The

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

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Volume 6 No. 22

December 21, 1987

A YULETIDE GIFT TO NEVADA FROM THE OTHER 49 STATES -- A HLW REPOSITORY! NEW HLW BILL IN RECONCILIATION PACKAGE SHOULD PASS CONGRESS BY WEEKEND

On December 17th, in the final hours of its pre-Christmas budget struggle, House and Senate conferees on the FY88 Budget Reconciliation Act reached agreement on amendments to the Nuclear Waste Policy Act of 1982 that puts the HLW repository in Nevada with no back-up alternatives. After days of standoff, during which negotiations nearly broke down, the conferees screwed up their courage and put an end to speculation over the fate of the nations's high-level nuclear waste. If all other issues on the Budget Reconciliation Act are resolved, the new HLW program will become law by the winter solstice -- December 21.

The deadlock was broken when House conferees, led by Reps. Udall, Sharp, and Dingell reversed their earlier opposition to the authorization of a monitored retrievable storage facility (MRS). The key to the final compromise was the (See **HLW Bill** in **the HLW Focus**)

CHEM-NUCLEAR INCREASES DISPOSAL FEES BY ABOUT SIX PERCENT

On Thursday, December 17, Chem-Nuclear forwarded a letter to all customers of their Barnwell SC disposal site announcing that, effective January 15, 1988, disposal fees would be increased by about 6%. According to a Chem-Nuclear spokesman, the base disposal change will be increased by \$2.00 per cubic foot, putting it at \$35.32 per cubic foot. The minimum charge per shipment will also be increased by \$100 making it \$750.00. The increase is explained as necessary in light of the decrease in LLRW accepted for disposal, and the firm's intent to continue providing the quality of services that it has provided in the past. **

NEBRASKA HOST FOR CENTRAL STATES LLRW SITE, GOV. SUPPORTS COMPACT

On December 15, the Central States Compact Commission designated Nebraska as the Host State for the region's LLRW disposal facility. The designation came about without much hassle at a rather calm two hour session of the Commission in New Orleans, LA. The vote was of 4 states to 1, with Nebraska voting in opposition.

Nebraska Governor Kay Orr accepted the decision and endorsed the selection process as "fair", but had set firm conditions under which her state would accept the responsibility. The real test of the state's commitment will come when the legislature reconvenes next year. (See **Nebraska** pg. 2)

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(Nebraska from pg. 1)

Nebraskans had more or less expected the outcome. At the previous Commission session held on December 8, Governor Kay Orr specified conditions under which Nebraska, if designated, would accept the Host State responsibility. These conditions, including one that limited the compact designated site operator, US Ecology, or the Commission, to considering only locales in the state that were interested in hosting the burial facility, were adopted by the Commission.

The stage was set for an "uneventful" designation when the Commission, in addition to endorsing Nebraska's conditions, decided not to use a numerical weighting or ranking process, but instead directed US Ecology to make a Host State recommendation based on "logical reasoning", after evaluating each party state in three areas: volume of LLRW generated; environmental protection, and transportation. US Ecology accepted the challenge and developed a "narrative" analysis for each party state in each of the three areas. Each state was then evaluated in each area, not on a numerical rating but through a "logical" step- by-step analysis. The firm made their presentation at the December 15 session and without fireworks of any kind the Commission made their selection.

"Logic" Key To Smooth Decision

In the view of those directly involved in the designation process, the Commission's decision to forego a numerical weighting/ranking process was the crucial factor allowing a decision to be made without fractionating the Compact. US Ecology, in accepting the Commission's charge to evaluate the states, with respect to the three areas noted above, proceeded to develop their own "logical" approach. As reported by US Ecology personnel their evaluation proceeded along the following basis:

On LLRW Volume US Ecology reasoned that since 85% of the waste within the region was generated by nuclear reactors they would only consider the volume of LLRW generated

in each state from reactors. Oklahoma has no reactors so that left the four other states: Nebraska, Louisiana, Arkansas and Kansas. The next logical step was to look at which states had the most reactors. Three had two. From there, US Ecology went on to consider which were boiling water reactors since they produced more waste. That left Nebraska and Louisiana. The net result was that in this category US Ecology informed the Commission that Nebraska and Louisiana were tops; Arkansas and Kansas were in a lower category; and Oklahoma was last.

