an adequate approach for siting a repository unless it can be assured that only technically qualified sites could apply.

## **TN Morgan County Wants MRS**

The greatest interest in the potential benefits from hosting the MRS was shown by



Floyd Freytag, Cochairman of the Morgan County, Tennessee, Study Group that is trying to get the MRS located in their county. "We're not lobbying to bring the MRS to Tennessee," he said, "but if it is located there, please bring it to Morgan County." Getting in the last word at the hearing, he added "Oak Ridge has been subsidized for years. We'd like to get in on the gravy."

### **Subseabed Disposal Supported**

Professor Ross Heath, Dean of the College of Ocean and Fisheries Sciences at the University of Washington, speaking on behalf of the Seabed Association expressed support for development of the subseabed disposal option. He stated that continuing to explore this alternative would increase confidence that an MRS facility would not become a permanent repository by default.

Calling subseabed disposal "the only credible alternative to land-based geologic disposal," he said that it would cost \$250 million to characterize sites in the Atlantic and Pacific, and urged that the research be conducted by a university-based consortium to enhance its credibility and insulate it from the pressures on the land option.\*\*

### **"SUPER-GORILLA" CONTRACT FIRMS FLOCK TO BIDDERS' MEETING WITH DOE**

Interest in OCRWM's planned procurement of a "Systems Engineering, Development, and Management (SEDM)" contractor was high as over 150 representatives from a wide range of firms crowded the Commerce Department's main auditorium on June 16 to hear Ben Rusche and other OCRWM officials describe the forthcoming solicitation. The procurement is viewed by OCRWM as a major effort to gain more centralized control over and coordination of the three site characterization efforts and the MRS project. The contract would be for about \$100 million a year, with an initial term of 10 years followed by 5 year renewal options.

The SEDM contractor (often referred to as the "Super-Gorilla" contractor because of its anticipated clout) would have will be

responsible for "design and analysis of the Nuclear Waste Management System to ensure that the system is optimized and that the interfaces between the system elements are clearly specified and controlled, including transportation considerations." The chosen firm will also be assigned "specific responsibilities to ensure that the first repository candidate sites are characterized and that the selected site is engineered and developed through receipt of an NRC construction authorization." It will also provide design and licensing services for the MRS, if authorized. DOE, however, reserves the right to transfer the detailed MRS design and construction job to a separate contractor later.

### **No Questions Please!**

In an unusual step, DOE officials addressing the representatives at the meeting did not take any questions from the floor. As a result, a major concern of many attendees - organizational conflict of interest - did not appear to have been satisfactorily resolved despite a lengthy paper on the subject prepared by the Source Evaluation Board. Many holders of current waste program contracts are unclear about whether their incumbency would preclude them from competing for the SEDM contract, and many who are interested in subsequent major procurements (like the construction and operation of an MRS) are worried that winning the SEDM contract could bar them from those competitions.

Several individuals attending the briefing left with the impression that almost no one would be barred from competition because of conflict of interest problems, but would likely have to relinquish other contract work once the contract was awarded.

### **Aerospace Firms Very Interested**

Noticeable among the attendees were several major aerospace companies (Grumman, TRW, Martin Marietta), in addition to firms such as Bechtel and Westinghouse, that are already heavily involved in the waste program. Presence of the aerospace firms lends some support to the reports that DOE may be interested in the services of an

aerospace company with proven systems integration experience to bring a fresh perspective to the problem. However, some aerospace representatives privately indicated concern that the procurement may be tilted toward current incumbents of major waste program contracts.

### **A Supercontractor Group Forming**

Rumors that several firms now under contract for HLW activities are considering forming an umbrella consortium involving most of the larger firms interested in the

competition are running high. At least one firm is actively soliciting contractors to put together a super joint-venture that could possibly deter other firms from bidding. Conceivably this could end with DOE receiving only one proposal which would frustrate DOE's expressed intention to foster competition in this procurement.

DOE expects to issue the RFP in August, with proposals due in November. Selection of the winner is anticipated in the second quarter of 1988. \*\*

## **Wrap Up (HLW)**

### **IN THE CONGRESS**

**PRICE-ANDERSON REAUTHORIZATION** As the August 1 deadline ending liability coverage for DOE contractors under the Price-Anderson Act approaches, Congressional action on Reauthorization of the Act remains in doubt. Though Senate Energy has reported out a contractor-only coverage bill and Senator Bennett Johnston is committed to obtaining passage by August 1, final action by this date seems highly unlikely.

