

The Radioactive Exchange

Edward L. Helminski
Publisher

TO OUR READERS ...

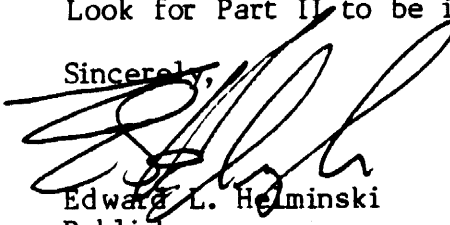
Oops! Our well laid plans to move the EXCHANGE office to Capitol Hill to better serve your information needs and publish our midmonth issue ran into more than little problems .. and then the flood gates opened with major new initiatives being announced in both HLW and LLRW programs.

To ensure that we did not fall behind in keeping you abreast of the latest, we decided to provide you with a quick up-date of the latest news and follow-up with the details early next week. We are breaking this edition, Volume 6, No. 16 into two parts. Attached is the up-date, Part I. Part II will be mailed Wednesday or Thursday this week, and will include ...

- o An exclusive interview with Ben Rusche above his resignation;
- o A LLRW Volume Disposal Update;
- o More information on the Udall September 18 hearings, the Senate Appropriations bill
- o plus whatever happens between now and then.

Look for Part II to be in your mailbox this Friday September 25, or next Monday.

Sincerely,



Edward L. Helminski
Publisher

The Radioactive Exchange®

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

Volume 6 No. 16 [PART I]

September 18, 1987

the HLW Focus...

JOHNSTON-MCCLURE HLW BILL ATTACHED TO ENERGY APPROPRIATIONS BILL!

In another skillful political maneuver, Senator Bennett Johnston has succeeded in including his Energy Committee's Bill (S1668) to revamp the HLW program (See Exchange Vol. 16 No. 14) in the Energy and Water Appropriations Bill HR2700 by a reference. He achieved his overwhelming victory in the full Appropriations Committee markup on September 15, following his decision not to bring the matter to vote at his Energy and Waters Appropriations Subcommittee markup on September 10, opting instead only to bring it up for discussion.

Johnston, however, did take the opportunity at the Subcommittee session to offer a lengthy statement in support of the legislation and the value of attaching it to the Appropriations bill. In doing so, he ignited a tete-a-tete with Senator Sasser who voiced his vehement opposition, even though the legislation voided DOE's selection of Tennessee for the MRS. (See Exchange Vol. 16 No 14). The Tennessee Senator stated his opposition to any MRS and to including any such far reaching legislation in an Appropriations bill.

The war of words lasted through the full Appropriations markup and centered on Johnston's use of Sasser's statements and editorials carried in Tennessee that were supportive of the Energy Committee's bill because of its provisions to void the selection of Tennessee as an MRS site. Sasser objected to Johnston's tactics, saying that such behavior was "unprecedented" in the Senate. During the verbal sparring, the Tennessee Senior Senator, up for reelection in '88, did take credit for getting the language voiding the MRS in the Energy Committee's HLW bill. However, he staunchly objected to Johnston characterizing this "success" as indicating support of the entire bill. Sasser tried to explain to Committee members that he viewed the provisions voiding Tennessee's MRS selection as only a "tactical victory," taking what he thought he could get in the Committee bill while remaining opposed to any MRS proposal. Sasser ended his verbal attacks by publicly inferring that the basis for Johnston's rush to get a new HLW program in place authorizing an MRS was to revive interest in spent fuel reprocessing.

Interestingly, though Sasser fought Johnston's actions, he did not offer any specific amendments to strike it from the Appropriations bill --that was left to Senator Reid of Nevada. Reid stated that the HLW legislation was an outright attempt "to get Nevada." His amendments to defeat it were supported by Senators Mikulski, Harkin, Byrd, Bumpers, and Sasser.

But, Senator Johnston not only had the support of the Republican side of the aisle, including Senator Domenici, he had the votes and proxies of the likes of Senator Burdick, Chairman of Environment and Public Works, and Senator Proxmire, one of the prime co-sponsors of the Senate version of the HLW Program moratorium bill.

BEN RUSCHE ANNOUNCES RESIGNATION!