On Environmental Factors US Ecology based their environmental evaluation on which states had the most suitable areas within which a licensable disposal site could be located. On this basis Nebraska and Kansas were found to have more suitable areas within which to locate a site than the other three.

On Transportation Factors US Ecology factored transportation into their "logical" evaluation by first determining the "centroid" of the region and then calculating the miles that LLRW from the region's reactors would have to be transported to reach this centroid. Arkansas and Kansas fell into the top category.

The Final Recommendation

From their evaluation of each of the states in the three above areas, US Ecology recommended Nebraska by employing the following logic:

- -- Nebraska was tops in two of the three categories -- volume generated and with respect to environmental protection. Kansas was also tops in two: environment and transportation.
- -- The Commission had earlier determined that environmental concerns were to be given higher attention than transportation.

The result was that Nebraska was the logical choice since Kansas was found to be in the top category in the environment area and transportation.

Nebraska Prepared For Decision

- Previous to the two Commission decisionmaking sessions, Nebraska had conducted their own analysis of their chances of being tops in the areas deemed crucial by the Commission, and found that this was a distinct possibility. Governor Kay Orr then took the initiative and formally informed the Commission, at their December 8th session, of the conditions under which Nebraska would accept Host State responsibility and remain in the Compact. Included in this list were the following:
- o US Ecology would not locate a burial site in a community without its consent.
- A local monitoring committee would be established in the Host community and supported by US Ecology.
- Nebraska would have veto power over the import and/or export of LLRW and retain the right to refuse decommissioning waste.
- Class C waste would be stored in an easily retrievable form at the regional waste facility for 30 years.
- Mixed waste would be treated to the maximum degree possible before being shipped to the disposal facility.
- o The state and local host community would be guaranteed that any costs incurred regarding the development, and operation of the site, would be reimbursed.
- o The localities participating in the siting process would be guaranteed compensation from a \$300,000 pool.
- o Property values in areas surrounding the site would be guaranteed.
- o The site would be under the complete control of the state of Nebraska and the local community.
- The remaining party states would cover the expenses of providing incentives to the host Nebraska community.

The Commission adopted the conditions as Compact policy.

Governor Says Process "Fair"

In statements immediately following the designation of her state, and at a press conference the following day, Governor Kay Orr stated that the "process was fair and sensible," and supported remaining in the Compact, and US Ecology's work. She attempted to dissuade the press and the public from the attitude that Nebraska had got stuck, remarking that the "compact vote should not be seen in terms of Nebraska winning or losing." "This issue" she emphasized, "is about responsibility and our Compact process which all five states agree is the most sensible, economical, and fair method of dealing with low level radioactive waste." The Chief Executive explained that it was not feasible for Nebraska to go it alone, and called attention to the state law, enacted over the past year, that provides Nebraskans the protection necessary to develop and operate a site safely.

Local Interest Expressed

The condition, imposed by Gov. Orr and accepted by the Commission, that a site not be developed in a community that does want it, does not seem to present a major problem for US Ecology -- at least at this time. Some twenty communities have expressed interest. However, it can be expected that in the final contract with the Commission and the state, US Ecology will not be held liable for not meeting a siting milestone if a local community, once studied and selected, changes its mind and decides it does not want to host the facility. **

MICHIGAN ADOPTS LLRW SITING AUTHORITY BILL

On December 10, the Michigan Legislature adopted a bill establishing a single executive-headed LLRW Authority including a provision to allow the legislature a role in site selection if they desire to participate. (See EXCHANGE Vol. 6 No. 21 [Part II]). The Governor will have signed the measure into law by early next week

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(Dec. 21). Passage of the bill had been blocked by House insistence that the Legislature be involved in the site selection process.

