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SENATE APPROVES JOHNSTON HLW LEGISLATION FOR INCLUSION IN ENERGY & WATER APPROPRIATIONS BILL I

On the afternoon of Thursday, November 12, Senator Johnston succeeded in securing Senate adoption of his HLW legislation, S. 1668, as part of the Senate's Energy and Water Appropriations bill by an overwhelming margin of 63-30.

Prior to this action the Louisiana Senator defeated an amendment to adopt the Appropriations bill without the Nuclear Waste provisions by a vote of 55-30, and won a cloture vote killing the filibuster led by Senators Adams (D-WA) and Reid (D-NV) by a vote of 87-0. The "no-votes-in-favor" of allowing the filibuster to continue came about as a result of a voting procedure that provided for a separate vote on the Johnston HLW legislation. Reid and Adams announcement that they would support the cloture motion to cut off their own filibuster amused Johnston and he took the opportunity to say so.

The arguments and statements given by both sides during the five days of debate did not sway any votes. But, the disclosure of NRC and DOE documents, particularly NRC's, regarding DOE's ability to select a preferred site that is likely to be licensable, did raise significant doubts as to whether Johnston's deadline date of January 1, 1989 was credible or would it become, as has the initial deadline for the startup of the repository -- another target date which DOE would miss.

Johnston Again Wheels and Deals

Senator Johnston again successfully used his skills as a wheeler-dealer to acquiesce the opposition of some of his colleagues and gain their support for his bill. He won over Senator Sasser on the first day of the discussion by introducing an amendment that called for the establishment of an MRS Review Commission to "evaluate the need for a monitored retrievable storage (MRS) facility as part of the nation's waste management system." The three-member commission is directed to compare and evaluate the MRS to at-reactor storage and report to Congress with recommendations between January 1, and 20, 1989. (See **Johnston in the HLW Focus**)

BEATTY WILL REACH MAXIMUM CAPACITY BEFORE YEAR'S END

Though the volume of LLRW accepted for disposal at US Ecology Richland commercial burial facility is less than what it was at this time last year, the firm's Beatty facility will reach its maximum permitted 1987 capacity of 300,000+ cubic feet prior to the end of the year. As of September 30, Beatty had accepted 228,646.20 cubic feet of LLRW. In September alone, 26,094.70 cubic feet was delivered. The state estimates that October's volume will reach 38,499.75 cubic feet. This leaves an available volume, under the 300,000 cubic feet cap, of only 32,855 cubic feet. If the November rate of delivery parallels October's then the site will reach its capacity limit before the end of November and will have to close its doors for the remainder of the year.

US Ecology has not filed a request to keep the site open after the maximum capacity is reached. However, the approval of any such request is viewed by state officials as "very unlikely."

LLRW Volumes Below '86 Levels

According to Washington state figures, only 364,824 cubic feet of LLRW was accepted at the Richland burial facility through September 30, 1987. Of that amount, 51,560.20 cubic feet was delivered in September. The volume that was accepted in October is estimated to be 45,188.20 cubic feet.

The volume of LLRW disposed at Barnwell is significantly higher than that at Hanford. South Carolina officials report that 636,956.30 cubic feet was accepted for disposal at the Chem-Nuclear facility as of September 30. Of that amount 74,257.80 cubic feet was disposed in September. The estimate for the volume accepted in October is around 90,000 cubic feet, a significant increase over the amount delivered in September.

The lack of LLRW coming into Hanford is attributable to high tax assessed by the state on waste being buried at the facility.

LLRW Disposal Half of '85

If Hanford receives the same amount of waste in November and December that it received in October, the sites '87 total will only be around 500,400 cubic feet, -- down 160,000+ from '86. At Barnwell, if the site continues to receive the high volume it accepted in October -- 90,000 cubic feet -- for the rest of the year, the '87 total will be around 907,000 cubic feet, -- almost 100,000 cubic feet below its '86 total. **

SC GOV. CAMPBELL PROPOSES HIGHER FEE ON LLRW SENT TO BARNWELL

In his budget message to the state legislature, South Carolina Governor Carroll A. Campbell Jr. has recommended that the state increase its fee on LLRW delivered to the state's Barnwell disposal facility from the current level of \$6.00 per cubic foot to "18 percent of the amount charged by Chem-Nuclear Systems."

