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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. 13

July 19, 1987

## **NEW UDALL BILL HALTS HLW PROGRAM, SETS UP STUDY, NEGOTIATOR PROCESS**

On July 15, Congressman Morris Udall introduced a new HLW bill (HR 2967) that halts the site specific related HLW program activities; establishes a Special study Commission and creates an Office of Nuclear Waste Negotiation charged with the responsibility of reaching an agreement with a state and/or Indian Tribe on the acceptance of a HLW repository. The study and the negotiation activities are to be undertaken on separate tracks concurrently.

In introducing the bill Udall expressed dismay over the current status of the program, exclaiming that: "For too long the public has perceived a high-level repository as a no-win risky operation which the federal government is attempting to force upon them without their participation or consent. The Department of Energy's implementation of its repository site selection program has only reinforced this perception. If we can find a technically safe site and negotiate a reasonable (See **Udall** in the **HLW Focus**)

## **ILLINOIS FINDS COMMUNITY INTEREST IN A LLRW DISPOSAL FACILITY**

The Illinois Department of Nuclear Safety's draft "Plan for Identifying Four Alternative Sites for Disposal of LLRW in Illinois" is based on the stated policy that a LLRW "disposal facility will not be located in a county which does not want it. Though the policy refers to the final location of the burial site and does not preclude studying areas whose citizenry may be opposed to final location of the disposal facility within their environs, the EXCHANGE has learned that there is sufficient local interest from various counties that those expressing opposition to the facility will not even be studied.

It was the initial intent of the IDNS, as is stated in the draft plan, to focus the screening effort "...on those counties that have favorable characteristics for a safe site and have not notified IDNS to omit them from the site selection process." IDNS officials are confident due to the interest expressed by other locales that a site satisfying state and federal regulations can be found in this group and studying unreceptive areas is unwarranted. Only one county, (See **Illinois**, pg. 2)

(Illinois from pg. 1)

Wills, the home of Chem-Nuclear's super-compaction facility, has notified IDNS that it does not want the disposal facility within its boundaries.

### **Two Counties Openly Interested**

Among the several counties and communities that have expressed a possible interest in the regional disposal facility three communities within two counties -- Lincoln in Logan County, and Farina and Vandalia in Fayette -- have openly declared their interest and have established fact-finding groups to investigate the implications of having the facility within their boundaries.

### **Acceptable Sites in Willing Counties**

Following the identification of interested host communities the "draft" siting plan outlines three more steps in the site selection process that are intended to lead to the selection of a disposal facility:

- The Application of Exclusionary Factors;
- The Application of Favorability Factors;
- The Identification of 4 Alternative Sites.

**Exclusionary Factors** - As outlined in the "draft", the IDNS outside contractor (Battelle Memorial Institute) in concert with the IDNS staff is to apply eight proposed exclusionary factors to "exclude from further consideration all portions of the candidate counties that are unconditionally unacceptable for siting a [disposal] facility."

The eight exclusionary factors are: Known resources (e.g., oil, gas, and coal reserves) with high potential for development and economic recovery; Areas within 100-year floodplain; Freestanding water; Areas either exceeding earthquake intensity MMI IX on bedrock or MMI VIII on unconsolidated material; Areas prone to erosion or landsliding or subsidence; Areas within 1.5 miles of nonconsenting municipality; Designated Federal protected lands; and, Designated State-protected lands (e.g., State reserve system, State nature system).

**Favorability Factors** - Following the

identification of excluded areas a list of fifteen favorability factors will be applied to identify areas that "enhance the disposal facility."

The fifteen factors are: Presence of low permeability glacial drift or overburden over bedrock; Absence of complex geologic structure; Absence of surficial sand and gravel resources; Areas not proximate to municipal or public water supplies; Stream orders indicative of low erosion; Absence of high ground-water yield areas; Absence of ground-water aquifers proximate to ground surface; Areas not proximate to ground-water recharge/discharge zones; Areas not proximate to petroleum and chemical plants and to fossil and nuclear power plants or existing commercial disposal sites; Proximity to State and Federal primary roads; Minimization of transportation distances from major generators; Absence of prime farmland; Absence of historic and Archaeological sites; Absence of critical habitats or habitats of important species (e.g., prairie remnants, bogs); and, Absence of areas or projected population growth or future development.