The compromise language that was agreed to, and lead to adoption of the bill, does not alter the exclusive authority of the Executive Director to select the site but it allows the Legislature to reject the Executive Director's decision if it acts within a thirty day period. The selection process, as adopted, is as follows --

-- The Authority Executive Director is to forward his preliminary site selection to the Legislature along with two other qualifying sites. The Legislature then has thirty legislative days within which to: Reject the Executive Director's decision; or Reject the decision and select one of the two other qualifying sites. If the Legislature elects to reject the Executive Director's decision, but not select another site, then the Executive Director is to select one of the two remaining sites. If the legislature does not act within thirty days the Executive Director's selection stands. **

MOST STATES, REGIONS SEEN AS MEETING JAN 1 LLRW SITE PLAN DEADLINE

It appears that most states and compact regions will be determined to be in compliance with the January 1, 1988 milestone of the Low Level Radioactive Waste Policy Amendments Act (LLRWPAA) requiring the establishment of a siting plan for the development of a LLRW burial facility. Pennsylvania may face a bit of problem since the Legislature adjourned without adopting siting legislation. However, the state is looking into alternative ways it may take action that could comply with the milestone.

In the Exchange's view, other states that appear to have a problem are: Vermont, New Hampshire and possibly even the two state Northeast Compact region including New Jersey and Connecticut.**

EPA ADMINISTRATOR ASKED TO DEFINE "OFFICIAL" POLICY ON LEAD WASTE

On December 3, Terry Husseman, the Chairman of the Northwest Compact wrote Environmental Protection Agency (EPA) Administrator Lee Thomas requesting "an official EPA position on issues related to the disposal of [LLRW] that contains lead." Mr. Husseman emphasized that the issue of "crucial" interest was the burial of waste streams that contain "uncontaminated lead used as shielding, surface contaminated lead and activated lead."

In his letter, the Northwest Compact Director, explains that the position taken earlier by Ms. Marsha Williams, the EPA Director of the Office of Solid Waste (See EXCHANGE Vol. 6 No. 12), that "uncontaminated lead in use as shielding is not regulated by RCRA" did not consider that "generators are disposing of the shielding as though it were a waste in a waste disposal facility because they have no intention of retrieving it."

Specific Questions Raised

In order to clarify the current situation, Husseman, on behalf of the Compact Committee requests Thomas' response to the following issues:

- o Is it the official position of EPA that it is appropriate to dispose of lead in unlined low-level radioactive waste disposal facilities?
- o If so, what are the consequences, from an environmental perspective, of allowing the disposal of lead, which fails your agency's EP Toxicity Test? **

UTAH PREPARES TO LICENSE "NORM" LLRW SITE IN JANUARY '88

Officials from the state of Utah report that a license application submitted by SK Hart Engineering, to operate a LLRW site for "Naturally Occurring Radioactive Materials" (NORM) should receive final action in January 1988. The site is within the area the state has used for disposal of a uranium mill tailing pile removed from Salt Lake City. It is located in the desert 85 miles west of Salt Lake near Clive, Utah. The state "relocated" a 4.3 million ton uranium mill tailing pile to this site under the Uranium Mill Tailings Remedial Action (UMTRA) program.

The license application, as submitted, is limited to disposal of NORM waste of less than 2000 pico-curies per gram, and which does not fall under the jurisdiction of the Nuclear Regulatory Commission (NRC). The waste must also be free of any RCRAregulated contaminants. The state is requiring an engineered structure, including a top cover and bottom liner, which is to be designed to ensure that water accumulation within the disposed material does not occur and out migration meets the standards set by the NRC for the UMTRA program.