The Governor explains that he is recommending assessing the increased fee in this manner rather than as a flat assessment "so that large increases in Chem-Nuclear charges would benefit the state as well." Though the Governor made no direct mention in his formal budget statement regarding Chem-Nuclear's increase in disposal fees to be charged to Southeast generators, it is quite evident that the Barnwell disposal operator's action sparked the move.

Over Fifty Percent Increase

According to the Governor's statement the 18% proposed assessment on Chem-Nuclear's gross receipts would amount to an increase of \$3.81 per cubic foot for a total fee of \$9.81 per cubic foot.

This level of increase is based upon a Chem-Nuclear disposal charge of \$54.50 per cubic foot, which goes into effect for Southeast generators and out-of-region generators on January 1, 1988. The increased fee is estimated to add \$3,238,500 to the states

general revenues, bringing the total amount of revenues raised by the fee to \$8,338,500. **

UTILITY GROUP REGISTERS OPPOSITION TO CHEM-NUCLEAR SE RATE INCREASE

In a November 6 letter to Chem-Nuclear President Victor Barnhart, Steve Kraft, the Director of the Utility Waste Management Group (UWMG), writing on the group's behalf, requests that the Columbia, S.C. disposal operator reconsider imposing a disposal fee increase on Southeast generators. Mr. Kraft states that the "singling out of Southeast generators -- is contrary to the design of the Amendment Act."

He further emphasizes that "low-level waste generators in the Southeast region are "captive" customers for Chem-Nuclear by virtue of the export restrictions imposed by the Southeast Compact Commission. Since Southeast generators are not generally permitted to ship waste to the other operating disposal facilities, we believe that the rate increase is fundamentally unfair. Were it not for this restriction, we strongly suspect that the rate increase would not have been imposed."

In conclusion, the UWMG Director charges that Chem-Nuclear's action "may very well represent an abuse of its monopoly power and, as a result, create a situation inconsistent with anti-trust laws."

More Utility Opposition

In addition to the UWMG letter, President Barnhart is also in receipt of a letter from Florida Power and Light Group Vice President for Nuclear Energy, C.O. Woody. Mr. Woody voices his strong disagreement with Chem-Nuclear's decision saying that it is unfair to place the burden that Chem-Nuclear is experiencing because of the decreased volume of LLRW being delivered for disposal on SE compact generators. He charges that the selective price increase "will undermine the intent of LLWPAA," and is "totally inappropriate, and counter productive to the goals of the industry." **

US ECOLOGY SPARKS REVIEW OF POLICY ON DISPOSAL OF DOE LLRW

The Department of Energy's Nuclear Energy and Defense Programs Offices are currently reviewing the department's policy to dispose of DOE contractor LLRW only at DOE's LLRW disposal facilities. The review, which is expected to be completed by the end of this calendar year, came about as a result of a request from Tom Baer, President of US Ecology, to DOE Deputy Assistant Secretary for Nuclear Energy, James Vaughn.

In an August letter, Mr. Baer points out that in 1984 a manager at the DOE's Idaho National Laboratory brought up the possibility of entertaining a request from the Rocky Mountain Compact to dispose of Idaho LLRW at the Beatty facility. He also cites recent remarks made by a DOE official regarding the possibility that LLRW from the Supercollider could be disposed of at a commercial facility.

The US Ecology President does make it very clear that he is asking only for a review of the current policy and "is not suggesting that DOE LLRW should be disposed of in the commercial LLRW sites." He further qualifies his request by adding that his firm is only seeking to "have the opportunity to rescue such wastes if consistent with policies of the various Low Level Radioactive Waste Compacts."

Decrease in Commercial LLRW Cited

Baer argues that disposal of DOE-LLRW at the commercial sites will be in the best interest of the Department. He points that the volume of commercial LLRW is declining rapidly, and cites the experience of his firm's two commercial disposal facilities in dealing with DOE-LLRW. He reports that at "the end of 1986, US Ecology had disposed of approximately 9.9 million cubic feet of LLRW at their Richland site with approximately 72% of capacity remaining available for use," and 3.6 million cubic feet of LLRW at the Beatty site, "leaving approximately 75% of capacity available for use." **

CENTRAL MIDWEST SUGGESTS BAN ON IMPORT, EXPORT OF LLRW FOR TREATMENT

At their November 10 meeting, the Central Midwest Compact Commission, approved a "draft" Regional Management Plan including recommendations that would prohibit in-region LLRW processing centers from offering their services to out-of-region waste generators, and ban the export of LLRW to out-of-region processing centers, once the Compact's regional facility begins operation.