On September 15, Ben Rusche, who in the past weeks would give no credence to rumours that he was resigning (see EXCHANGE Vol. 6 No. 15) announced to his staff that he indeed would resign as Director of the Office of Civilian Waste Management effective October 1. In an exclusive interview (to be published in its entirety in Part II of this edition) with EXCHANGE publisher Ed Helminski, Mr. Rusche explained that he had notified the Secretary of his intent to resign some six months ago. He said he may delay leaving until the Energy Appropriations Bill negotiations are fairly well settled, but does not expect to stay beyond Mid-October.

When asked why he submitted his resignation now, amidst the Congressional negotiations to completely revamp the program he replied:

Well, Ed, you know for many months I have been interested in returning to the South and getting back into the private sector. But, my commitment to the program has been and remains undiminished. So I wanted to see things happen, move ahead. I've invested as about as much in this program as anything I have ever done in my life. So I'm certainly not of a mind to turn away from it.

"But, when I looked at the events and circumstances six months ago, it appeared to me that by the end of this fiscal year, October 1, we would know what the view of Congress was. Either, the NWPA would remain as it was written and we would attempt to move forward at whatever level Congress would appropriate funds for, or some of the many things that were stirring, that we have talked about, or members of Congress have talked about, would have come to fruition in the legislative process...

"It appeared to me that if the current legislative initiatives are put in place, then the program will be materially simplified and much of the contention of the past would pass away and therefore the need for me to contribute would certainly be diminished. If, on the other hand, Congress leaves the Act unchanged then we will certainly be left with the quandry of contention that we have been faced with, complicated and further exacerbated by an election year. It would then be unlikely during that year to make any innovative or progressive changes in the program, so it would be just a matter of continuing at whatever level appropriations Congress approved. In that case, it didn't appear that another year could produce a great deal of success. I therefore came to the conclusion that the time to resign was now."

NEW MEXICO LOOKING POSITIVELY AT HLW REPOSITORY

The Johnston-McClure-Udall incentive-based HLW bills are definitely affecting New Mexico's thinking about hosting a HLW repository in addition to the WIPP facility. A state legislative committee headed by State Senator Tito Chavez, from Bernalillo NM adopted a resolution requesting that the federal government consider the Carlsbad area for the repository. Governor Carruthers has publicly stated that if the local community is interested, the proposal should at least be considered. He has not however volunteered the state to host the facility. (More details on New Mexico efforts to follow, in Part II.)

NRC NOT OPPOSED TO SINGLE HLW SITE CHARACTERIZATION BUT ...

In response to requests from the Senate Environment and Public Works Committee staff for comments on the Johnston-McClure Energy and Natural Resources Committee's adopted HLW legislation, S1668, Nuclear Regulatory Commission Chairman Lando Zech writes in a September 14 letter that the Commission "does not oppose legislation which would require that only one site undergo at depth characterization."

In the letter addressed to Nuclear Regulation Subcommittee Chairman Breaux, Mr. Zech stipulates:

"that DOE should be required to conduct additional surfaced-based testing at the three current candidate sites during [the characterization of the preferred site] in order to obtain information as to the basis for the selection of the preferred site for at depth characterization as a repository.

In the comments the Commission also cautions that under the sequential site characterization approach "there may be greater potential for delay of ultimate operation of a repository than there is under the current regimen..."

(More details on the specific comments in Part II of this edition, plus a complete report on similar comments submitted by the Commission to the House Interior Chairman Udall regarding his proposed "Super Negotiator" Bill).

ENERGY COMMITTEE HLW BILL REPORT RELEASED

The Senate Energy and Natural Resources Committee Report and accompanying legislation to revamp the HLW program, S1668, the Nuclear Waste Policy Act Amendments Act of 1987, has been released. The report number is 100-152. For highlights of the major elements of the legislation, see EXCHANGE, Vol. 6, No. 14.) The report reflects various language commitments made by Senator Johnston to several of the members on the Committee. Not included are changes to the Bill agreed to in the full Appropriations markup. It is important to understand that the S1668 is now included as part of the Appropriations bill HR 2700 and the Appropriations Committee report will reflect the latest "agreement" on the HLW bill.