SK Hart Engineering estimates that once the site is in operation it will accept 500,000 tons a year of NORM waste.**

ILLINOIS CONSIDERS LLRW BURIAL FEE INCLUDING RISK CHARGE

The Illinois Department of Nuclear Safety (IDNS) is considering a LLRW disposal fee structure, suggested by an outside consultant, that would include a flat fee to cover administrative costs; charges to cover operating costs, which would be based on waste volume, handling, class and type of waste, and dose rate; and a charge based on risk. The risk-based portion would allow the generator to receive credits for "superior" waste forms and short-lived waste.

The suggested general structure can be expressed as the sum of a flat fee, plus a linear price element (per unit volume, radioactivity, etc.) multiplied by a pricing factor; plus a non-linear element (risk, mixed waste, waste form). It is detailed in two reports, "Summary--Technical Considerations for Low-Level Radioactive Waste Disposal in Illinois," and "Possible Fee Structures For Low-Level Radioactive Disposal" Waste (IDNS87b). Available from IDNS. (See Reports of Note in this edition.)

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Administrative Cost Based Portion

The first element of the suggested structure -- the flat fee-- would reflect the underlying paperwork and general overhead activities. In an example depicted in the IDNS draft report, it is estimated that this element of the fee would be a minimum of \$2.00.

Operating Cost Based Fee

The operating cost based portion of the suggested fee reflects, for the most part, the traditional fees now being assessed by current disposal operators. It would be primarily based on the volume of waste delivered for disposal, and include surcharges for: difficult-to-handle containers; packages with high surface dose rate; the disposal of Class B, C, or mixed waste, and/or wastes of unusual shapes that would require special handling. The base volume charge in the "Example" fee calculation is suggested as \$50.00.

The Risk Related Fee

The risk based portion of the suggested fee structure would take into account the increased risk of handling and disposing of LLRW beyond the level of Class A waste. Surcharges would be imposed to take into account the increased risk for the disposal of Class B or C waste; mixed, or high toxicity waste; or waste packages with a high radioactivity content.

As is pointed out in the draft report this risk factor portion could result in a surcharge being imposed on waste that was volume-reduced because this would have the effect of concentrating the radionuclides in the package, "creating greater risk to intruders and possibly to users of wells near the disposal facility."

A risk based assessment is also suggested for accepting mixed waste because it is argued that both the hazardous and radioactive components of such waste can adversely affect individuals. Though volume-reduced waste may present a risk due to the resulting increased concentration of radionuclides, it is also argued that poor

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waste form would increase the risk at the disposal facility. A risk-based fee is, therefore, suggested for waste packages that would decompose or are uncompacted, because this could contribute to land subsidence at the disposal site.

Credits For Lessening Risk

The risk-based portion of the "suggested" fee would take into account action taken by the generators to deliver a superior waste package and give appropriate credit to the generator. A credit is also suggested for waste packages that contain short lived radionuclides.

How Does This All Add Up?

The reports include an "Example" of how the suggested fee schedule would affect disposal charges. Using various multipliers to the volume of LLRW accepted for disposal, the reports estimate that the fee for a 55 gallon drum of Class A waste, mixed with cement to meet NRC stability requirements, with an average specific radioactivity of 10⁻⁵ curies per cubic foot and a surface exposure rate of 1 roentgens per hour, with an assumed porosity of less than .2 and no chelating agents, would be: \$35.27 per cubic foot.

For a container of waste presenting more risk, for example a 55 gallon drum of bitumen-solidified Class C waste, with a surface exposure rate of 2 roentgens per hour with a concentration of C-14 of .025 curies per cubic foot, and all other radionuclides with radioactivity of less than .0001 curies per cubic foot, the cost would be: \$1250.27 per cubic foot.**

US ECOLOGY TENNESSEE SUPERCOMPACTOR OPEN FOR BUSINESS FEB '88

US Ecology reports that their mobile supercompactor will be permanently stationed in Memphis, TN, and ready for business by February '88. Earlier this year US Ecology had entered into an agreement with Hake and Associates to locate their supercompactor at Hake's Memphis facility. Hake, which provides a variety of decontamination services, holds a nuclear materials license for the Memphis site. This license, issued by the state, was amended to allow US Ecology to locate and operate their supercompactor.**

REPORTS OF NOTE (LLRW)

Ilinois IDNS LLRW Reports The following reports are available on a limited basis from the Illinois Dept. of Nuclear Safety (IDNS) (217) 785-9937. They are written for a broad audience. The Summary Technical Report includes a summary of all the technical reports and provides a good overall view of the significant technical issues regarding facility development.