### **Alternative Site Identification**

The final stage leads to the identification of four alternative sites. According to the draft plan this activity is intended to narrow twenty potential sites down to eight and then to the final four. During this stage a sensitivity analysis will be conducted where the twenty sites will be examined according to two sets of criteria designated as Rank I and Rank II criteria. Following identification of eight sites, IDNS and Battelle are to conduct a series of reconnaissance activities that will serve as the basis for narrowing the field down to four alternative sites that will then be subjected to site characterization activities.

### **Short Timetable**

The "draft" plan is to be finalized by August 7, 1987, with the preliminary identification of eight potential sites provided to IDNS by August 28, 1987. By January 1, 1988 Battelle is to provide IDNS

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with a draft report documenting the entire process that will potentially lead to four alternative sites for characterization.

Workshops to assist the public in submitting comments on the draft plan were held July 13, 14, and 15 around the State. Copies of the "draft" can be obtained by calling IDNS at (217) 785-9958. \*\*

#### **CHEM-NUCLEAR SUPERCOMPACTOR IN OPERATION AT CHANNAHON, IL.**

Despite two pending law suits, Chem-Nuclear has begun operation of the supercompactor at its Channahon, Illinois facility. The Columbia S.C.-based firm received an operating permit setting air discharge limits for the supercompactor from the Illinois EPA in the latter part of June and opened the supercompactor for business in the first week of July.

According to Chem-Nuclear officials, a truckload of supercompacted LLRW from the Illinois facility is already on the road to Barnwell. The current LLRW being processed has already undergone preliminary compaction. The supercompactor has been able to achieve a 2:1 volume reduction with this waste stream.

#### **Pending Suits**

Wills County, within which the Channahon facility resides, was unsuccessful in its bid to have the courts issue a restraining order to prohibit the operation of the supercompactor pending resolution of its suit in Federal district court. The town of Channahon has also filed suit in state court charging that Chem-Nuclear must obtain a special use permit to operate the supercompactor. \*\*

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### **POSITION OPENING**

#### **ILLINOIS DEPARTMENT OF NUCLEAR SAFETY**

#### **Manager of Illinois' Low-Level Radioactive Waste Program**

Monthly Salary: \$3,500 - \$4,500

As Chief of the Illinois Department of Nuclear Safety's Division of Low-Level Waste Management, plans and implements a statewide low-level waste program, including selection of a low-level waste disposal site and management of facility licensing; manages and advises a 12-member technical staff involved in evaluating and licensing low-level waste treatment, storage and disposal options; evaluates staff training needs in relation to low-level waste program requirements. Recommends and arranges for necessary training programs and courses; prepares technical reports and papers for presentation or publication; represents the Department at professional, public, and governmental meetings, and serves as a consultant or expert witness for the Department regarding low-level waste management issues; manages teams which evaluate contractor quality assurance and quality control procedures, and conducts field reviews and inspections to assure compliance with standards and regulations; reviews professional standards and guides for compatibility with Department policy and legislative mandates; recommends and prepares performance standards, regulations and guides related to low-level waste management.

Applicants should have extensive experience in low-level radioactive waste management. Applicants should also have a comprehensive knowledge of an experience dealing with industry and government as they relate to low-level radioactive waste management issues.