The study proposals included in the bill, as agreed to by the Energy Committee (and Appropriations), and referred to in the previously cited EXCHANGE article are the following:

- o A study, to be completed by April 1989, on the need for and feasibility of one or more monitored retrievable storage facilities in addition to the initially authorized MRS. In the Appropriations Committee markup, Johnston further agreed to additional report language that would limit this study to western sites. This commitment was made to neutralize the concerns expressed by Senator Hollings that South Carolina could again be considered for a MRS. (Interestingly, Hollings made no attempt to exclude South Carolina from possible consideration as the site for the first MRS facility!)
- o A study and evaluation of the use of dry cask storage and technology for temporary storage of spent fuel at commercial nuclear facilities to be completed by October 1, 1988.
- o A report, to be completed by April, 1989, describing the benefits of designing a system to store spent fuel at least 50 years prior to emplacement in a repository.

o A study, to be conducted by the National Academy of Sciences under a contract with DOE, of the major facets of reprocessing of spent nuclear fuel. This is to be completed by September 30, 1989.

o A report on subseabed disposal of HLW to be completed within 270 days of enactment of the bill.

Single copies of the Committee report are available from the Senate Document Room, free of charge.

NEVADA LAUNCHES ALL-OUT WAR AGAINST SELECTION AS HLW REPOSITORY SITE

Nevada's Governor Bryan, local county officials, the State Nuclear Commission and members of the state Congressional delegation made it very clear during the past week in Washington, DC that they will do everything in their power to defeat the Johnston-McClure bill adopted by the Senate Energy and Appropriations Committees.

Senator Reid in an unprecedented move appealed to Chairman Mo Udall at the House Interior Committee's September 18 hearing (more details in Part II of this edition) to exert his leadership to stop the adoption of the Johnston-McClure Senate Energy HLW bill via the Appropriations process. At this hearing, the Nevada junior Senator also let it be known that he is ready to talk as long as he can on the Senate floor to impede its adoption. (A very difficult maneuver since he will be filibustering on an Appropriations bill.)

DOE ANNOUNCES INTENT TO ISSUE RFP FOR SUPER GORRILLA CONTRACT ...

In the September 1 issue of COMMERCE BUSINESS DAILY (CBD), DOE's Office of Civilian Radioactive Waste Management (OCRWM) announced that it will issue a Request for Proposals for the "Super Gorrilla" HLW program Integrator Contract on September 30, 1987.

Closing Date for submission of proposals is set for January 15, 1988. According to the announcement, requests for copies of the RFP must be postmarked no later than 15 days from the date of publication of the September 11, CBD announcement. Requests must be made by telegram or letter. Telephone requests will not be honored. Availability of the RFP is limited and will be furnished on first received, first served basis. Potential offerers and interested parties who have previously requested a copy of this solicitation will automatically receive a copy at the time of issuance.

For further information, contact Judith Rice (202)586-1077. For copies of the RFP, write USDOE, ATTN: Document Control Specialist, P.O. Box 2500, Washington, DC 20013. Refer to Solicitation W0013Y ↪ 586-1236

TEXAS' FRISHMAN JOINS NEVADA HLW PROGRAM

As expected (See EXCHANGE Vol. 6, No. 5), Steve Frishman, former head of the Texas nuclear waste office, has been hired by the Nevada Agency for Nuclear Projects/Nuclear Waste Project Office.

Robert Loux, Executive Director of the Nevada Agency, said Frishman won a contract to fill a geologist position, but that his experience in Texas would be a "tremendous asset in helping Nevada deal with the federal government's attempt to locate a high-level

nuclear waste dump at Yucca Mountain."

The contract calls for Frishman to review and evaluate the State's independent technical studies to determine the ability of Yucca Mountain to meet siting requirements from a geologic perspective; to review and evaluate the strategy, technical approach and related activities of DOE and its contractors to conduct site characterization of Yucca Mountain; to analyze and recommend an overall state strategy to respond to the DOE's site characterization activities to ensure coordination and integration of state review activities, and to review and analyze the effectiveness of DOE's site characterization and environmental impact statement preparation concerning compliance with the Nuclear Regulatory Commission repository licensing rule.

NARUC SUES DOE OVER HLW DEFENSE FEE

On September 9, The National Association of Regulatory Utility Commissioners (NARUC) filed with the United States Court of Appeals for the District of Columbia Circuit a Petition for Review of a Department of Energy (DOE) Order, denying NARUC's request that the DOE establish an equitable methodology for determining the fees to be paid by the DOE into the Nuclear Waste Fund for the disposal of high-level nuclear waste from atomic energy defense activities conducted by DOE's Office of Defense Programs. The court petition was expected. (See EXCHANGE Vol 6, No. 15).