Summary--Technical Considerations for Low-Level Radioactive Waste Disposal in Illinois.

Risks from Low-Level Radioactive Waste Disposal.

Reinforced Concrete and Other Manufactured Materials for Use in Low-Level Radioactive Waste Disposal Facilities, IDNS87 draft, November 1987.

Objectives and Evaluations of Alternative Designs For Low-Level Radioactive Waste Disposal Facilities, IDNS87a draft, November 1987.

Possible Fee Structures For Low-Level Radioactive Waste Disposal, IDNS87b draft, November 1987.

Alternative Design Approaches for a Low-Level Radioactive Waste Disposal Facility, IDNS87c draft, November 1987.

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IN THE CONGRESS

The Chairman and ranking minority member of the Senate Environment and Public Works Committee, Senators Burdick and Stafford, have requested that the Congressional Office of Technology Assessment (OTA) review and evaluate federal progress in implementing the Low Level Radioactive Policy Amendments Act (LLRWPAA). The OTA staff is now preparing a proposal for consideration by the OTA Board to approve undertaking the effort.

IN APPALACHIA

The Pennsylvania Legislature adjourned on Wednesday, December 16, without completing action on legislation to establish a state siting program for a LLRW disposal facility. A bill was reported out of Camille "Bud" George's House Energy Conservation Committee in the first week of December, however it included a number of amendments that were viewed as totally "unworkable" "unacceptable." Included and among those amendments were: prohibitions on the release into the environment of waste containing any radioactivity, accepting Class C waste at the burial facility, and the incineration of LLRW; and the requirement that all waste with any radioactivity be disposed of in the regional facility.

The Legislature's inaction means that the state will not have enacted into law a siting program in time to meet the January 1, 1988 deadline set in the Low Level Radioactive Waste Policy Amendment Act (LLRWPAA). This could result in a determination by the sited states and DOE that the compact region including Maryland, Delaware, and West Virginia are out of compliance with the Act. This would mean an assessment of a penalty surcharge of double the \$20.00 surcharge that goes into effect on January 1, 1988.

On December 3, the Senate Judiciary Committee reported out the Appalachian Compact Bill without any amendatory language regarding provisions in the Compact that would seemingly allow the Compact Commission to enforce federal regulation. At the time, the Justice Department continued to object to the inclusion of such language in the Compact. In reporting the bill to the Senate floor, Senators Biden, the Judiciary Chairman, and Thurmond, the ranking minority member, filed floor statements noting Justice's objections and committed to reconcile Justice's concerns prior to a Senate vote. A meeting with Justice to resolve their objections scheduled for Thursday, December 17 was not held. There is the distinct possiblity that the Senate will not act on the bill prior to leaving for their Holiday recess.

IN THE MIDWEST

The state of Michigan has expanded its LLRW staff. Joining David Hales in the Michigan LLRW office is **Steve Hilker**, who was appointed Deputy Director; and **Elaine Brown** who is an Associate Director For Communications and Policy.