Interested applicants should send resumes to: Dr. John Cooper, Manager, Office of Environmental Safety, Illinois Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois 62704. \*\*

# LLRW Volume Disposal Update

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

Through May 1987

(Volumes in Cubic Feet)

	<u>May</u>	<u>Year to Date</u>		<u>May</u>	<u>Year to Date</u>
<b>Northeast</b>			<b>Rocky Mountain</b>		
Connecticut	2,946.20	13,448.70	Colorado	630.00	630.00
New Jersey	2,702.20	17,892.60	Nevada	0.00	0.00
	<u>5,648.40</u>	<u>31,341.30</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	10,233.30	49,989.70	South Dakota	0.00	0.00
West Virginia	0.00	0.00	Arizona	1,184.00	4,006.60
Maryland	193.00	4,777.70		<u>1,184.00</u>	<u>4,006.60</u>
Delaware	90.00	547.50			
	<u>10,516.30</u>	<u>55,314.90</u>			
<b>Southeast</b>			<b>Northwest</b>		
Georgia	995.00	8,892.88	Idaho	0.00	1.50
Florida	1,049.50	21,524.60	Washington	3,482.50	17,980.80
Tennessee	10,042.80	62,004.10	Oregon	4,892.30	32,685.70
Alabama	8,516.40	33,520.80	Utah	0.00	0.00
N. Carolina	6,290.50	35,246.50	Alaska	0.00	0.00
S. Carolina	7,928.80	47,594.40	Hawaii	247.30	1,707.80
Mississippi	796.00	5,736.70	Montana	0.00	0.70
Virginia	6,544.80	22,362.45		<u>8,622.10</u>	<u>52,376.50</u>
	<u>42,163.80</u>	<u>236,882.43</u>			
<b>Central States</b>			<b>Unaligned</b>		
Arkansas	299.40	304.30	Rhode Island	0.00	320.30
Louisiana	1,745.00	8,669.60	Vermont	656.00	2,604.90
Nebraska	1,410.50	10,708.90	New Hampshire	0.00	367.50
Kansas	364.00	2,078.50	Maine	1,067.00	2,180.50
Oklahoma	5,820.00	26,898.20	New York	5,642.70	26,286.30
	<u>9,638.90</u>	<u>48,659.50</u>	Massachusetts	3,972.00	19,755.10
			Texas	2,400.00	17,739.60
<b>Central Midwest</b>			North Dakota	0.00	2.90
Illinois	11,884.20	70,154.30	California	4,990.20	33,471.60
Kentucky	45.00	175.70	Puerto Rico	0.00	0.00
	<u>11,929.20</u>	<u>70,330.00</u>	D.C.	22.50	22.50
				<u>18,750.40</u>	<u>102,751.20</u>
<b>Midwest</b>			<b>TOTAL:</b>	<b>115,139.00</b>	<b>660,789.43</b>
Wisconsin	158.00	2,358.50	(As reported 6/15/87)		
Indiana	0.00	1,282.40	APRIL:	156,210.70	545,650.43
Iowa	2,371.00	10,055.10			
Ohio	728.00	6,557.70			
Michigan	2,773.00	12,276.70			
Minnesota	165.90	8,454.70			
Missouri	490.00	17,511.90			
	<u>6,685.90</u>	<u>58,497.00</u>			

## IN APPALACHIA

On July 3 the **Pennsylvania Legislature** adjourned for the summer without receiving a LLRW disposal facility siting bill from the Governor. It is, however, expected that a bill will be introduced during the summer recess and referred to the appropriate committees. On a positive note, the legislature did approve a budget bill that includes \$700,000 to support the Pennsylvania Department of Natural Resources' LLRW disposal facility siting studies, and \$200,000 to support the Appalachian Compact. The legislature is scheduled to return to business in mid-September.

## IN THE SOUTHEAST

Debate drags on the the **North Carolina General Assembly** regarding the siting of a low-level radioactive waste facility and the State's membership in the Southeast Compact. In a narrow voice vote on Wednesday, July 8, the House Water and Air Committee gave a favorable report to a proposed Committee substitute bill which includes provisions to: establish an Authority to site a LLRW disposal facility; restrict siting of a LLRW facility to volunteer counties plus the three counties having a nuclear reactor; and, (alas) withdraw North Carolina from the Southeast Compact.

Funding for the proposed initiatives would be provided in a separate House Committee bill, HB35. This measure specifies a mandate that 25% of the property taxes collected from reactors in two counties must be given to the county which receives the disposal facility. The House Water and Air Committee gave the bill a favorable report and forwarded it to the Ways and Means Committee.