With regard to NRC licensee coverage there is virtually no chance of obtaining final action in the Senate by the August recess.

The Senate Environment and Public Works Nuclear Regulation Subcommittee has tentatively set a subcommittee markup for July 15 or 16 and, if that occurs, a full committee markup on June 21 -- not enough time to obtain Senate passage by August 1!

In the **House**, the Reauthorization bill (H.R. 1414) was moving along at a faster pace but it now looks like it also may be slowed up. A scheduled full day **House Commerce Committee markup** was adjourned by Chairman Dingell after only a half-day session, leaving most controversial issues, such as possible amendments on contractor liability for gross negligence and willfull

misconduct, for the next session scheduled for July 7.

**Congresswoman Marilyn Lloyd's S/T Subcommittee** successfully completed their markup of the bill, adopting a package of non-controversial amendments relating to DOE R&D contractors. Realizing, however, that the August 1 contractor coverage deadline is drawing near, Ms. Lloyd introduced a separate bill (H.R. 2751) on June 23 that provides extension "without time limitation" of the current Price-Anderson liability coverage for "contractors involved in civilian energy research, development, or demonstration, or projects, therefor, or in all federal owned or operated nonmilitary energy laboratories." The bill was referred to the S/T Committee.

### **IN THE OCRWM**

**FEE ADEQUACY REPORT** The Office of Civilian Radioactive Waste Management's (OCRWM) oft-cited HLW Fee Adequacy Report has finally been released. As expected (and announced in various hearings by OCRWM officials) the report recommends "that the ongoing disposal fee should remain at 1.0 mill per (net) kilowatt-hour (kWh) for 1987." According to the report the recommendation is based on the following findings:

- o The defense waste fees will be adequate to cover the defense share of the program costs;
- o "The current 1.0 mill per kWh fee is projected to produce revenues sufficient to offset estimated total system life-cycle costs for high-level civilian radioactive waste disposal for a reasonable range of program costs, nuclear electric generation, and interest rate forecasts...."
- o "Many of the cost and revenue forecasts analyzed, particularly those based on the U.S. Energy Information Administration (EIA) Upper Reference Case generation forecast with increased fuel burnup, show margins of revenue over costs. These margins indicate that, if cost and commercial nuclear electric generation estimates are correct, the cumulative program costs could be recovered by a **reduced fee**, or that program costs higher than the current estimates could be recovered by the 1.0 mill per net kWh fee."
- o "For many of the scenarios examined, future program cost increases due to general inflation or real price increases could be recovered by indexing the fee to an inflation or other cost index. Based on current estimates, the margins of revenues over costs provided by the 1.0 mill kWh fee could provide a buffer so that indexing at the inflation rate would

not need to begin immediately. The date when indexing would be needed varies with the system configuration, with nuclear electric generation growth rates, and with the rates of interest and inflation. The need to index the fee to take account of the effects of inflation could occur as early as 1988 if it is likely that no additional nuclear plants will be ordered and that a high-cost repository pair is likely to be selected, but not until 1992 or later if the nuclear electric growth rate matches that portrayed by the Upper Reference Case and a low cost repository pair is used.... This analysis does not provide a compelling case for recommending that indexing be initiated at this time."

The fundamental basis upon which OCRWM has recommended no increase in the HLW fee -- the EIA estimates of nuclear power generation -- are faulted by a yet-to-be-released GAO report on repository program costs. The "draft" of this report -- "Nuclear Waste: A Look at Current Use of Funds and Cost Estimates for the Future" -- requested by the Senate Energy and Natural Resources Committee and obtained by The EXCHANGE, cautions that DOE is overestimating the growth of spent fuel generation and is thus "creat[ing] a danger that current fees may be set too low to produce revenues at the rate needed to cover total program costs." (See story this issue.) \*\*

# Calendar

## July

- 6 DEADLINE: Proposal Submission to CA Dept. of Health to complete LLRW disposal facility EIS; 4:00 p.m. PDT.
- 7 Markup: House Commerce Committee; Price-Anderson Reauthorization, H.R. 1414; Contact: Sue Sheridan (202) 226-2500.
- 16 Hearing: Senate Energy and Natural Resources Committee; New HLW Bills; Contact: M. L. Wagner (202) 224-7570.
- 16 Meeting: Central Midwest Compact Commission, Stratton Office Building, Room A-1, Springfield, IL; 10:30 a.m.; Contact: Terry Lash 217-785-9937.