IN THE INDUSTRY

Technologies' New York Power Authority's NWPA Fitzpatrick plant Solidification and Transportation services contract has been extended through September 1989. In early October, LN Technologies decontaminated the Recirculation Piping and Reactor Water Cleanup System at Quad Cities Unit #1. This project marked the 5th application of LOMI by LN Technologies for **Commonwealth Edison.**

ON THE MOVE

George J. Antonucci has joined LN Technologies as Director, Business Development. George comes to LN Technologies from NUS Corporation, where he most recently served as Manager, Business Development. By the way, the EXCHANGE was amiss for not informing network members that in early fall of this year Gerry Motl was made President of LN Technologies.**

LLRW ACCEPTED FOR DISPOSAL AT BARNWELL, BEATTY AND HANFORD

Through NOVEMBER 1987 (Volumes in Cubic Feet)

	NOVEMBER	Year to Date		NOVEMBER	Year to Date
Northeast			Rocky Mountain	ר ר	
Connecticut	6,532,60	33,474,60	Colorado	0.00	2,439,00
New Jersey	8,646.70	44,327.60	Nevada	0.00	15.00
,	15,179.30	77,802.20	New Mexico	0.00	990.00
		,	Wyoming	0.00	0.00
Appalachian				0.00	3.444.00
Pennsylvania	18,475.00	130,344.12			-,
West Virginia	4.01	4.71	Western III		
Maryland	125.20	17,044.10	South Dakota	0.00	0.00
Delaware	0.00	1,284.66	Arizona	2.064.70	15,949,00
	18,604.21	148,677.59		2,064.70	15,949.00
Southeast			Northwest		
Georgia	600.90	27,490.57	Idaho	0.00	1.50
Florida	3,433.70	43,266.80	Washington	2,027.00	36,721.80
Tennessee**	26,582.10	188,191.20	Oregon	10,457.90	75,910.50
Alabama	1,157.50	62,332.00	Utah	660.00	2,032.50
N. Carolina	2,678.00	72,383.78	Alaska	0.00	40.00
S. Carolina	6,633.90	105,400.01	Hawaii	0.00	2,598.00
Mississippi	199.40	11,703.80	Montana	0.00	38.20
Virginia	6,071.55	63,389.92		13,144.90	117,342.50
	47,357.05	574,158.08	Unaligned		
-			Rhode Island	0.00	992.80
Central States			Vermont	73.40	7,310.30
Arkansas	3,164.40	17,026.00	New Hampshire	0.00	1,814.80
Louisiana	7,007.70	23,122.40	Maine	0.00	2,749.70
Nebraska	359.50	16,299.90	New York	4,265.10	60,063.03
Kansas	470.00	4,500.40	Massachusetts	5,523.20	45,418.70
Oklahoma	8,702.10	71,081.00	Texas	1,029.30	55,964.80
	19,703.70	132,029.70	North Dakota	0.00	2.90
			California	9,297.80	82,409.60
Central Midwes	t		Puerto Rico	0.00	0.00
Illinois	12,/04./0	174,162.60	D.C.	0.00	135.00
Kentucky	0.00	1/5./0		20,188.80	256,861.63
	12,/04./0	1/4,338.30	TOTAL .	161 //35 26	1 607 718 54
Midwest			IUIAL.	101,433.20	1,007,710.94
Wisconsin	2,126,20	6.851.60			
Indiana	0.00	1,808,20	**The LLRW V	olumes repor	ted from Tennes-
Iowa	1.815.30	17.294.40	see and possibly small volumes from a few		
Ohio	908.50	13,767.88	other states may include waste delivered by		
Michigan	2,579.00	31,193.80	generators in	other state	s to a TN-hased
Minnesota	3,959.40	15,309.06	regional processing facility and then		
Missouri	1,099.50	20,890.60	shipped to Hanford. WA for disposal. We are		
	12,487.90	107,115.54	working with	site operator	s to correct the
		,	figures.		

REQUEST FOR PROPOSALS

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Maine Department of Environmental Protection (DEP) expects to issue a Request For Proposals (RFP) seeking outside contractors to draft the state's low-level waste regulations. The rules are to be used to guide the Maine Board of Environmental Protection in evaluating plans for the siting, design, and operation of a low-level radioactive waste disposal facility. The RFP should be released on or about December 22-23. Proposals will be due by January 18. Maine's draft siting plan calls for the DEP rules to be in place by Sept. 30, 1988.