In a two-hour public hearing held by the same committee on the previous day, opponents to the two bills seemed to far outnumber the proponents. Whereas none of the speakers voiced objections to the establishment of a siting authority, several objected to the "Robin Hood" approach to taxation and to the general idea of limiting the site selection to only three out of one

hundred counties. Grace Beasley, Chairman of the Brunswick County Board of Commissioners, said, "This is political segregation at its worst." Rod Autry, Vice Chairman of the Mecklenburg County Board of Commissioners, singled out one of the key authors of the bill. "Mr. Mavertic," he said, "it is time to put the game of political checkers back in its box.... I pray that you choose leadership over gamesmanship."

The majority of the public comments centered around the issue of whether to withdraw from the Southeast Compact. Industry representatives expressed concern that withdrawal would disrupt access to a disposal facility and that disposal costs would increase substantially. Representatives from the medical community claimed that withdrawal from the compact would seriously threaten medical research in North Carolina.

Several speakers predicted that if North Carolina withdraws from the Compact increased disposal costs would seriously hinder the state's ability to keep and attract medical research and other high tech industries.

Some proponents of the bills seemed particularly enamored with placing the disposal facility near a reactor, claiming it will reduce the risk of transportation. The Executive Director of the governor's Waste Management Board, cautioned the Committee about this, noting that waste would still have to be transported to the site from the other reactors.

William S. Lee, CEO and Chairman of the Board of Duke Power Company, and William E. Graham, Vice-Chairman of the Board of Carolina Power and Light, both stated that they had no objection to their lands being considered in the siting process, but objected to siting being limited to only the three counties which have reactors.

The Committee Bill SB46 was expected to go to the House floor for debate during the past week, but that did not occur.

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## IN CALIFORNIA

The California Department of Health Services recently concluded the review and evaluation of proposals submitted in response to Department of Health Services, Request for Proposals to complete the Environmental Impact Report/Statement on a Low-Level Radioactive Waste Disposal License. It intends to award the contract to the low bidder, Dames and Moore, for the bid price of \$142,618. The award is contingent upon final approval by the State. Seven proposals were received. Four met the 80 percent score criteria on the technical portion. The four firms were: Westec Services, Dames and Moore, EIP Associates, and Camp Dresser & McKee, Inc.

## IN THE CONGRESS

The EXCHANGE has learned that the **Senate Environment and Public Works Committee Nuclear Regulation Subcommittee** is considering holding oversight hearings on implementation of the Low-Level Radioactive Waste Policy Act Amendments Act (LLRWPA) and the development of the regional compacts sometime in October, 1987.

No actions are currently being considered in the House.

Senator Pressler has requested the the

Senate Judiciary Committee consider the California/South Dakota Compact, but any movement regarding this agreement will await action on the Southwest Compact recently enacted by California that includes the states of Arizona, South Dakota and North Dakota.

## IN THE INDUSTRY

**NUS Corporation's** Waste Management Services Group has opened a new regional office in Baton Rouge, Louisiana. Gary Beswick has been appointed manager of the new office. According to William Smith, NUS's Director of Industrial Programs, the office will provide a full range of engineering and consulting services, including siting and design, hydrogeologic investigations, site remediation, incinerator engineering, construction management, process engineering, regulatory analysis, air science programs, and health and safety and industrial hygiene support.

## ON THE MOVE

**Helen Burnett**, previously of US Ecology's Office of Public Affairs, has accepted the position of Senior Consultant with the Fairfax, Virginia based energy management consulting firm of Gersham, Brickner and Bratton, Inc. The firm specializes in providing technical support in the areas of waste management and resource recovery.

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## REPORTS OF NOTE (LLRW and HLW)

The Proceedings of **WASTE MANAGEMENT '87** (Tucson, Arizona, March 1987) are now available in a three-volume set. They are definitely worthwhile for anyone involved in waste management. For information on obtaining a set write the American Nuclear Society Publications Office.

(Udall from pg. 1)  
repository siting agreement with the State or Indian tribe with jurisdiction over that site, I believe that the people living around the site will accept the repository."