In addition to the fee calculation methodology, the NARUC Petition for Rulemaking, rejected by the DOE, also discussed the timing of payments, interest charges, acceptance rates, and delivery schedules.

According to Edwyna Anderson, Chair of NARUC's Subcommittee on Nuclear Waste and a member of Michigan's Public Service Commission, there is a "substantial difference of opinion" between the DOE on the one side and the NARUC, the electricity industry, and consumer advocates on the other over the dollar amount owed to the Nuclear Waste Fund for DHLW. With the parties to the decision limited to two offices within the DOE, there is no assurance that the defense program will be made to pay its fair share, she warned.

TRU & LLRW...

TRUPACT CONTAINER CONTRACT WON BY NUCLEAR PACKAGING INC...

Nuclear Packaging Inc., a subsidiary of Pacific Nuclear Systems Inc., of Federal Way, Washington, was awarded the contract by Westinghouse Electric Corporation's Waste Isolation Division in Carlsbad for the new design and fabrication of six TRUPACT II initial shipping containers and two truck trailers for the transporting of Defense program wastes to the Waste Isolation Pilot Plant (WIPP). The contract is valued at 3.5 million dollars ... (Further details on the container design and scheduling to follow.)

ILLINOIS SETS NEW FEES ON UTILITIES FOR LLRW PROGRAM ...

On September 15, 1987 Governor Thompson signed into law legislation that levies an annual fee of \$498,000 on each nuclear reactor in the state for the next three years. The revenues will be used to support the LLRW siting selection program. The first quarter payment is due on October 15, 1987.

The Governor has not signed, and is not expected to sign, without imposing his own changes, a bill adopted by the legislature this past summer that would require the approval of the local government jurisdiction prior to the siting of an any nuclear processing or disposal facility within its boundaries.

The bill is a direct outgrowth of the opening of Chem-Nuclear's supercompactor facility in Channon, IL under a license initially obtained from the federal Nuclear Regulatory Commission. In past years legislation to give local jurisdictions and/or the legislature veto power over the selection of a LLRW disposal facility was either defeated in the legislature or, if adopted, vetoed by the Governor.

The Exchange was remiss in not announcing that the State of Illinois officially became an NRC Agreement State this past summer.

PA LLRW DISPOSAL SITING BILL RELEASED

On September 10, Pennsylvania's LLRW Management Public Advisory Board finally received and reviewed the State's proposed LLRW Disposal Facility bill. The bill provides extensive compensation to private landowners in the vicinity of a LLRW disposal facility. The compensation and socio-economic impact provisions are viewed as having a very significant impact on the costs of disposal in the Appalachian region. LLRW generators are concerned about the possible costs but definitely support the state's efforts to move ahead on the siting program. (Details of the bill to be reported in Part II of this issue.)

POSITION OPENINGS NY STATE LLRW DISPOSAL FACILITY SITING COMMISSION ALBANY, NY

A **Quality Assurance Specialist** to be responsible for the implementation and maintenance of a quality assurance and control program for the Commission's site selection and characterization activities and its disposal method selection activities. Emphasis will be on document control; control of purchased services; and control of engineering processes, particularly site characterization. An engineering or physical sciences degree is required, plus five or more years applicable QA/QC experience. Experience in the nuclear industry and familiarity with 10CFR50 App. B and ANSI/ASME NQA-1 is preferred. The starting salary is \$41,000.

LLRW Disposal Technology Specialists (Two positions available) to be responsible for technical oversight of contractor studies leading to selection of a LLRW disposal method or methods. Principal efforts will include oversight of contractor disposal method analyses and assessments; assuring compliance with State and Federal regulations; accurate characterization of a source term from New York State survey data; interrelating disposal technology and site selection; development and assessment of construction cost estimates; and projections of operating staff and equipment requirements for various disposal methods. An engineering or physical sciences degree and some applicable experience in LLRW management studies are required. Knowledge of the properties and long-term behavior of materials likely to be used, particularly concrete, is desirable. The starting salary is \$34,000 to \$42,300, depending on qualifications.

The three positions are not permanent. It is estimated that the Commission will need three to four years to complete its work. Continued employment with the State of New York cannot be guaranteed when the Siting Commission is dissolved.

Please direct any applications or inquiries to: Jay Dunkleberger, Executive Director, NYS LLRW Siting Commission, c/o NYS Energy Office, 2 Empire State Plaza, Albany, NY, 12223, (518) 473-1986.