In concert with these proposals the Commission also approved, for inclusion in the draft Plan, recommendations that a regional LLRW treatment facility be located at the regional disposal facility, and that a super compactor be used at the regional treatment facility.

Comments on these recommendations as well as the entire plan are being solicited up until November 20.

French LLRW Tracking System Approved

In addition to the above recommendations, which are sure to attract comments from LLRW processing firms, the Commission also approved for inclusion in the "draft" Regional Plan, the following proposals:

- Not to allow the building of a regional facility for storage of LLRW for the purposes of allowing time for decay.
- The LLRW tracking system used by the French nuclear waste management agency, ANDRA, is to be adopted for use in the region.
- A regional disposal fee should be formulated that would encourage volume reduction.
- No limits are to be placed on the export of LLRW until the regional facility begins operation.
- The export of waste out of the region for disposal or processing after the regional facility opens is prohibited;

-- Reciprocal agreements should be established with other compacts that would allow the mutual shipment and disposal of LLRW in the case of an emergency. **

1987 RADWASTE REPORT CITES DATA ON "ORPHAN" WASTE, WIPP SHIPMENTS

The Department of Energy's just released 1987 Report "Integrated Data Base for 1987: Spent Fuel and Radioactive Waste Inventories, Projections, and Characteristics," includes a new special section on "miscellaneous, highly radioactive materials that may require geologic disposal," and tabular data projecting the annual amount of TRU waste to be shipped to the WIPP site.

The report revises spent fuel projections slightly downward from the previous edition (Rev.2), (See separate story on HLW in the **HLW Focus**). On the LLRW side, it reports LLRW delivered for disposal to the commercial burial sites. The report is a must for everyone's library, see citation in **Reports of Note**.

"Orphan" Waste Volumes Identified

The '87 report identifies inventories of a category of waste defined as "miscellaneous highly radioactive materials (MHRM)" -- material stored at DOE and commercial sites that could "possibly require geologic disposal."

Included in this category are: (1) intact spent fuel elements or solids from experimental testing for which no reprocessing is planned; (2) damaged, irradiated fuel elements; (3) TRU-type commercial wastes. The quantities of this waste are either reported in units of metric tons of heavy metal MTHM or kilograms. Stored inventories are listed for each DOE facility. A separate table provides data on TRU waste from commercial sources. According to the data provided, there was a total of 243.1 MTHM of reported MHRM in storage at the end of 1986. INEL accounted for 55.9% of this total; TMI 82%; and SRP 19%.

The stored volume of TRU waste from

commercial sources at the end of '86 is reported as 265 cubic meters, with 201 cubic meters coming from commercial nuclear reactors. It is estimated that the current nuclear reactors will add 14-25 cubic meters to this total on an annual basis.

WIPP TRU-Waste Input

In addition to reporting on the quantity of stored TRU-waste from DOE defense

activities, the report projects an acceptance schedule for this waste at the Waste Isolation Pilot Project facility (WIPP) in New Mexico. At the end of its expected first year of operation, 1990, WIPP is projected as having an accumulated volume of 11,767 cubic feet of remote-and-contact handled TRU waste. The annual rate of acceptance is projected at around 6,600 cubic meters for each year until 2013. **

ANNOUNCEMENTS

NORTH CAROLINA LLRW MANAGEMENT AUTHORITY REQUESTS FOR PROPOSALS

All engineering contractors interested in asking for a request for proposal from the North Carolina Low-Level Radioactive Waste Management Authority for Low Level Radioactive Disposal Site Selection are required to contact the Authority by December 1, 1987. Contact: Dr. Eisenbud or James Wilson, 116 West Jones Street, Raleigh, NC 27603-8003. Telephone: (919) 733-0499. **

ILLINOIS DEPT. OF NUCLEAR SAFETY REQUEST FOR PROPOSALS

The Illinois Department of Nuclear Safety (IDNS) is seeking proposals from outside contractors to "**Design, Develop, and Close a Regional LLRW Disposal Facility.**" The prime contractor firm, as opposed to subcontractors included in the proposal, must be capable of, and be the operator of the regional disposal facility. The selected contractor is to undertake a two phase scope of work. The costs incurred during the first phase involving the development of the facility, but not including its construction will be covered by IDNS. The costs incurred with the second phase which include the construction and operation of the facility is to be covered by revenues collected by the contractor-site operator.