### Automatic Program Restart

The Moratorium/Study Commission provision of the bill differs significantly in one aspect from the consensus bill (See EXCHANGE, Vol. 6, No. 12) he cosponsored and introduced two weeks ago. It does **not require** that Congress reauthorize the restart of the program. Instead, the Secretary of DOE is prohibited from obligating or expending any funds for a specific list of site specific related activities while the Commission study is being carried out and for six months thereafter -- an 18 month time span. After that time the bill's prohibitions on the Secretary's actions are no longer in effect.

This "automatic restart" provision should find support among those members in both the Senate and the House who found no particular fault with a moratorium, but did not want to go through another "NWSA type" negotiating marathon to get the HLW program restarted (See EXCHANGE Vol. 6 No. 12).

### DOE Site Specific Work Halted

As specified in the bill the Secretary of Energy is prohibited during the time the proposed Commission is investigating the program and six months thereafter from obligating or spending funds for the following activities:

- o conducting site characterization activities at any site;

- o nominating or recommending sites under section 112 of the NWSA;
- o conducting preliminary borings or excavations in excess of 6 inches in diameter at any site;
- o applying to the NRC or any other federal agency or officer for any permit or authorization to take any action related to the characterization of a site or the construction or operation of a repository or MRS facility;
- o preparing any environmental assessment under section 112 of the NWSA; and
- o preparing any site characterization plan under section 113 of the NWSA.

### A Three-Member Commission

Chairman Udall has proposed a three-member Commission as included in the House consensus Bill. The Commission is directed to examine and make recommendations to Congress in the following areas:

- o The adequacy of site selection guidelines under section 112(a) of the NWSA;
- o The adequacy of environmental assessments prepared under section 112(b)(1)(E) of the NWSA;
- o The DOE's site recommendations and the site ranking methodology upon which such recommendations are based;
- o The schedule for the siting, construction, and operation of repositories established by the NWSA;
- o The emphasis on deep geologic disposal compared with alternative disposal technologies and the adequacy of DOE's program to examine such alternative technologies;

- o DOE's efforts to consult and cooperate with states and affected Indian tribes under section 117 of the NWPA;
- o Whether implementation of the NWPA should continue to be vested in DOE or should be transferred to another agency or entity;
- o The adequacy of DOE's monitored retrievable storage (MRS) proposal and the need for such a facility;
- o The advisability of providing additional economic compensation and incentives to any state or local government selected to host a repository or MRS facility;
- o The adequacy of at-reactor storage; and
- o The need for a second repository.

### Super Negotiator To The Rescue

In this bill Chairman Udall, a true statesman by any standards, demonstrates his deeply held conviction that the American people respond in the national interest if approached in an honest, forthright manner. In this vein he proposes to establish the Office of the Nuclear Waste Negotiator -- charged with "finding a state or Indian tribe willing to host a repository at a technically qualified site on reasonable terms."

It is a basic, simple approach that may work (and to a surprising degree is apparently working right now with regard to the siting of a LLRW disposal site in the Central Midwest and maybe even in the Midwest). The negotiating process is to be open to **all states**, (and the federal government as a landowner) not just the states already selected for characterization, or studied as potential sites for a repository. However, the siting of the MRS is not included in the process.

The Negotiator's first function is to request that the Governor of each state and any interested Indian tribe;

- "recommend 1 or more sites within the Governor's State or the Indian tribe's reservation boundaries for consideration as the site of a repository;
- propose the terms and conditions under which the State or Indian tribe would agree to host a repository at a site recommended."

### A Preliminary Determination Of Suitability

After reviewing the recommendations and proposals, the Negotiator is to make a "preliminary determination" of whether any recommended site is suitable. The Interior Chairman has from the very beginning of the program believed that, under NWPA, DOE was to make a preliminary determination of site suitability prior to site characterization. DOE argued otherwise and has followed this course of action.