## Mid-July

- (Tentative) Markup: Senate Environment and Public Works Nuclear Regulation Subcommittee; Price-Anderson Reauthorization (S. 843); Contact: Dan Berkovitz (202) 224-439.
- 22-24 Short Course: Packaging and Transportation of Radioactive Waste Material; emphasizes "hands on" skills in dealing with regulatory compliance, techniques and procedures and disposal facility requirements. Richland, Washington; Fee: \$525.00 (includes a tour of a LLRW disposal facility); Contact: Peggy Thompson, US Ecology Nuclear, 9200 Shelbyville Road, Suite 300, Louisville, KY 40222; (800) 626-5334.
- 23 Meeting: Northwest Interstate Compact Committee; Boise, Idaho; Contact: Elaine Carlin (206) 459-6244.
- 28-30 Workshop: Radioactive Waste Packaging, Transportation and Disposal; Sheraton Charleston Hotel, 170 Lockwood Drive, Charleston, SC; Spons: Chem--Nuclear Systems, Inc.; Contact: Jan E. Folk (301) 259-1781 or Tammi Pennington (803) 256-0450.

## August

- ? (DELAYED) Proposed Effective Dates: Required Certification that LLRW shipped to Hanford is non-RCRA regulated; Contact: Elaine Carlin (206) 459-6228.
- 23-27 International Conference on Nuclear Fuel Re-processing and Waste Management; Paris, France; Spons: ANS/ENS; Contact: L. McClure (206) 526-3083.
- 24-27 Meeting: Ninth Annual DOE Low-Level Radioactive Waste Management Conference; Denver, Colorado; Contact: Marjorie Clearwater, EG&G Idaho, P.O. Box 1625, Idaho Falls, ID 83415 (208) 526-9197.

## September

- 27-30 Conference: The Second International Conference on New Frontiers for Hazardous Waste Management; Westin William Penn Hotel, Pittsburgh, Pennsylvania; Sponsor: NUS Corporation Contact: Debra Wroblewski (412) 788-1080. NUS Corporation, Park West Two, Cliff Mine Road, Pittsburgh, PA 15275.

## October

- 14-16 Conference: DOE Oak Ridge Model Conference, Oak Ridge, Tenn; Subjects: Waste Management, Environmental Protection, and Health and Safety. Contact: Lance J. Mezga (615) 574-7259.
- 27-29 Workshop: Radioactive Waste Packaging, Transportation and Disposal; Sheraton Charleston Hotel, 170 Lockwood Drive, Charleston, SC; Spons: Chem--Nuclear Systems, Inc.; Contact: Jan E. Folk (301) 259-1781 or Tammi Pennington (803) 256-0450.
- 29-30 Conference: Nuclear Materials Licensee Conference; Ambassador West Hotel, Chicago, Illinois; Contact: Illinois Department of Nuclear Safety, Office of Radiation Safety (217) 785-9918.

## November

- 12-13 Annual Meeting: CALRAD Forum; Radisson Hotel, Manhattan Beach, CA.; Contact: Jean Parker, Administrative Director, CRMMF, P.O. Box 40279, San Francisco, CA 94140 (415) 647-3353.
- 15-18 Atomic Industrial Forum Annual Conference; Los Angeles, CA; Contact: AIF (301) 654-9260.

## December

- 1-3 Short Course: Packaging and Transportation of Radioactive Waste Material; emphasizes "hands on" skills in dealing with regulatory compliance, techniques and procedures and disposal facility requirements. Las Vegas, Nevada; Fee: \$525.00 (includes a tour of a LLRW disposal facility); Contact: Peggy Thompson, US Ecology Nuclear, 9200 Shelbyville Road, Suite 300, Louisville, KY 40222; (800) 626-5334.
- 8-9 Conference: IL Department of Nuclear Safety's Fourth Annual Low-Level Radioactive Waste Generators' Conference; Ambassador West Hotel, Chicago, IL. Contact: IL Department of Nuclear Safety, Office of Environmental Safety (217) 785-9958 or Sharon Zara (217) 546-8100.

(Changes from previous calendar in bold print)