The deadline for submission of the proposals will be set sometime in April. For copies or more information write: Eric Schwing IDNS, 1035 Outer Park Drive, Springfield, IL 62704. **

LLRW Volume Disposal Update

LLRW ACCEPTED FOR DISPOSAL AT BARNWELL, BEATTY AND HANFORD

Through **SEPTEMBER 1987**
(Volumes in Cubic Feet)

	<u>SEPTEMBER</u>	<u>Year to Date</u>		<u>SEPTEMBER</u>	<u>Year to Date</u>
Northeast			Rocky Mountain		
Connecticut	5,386.70	25,837.00	Colorado	436.00	1,536.10
New Jersey	2,576.90	29,422.40	Nevada	15.00	15.00
	<u>7,963.60</u>	<u>55,259.40</u>	New Mexico	0.00	990.00
			Wyoming	0.00	0.00
				<u>451.00</u>	<u>2,541.10</u>
Appalachian			Western III		
Pennsylvania	14,881.30	92,952.10	South Dakota	0.00	0.00
West Virginia	0.00	0.70	Arizona	1,423.10	10,256.60
Maryland	277.50	16,914.90		<u>1,423.10</u>	<u>10,256.60</u>
Delaware	0.00	924.66			
	<u>15,158.80</u>	<u>110,792.36</u>			
Southeast			Northwest		
Georgia	2,007.09	14,832.75	Idaho	0.00	1.50
Florida	2,328.20	27,936.20	Washington	7,729.50	33,784.80
Tennessee**	18,375.80	121,902.60	Oregon	12,247.50	57,995.50
Alabama	3,707.40	55,049.00	Utah	52.50	1,372.50
N. Carolina	5,978.10	59,321.60	Alaska	40.00	40.00
S. Carolina	7,298.80	80,566.90	Hawaii	0.00	2,598.00
Mississippi	398.80	10,630.20	Montana	0.00	38.20
Virginia	4,075.10	47,495.25		<u>20,069.50</u>	<u>95,830.50</u>
	<u>44,169.29</u>	<u>417,734.50</u>			
Central States			Unaligned		
Arkansas	2,167.30	12,713.20	Rhode Island	28.10	786.20
Louisiana	1,276.50	15,750.70	Vermont	1,508.30	5,708.70
Nebraska	606.00	14,364.40	New Hampshire	797.50	1,210.00
Kansas	364.00	4,036.40	Maine	0.00	2,749.70
Oklahoma	10,861.20	52,331.90	New York	6,745.10	48,150.80
	<u>15,275.00</u>	<u>99,196.60</u>	Massachusetts	4,961.60	36,259.70
			Texas	475.00	49,661.50
			North Dakota	0.00	2.90
			California	5,215.00	66,873.70
			Puerto Rico	0.00	0.00
			D.C.	0.00	135.00
				<u>19,730.60</u>	<u>211,538.20</u>
Central Midwest			TOTAL:	152,497.99	1,232,343.52
Illinois	20,176.90	143,792.50			
Kentucky	0.00	175.70			
	<u>20,176.90</u>	<u>143,968.20</u>			
Midwest					
Wisconsin	0.00	3,737.70			
Indiana	0.00	1,282.40			
Iowa	1,513.90	14,989.20			
Ohio	2,010.20	11,159.20			
Michigan	3,973.30	24,100.10			
Minnesota	218.80	11,151.56			
Missouri	364.00	18,805.90			
	<u>8,080.20</u>	<u>85,226.06</u>			

**The LLRW Volumes reported from Tennessee and possibly small volumes from a few other states may include waste delivered by generators in other states to a TN-based regional processing facility and then shipped to Hanford, WA for disposal. We are working with site operators to correct the figures.