As specified in the Bill the required preliminary determination is to be based on an assessment of the impacts of the site on the environment and the public health and safety. In making the assessment the Negotiator must consider:

- certifications provided by EPA and NRC that the proposed site "is likely to comply" with their respective agency standards and regulations governing the site development and operation.
- hydrology;
- geophysics;
- seismic activity; and
- proximity to: water supplies; populations; components of the National Park System, the National Wildlife Refuge System, the National Wild and Scenic Rivers System, the National Wilderness Preservation System, or National Forest lands; valuable natural resources; atomic energy defense activities; sites where high-level radioactive waste and spent fuel are generated or temporarily stored;
- the transportation and safety factors involved in moving such waste to the proposed site.

### Negotiations After Prelim Determination

Following a positive preliminary determination, negotiations are to be initiated with the Governor (or authorized representative) of the potential host state or the governing body of the Indian tribe whose reservation would be the host. Affected



states and/or tribes are to be consulted.

No specific guidelines are provided as to the terms or conditions of a final negotiated agreement, other than that it be "reasonable". The final agreement is to take effect when "enacted into Federal Law."

#### **Excavation, Boring Limited During EA**

Upon making a preliminary determination of suitability, the Negotiator is also required to notify the Secretary of Energy to prepare a site Environmental Assessment (EA). The EA is to include a detailed statement of the probable impacts of site characterization activities in addition to regional and local impacts of the proposed repository.

In conducting the EA, the DOE is directed to use available information. It is prohibited from conducting any preliminary borings or excavations unless such activities were already underway, or the Secretary certifies that such activities are necessary to comply with the law. Boreholes are limited to a diameter of six inches.

#### **Site Characterization, NRC Authorization**

Once the "agreement" with the host is enacted into law, DOE is to carry out appropriate site characterization activities in accordance with the NHPA. Upon completion of site characterization the DOE Secretary is to submit an application for construction authorization for the repository. NRC is given three years after DOE's submission to either approve or disapprove of the application.\*\*

#### **NEW JOHNSTON-McCLURE HLW BILL STOPS 2ND ROUND, SEQUENCES SITE STUDIES**

In a joint press conference held at 2:00 p.m., on Friday, July 10, Senators Johnston and McClure announced the introduction of a co-sponsored bill (S. 1481) that melds together the Energy Chairman's earlier introduced Buy-a-HLW-Host-State bill (S. 839) with a blatant attempt to sway Northeastern and Midwestern Senators away from the growing coalition getting behind the bill to impose a moratorium on the entire HLW program. The bill proposes a complete

halt to the second round repository program until a DOE study is completed in 2010, and then requires that Congress specifically reauthorize its resumption.

In addition, the Senators appealed to their colleagues budget-cutting conscienceness by proposing to require the characterization of only one site rather than three. This would, in their view, save the taxpayers \$2 billion in the near-term.

The bill also attempts to address Senator Sasser's earlier voiced admonition to Johnston that he delay the authorization of the MRS until his proposed "Buy-a-Host" bill be allowed to work to entice a state to seek the MRS and relieve Tennessee of that burden. To allow this to happen the bill delays the DOE from proceeding with an MRS in Tennessee until January 1, 1989.

#### **Initiative Based on Experts' Views**

At the press conference Senator Johnston cited over and over that he was proposing the single site one-at-a-time characterization process based on the opinion of the Nuclear Regulatory Commission and the National Academy of Science experts, who, at this time, find no fundamental flaws in the sites under consideration and no significant problems with DOE's activities.

Senator McClure justified his support of the bill, including a complete a stoppage of the second round program, which he previously opposed, on the basis that the 70,000 metric ton capacity limit on the first repository, as specified in the Nuclear Waste Policy Act, is maintained. He emphasized his opposition to the Moratorium/Study proposal, exclaiming that "study" efforts would inherently fail to put the program back on track, describing such efforts "as no solution -- sheer cowardice -- unconscionable."

#### **The Bill as a Budget Saving Initiative**

The bill was introduced as stand alone legislation including preamble language that indicated the Senators' intent to possibly seek action on the measure during Budget Reconciliation deliberations or in