IN APPALACHIA

The **Appalachian Compact**, already passed by the U.S. House of Representatives, will be "marked up" in the Senate Judiciary on November 19. There are no indications that it will be amended. It should be reported out for Senate floor action and adopted by the full chamber without objection.

IN THE CENTRAL MIDWEST

The **Illinois** Department of Nuclear Safety reports that of the seventeen counties that have **not said no** to being considered as the possible host for a regional LLRW facility, twelve have been identified as possibly having sufficiently favorable geological, environmental, and climatological characteristics to warrant further study. Two counties which had been actively seeking the site were found to have technical problems which eliminated them from further consideration.

IN TEXAS

Site characterization work at the **Texas LLRW Authority's** preferred site for the state's LLRW disposal site in Hudspeth County, 11 miles northeast of Fort Hancock, TX, remains stalled due to court challenges brought by the city of El Paso. Though the state legislature acted to clear up two of three El Paso legal challenges, the remaining issue, which contends that under current state law the Authority is prohibited from selecting a disposal site location 20 miles "up drainage" from a reservoir, continues to be the subject of litigation at the state district and Supreme Court level. The Authority is currently prohibited by a district court injunction from proceeding with any site work. A court date of December 7 has been set to hear arguments on the "up drainage issue."

State officials explained that the limitation on the location of a disposal site twenty miles "up drainage" from a reservoir refers only to reservoirs constructed by the U.S. Army Corp. of Engineers. The Hudspeth site does not fall in this category. The

Authority staff appears confident that the court will find in their favor and dismiss this specific challenge. However, before any further site work can be started, the State Supreme Court must act on El Paso's appeal. Authority officials indicate that this litigative process will most likely prevent further site specific work until the Spring of '88.

Despite the inability to proceed with site characterization activities the Authority continues to progress in their overall effort. The Board has selected a disposal technology-- below ground modular concrete canisters with below ground vaults. It is also expected to approve a contract with Rogers and Associates of Salt Lake City at their November 18 session, for the development of a preliminary site design based on the selected technology. The value of the contract is set at \$182,000.

As a result of the State Legislature directing the Authority to look into joining into a compact with other states in an FY '88 appropriations bill, the staff has been discussing this possibility with various states and existing regional compacts. The legislature in directing the Authority to pursue this course of action did make it clear that the intent was to identify compact opportunities that could afford Texas the protection allowed under the Low Level Radioactive Waste Policy Amendments Act (LLRWPA), that provides compacts the authority to prohibit the acceptance of out-of-region waste. The Authority is currently discussing compact opportunities with Puerto Rico. Several other states have also contacted the agency including Kansas, South Dakota, Vermont and New Hampshire.

On another front, the Authority has been contacted by a business group, from **Andrews County** in the Texas Panhandle, which is actively seeking to host the LLRW disposal site, and even exploring the possibility of seeking the HLW repository. This county has been hit with high unemployment because of the downturn in the oil and gas industry. The staff did meet with the group and explained that there appeared to be some technical problems

with the proposed site location, but their interest remained undaunted. They are currently having studies conducted at their own expense regarding the issues raised by the staff.

IN THE EPA

The EPA Office of Radiation Programs proposed LLRW standard including a Below Regulatory Concern Proposal has been sent forward for review by other offices within the Agency. The first phase of this internal review is expected to be completed by November 18. The proposal then is scheduled to be sent on to the next level of review within the Agency and also to the office of Management And Budget in December. According to reports received this far the proposed standard does not differ from what ORP staff has revealed in public forums over the past year.

IN THE INDUSTRY

International Technology Corporation (IT) has finalized an agreement with **Belgium Wastes Technology (BWT)** of Mol, Belgium, whereby IT will represent in the United States the combined experience and technology of the two organizations in the field of nuclear and mixed waste.

Belgium Wastes Technology is an organization set up by BELGONUCLEAIRE SA Brussels and the National Research Nuclear Center (SCK/CEN) of Belgium. BELGONUCLEAIRE engineers and supplies nuclear waste treatment installations while SCK/CEN focuses on research and the operation of nuclear waste treatment facilities.

International Technology Corporation has also announced that it has been selected by the state of **Arkansas, Department of Pollution Control and Ecology**, for the on-site incineration of dioxin-contaminated waste stored at the Vertac site in Jacksonville, Arkansas. The contract, initially slated at \$9.7 million, will involve remediation and incineration of approximately 27,000 drums of dioxin-contaminated material, using IT's transportable Hybrid Thermal Treatment System (HTTS), modified to meet the specific requirements of the

site. Engineering of this second HTTS has already begun, and fabrication is expected to take six months. On-site incineration of the material is scheduled to commence mid-1988.

Hydro Nuclear Services, Inc. is marketing a new Automated Laundry Frisker System (ALF) to detect radioactive particles, or "fleas," nestled in laundered protective clothing. ALF system was designed in response to a recognized industry need for enhanced protection of plant personnel from unanticipated exposure to radioactive particles.

Operated by one technician, the ALF system simultaneously monitors both sides of clothing items. Gas flow proportional detectors offer high sensitivity to both gamma and beta particles. Detection of a radioactive particle triggers an alarm, and indicator lights pinpoint the location for manual removal. In addition to detecting and locating "fleas," the system monitors general garment contamination levels and automatically adjusts for background radiation.

Housed in a polished stainless steel cabinet with a plastic laminate covering, the ALF system is mounted on lockable casters for mobility and requires little floor space. The 36-inch wide conveyer belt and the adjustable height of the upper detector provide flexibility in processing various-sized garments.

In the first commercial applications, ALF systems are operating at Virginia Electric and Power Company's North Anna Nuclear Power Station and Union Electric Company's Callaway Nuclear Power Station. For more information call (609) 722-5700.

ON THE MOVE

Don Diego Gonzalez, Ph.d has been named a Vice President at Roy F. Weston, Inc. Based in the Company's Albuquerque, NM office, Dr. Gonzalez is responsible for technical direction and marketing efforts for low-level radiological waste projects. **

(Johnston from pg. 1)

The Secretary of Energy is restrained from exercising his powers granted under other provisions of the legislation to proceed with the construction of a MRS facility until after the Commission completes its evaluation and submits its report. The Secretary may then proceed to construct a repository unless the Commission finds it unnecessary, and Congress acts within 30 legislative days following receipt of the report to **adopt a resolution disapproving authorization for the facility.**

After silencing Senator Sasser's opposition, the Energy Chairman went to strengthen support among Senators from second round states by supporting an amendment offered by Maine's Senators Mitchell and Cohen that stopped funding for research programs on granite formations, in other words DOE's Underground Research Laboratory. Johnston even accepted a Gramm (R-TX) amendment dealing with private land acquisition though he did not gain Gramm's support on the final vote.

Earlier Amendments Dropped

The Energy Chairman also attempted to gain support from Senators opposing the single site characterization scenario because it did not include continuing surface testing at the other two sites, and those desiring more technical oversight. He introduced a package of modifications on November 5, calling for the establishment of an National Academy of Sciences(NAS) Oversight Board, and maintaining surface testing at the two sites remaining after selection of the one preferred site. However, only the NAS panel modification made it into the final

version. The surface testing provision was dropped when Senator Adams refused to agree **not** to amend it.

A Hecht Package Accepted

Apparently, at the request of his most avid supporter and co-sponsor on the Republican side of the aisle Senator McClure, Johnston accepted a package of amendments offered by Senator Chic Hecht that included one calling for the establishment of an Office of Subseabed Disposal -- a proposal Johnston opposed during his Energy Committee deliberations. The Hecht package also called for another subseabed study and addressing transport routes for spent fuel.

Final Votes Next Week

On Friday November 13, Senator Breaux may offer his motion to recommit the bill but from the looks of things tonight (as we put this edition to bed) it does not have much of a chance of approval. A final vote on the entire Appropriations bill is to occur on Tuesday or Wednesday (November 17 or 18).

NRC, DOE DOCUMENTS CITED IN OPPOSITION & SUPPORT OF PREFERRED SITE SELECTION

During the debate on the Senator Johnston-McClure-Energy Committee HLW legislation Senators Breaux and Simpson cited a DOE letter from Acting OCRWM Director Ed Kay to NRC Chairman Zech, and NRC staff and Commission statements that supported their contention that the selection of a preferred HLW repository site -- one that would be likely to be licensed -- cannot be confidently made by the date specified in the Johnston Bill -- January 1, 1989.