The successful bidder must be able to draft preliminary rules, assist at public hearings, and prepare final rules. Information on the RFP is available from Mary James, Bureau of Oil and Hazardous Materials Control, State House Station #17, Augusta, Maine 04333; tel. (207) 289-2651.**

NEW YORK STATE LOW-LEVEL RADIOACTIVE WASTE COMMISSION

The New York State Low-Level Radioactive Waste Siting Commission (the Commission) is to select a site or sites in New York State and a method or methods for disposing of low-level radioactive waste generated in New York State. The Commission intends to issue a Request for Proposals (RFP) by the end of December 1987. The scope of work in the RFP includes three principal activities which are to be carried out by a contractor or by a joint venture of two or more contractors for the Commission:

1. Site Selection. This process will include a statewide exclusionary screening process; identification of potential areas and sites; initial site evaluation, development of a site characterization plan; and full characterization of up to four sites. (Site characterization might be done under a separate contract.) Aboveground, belowground, and underground mined repository sites must all be considered.

2. Disposal method selection. This process will include identification of potentially suitable methods for aboveground, belowground, and underground mined repository sites; conceptual designs of selected methods; preliminary designs of methods selected for specific sites; and optimally matching method with site.

3. Preparation of Application Package. The Commission must apply to the New York State Department of Environment Conservation (DEC) for certification that the Commission's final selections comply with certain applicable DEC regulations. These regulations will be provided with the RFP. The application package to be prepared by the contractor must include a Draft Environmental Impact Statement to support the site and method selection, as well as extensive additional analyses, description, and documents as specified in the regulations.

The above activities will require extensive public involvement and participation throughout the entire process, with strong support from the contractor. The contractor will also develop and maintain a project management and information system, and will maintain strict quality control of all procedures and documents. The commission intends to award a cost plus incentive fee contract.

For further information or to request a copy of the RFP, contact William Schwarz at the Commission at 1215 Western Avenue, Albany, N.Y. 12203, (518) 438-6130.

^{the} HLW Focus

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(HLW Bill from pg. 1)

acceptance by the senior House conferees of Johnston's proposal to link the construction of an MRS to the issuance of a NRC construction license for the first repository.

House Initiates NV Designation

The decision to specify Nevada as the site of the first repository was set in motion when the House conferees proposed, in their first meeting with the Senators, to accept the single-site characterization concept contained in the Senate-passed bill. The Senate bill, however, did not specifically name Nevada. The House, hoping at first to back Johnston away from pursuing final action on waste legislation this year, decided not only to select a single site, but in what one staffer called "a rush of honesty," to name it -- an open challenge to Johnston's earlier advocacy of Nevada.

House "Nevada But No MRS Proposal"

The catch in the House proposal was that it killed the MRS, along with postponing until the next century, any further work on a second repository. Johnston, the House conferees bet, would not be satisfied with the designation of a single site without also winning authorization of an MRS. They were right.

Johnston's "End Around" Play

Intent on supporting the utilities' efforts to get the MRS, Johnston applied more pressure by initiating an end-run with an identical version of his waste bill, which simultaneously was under consideration in a separate House-Senate conference on the FY88 Continuing Resolution. This conference on the "CR", (a bill that had to be passed before Congress could go home for the year), included Johnston as a conferee in his role as a Senate Appropriations Subcommittee Chairman, and House Appropriations Members led by Rep. Tom Bevill (AL). These House Members were more inclined to accept Johnston's nuclear waste proposals -- especially the MRS -- than Udall, Dingell, Sharp, and other conferees on the stalled Reconciliation Bill conference.

This maneuver may have been the key factor in moving the House Reconciliation Act nuclear waste conferees to acceptance of a Johnston-initiated compromise that linked authorization of the MRS with progress on the HLW repository. Apparently, they concluded that if Johnston's HLW bill, as passed by the Senate, was included in the "CR", they could not stop the House from adopting it.

The MRS Linkage Package

As finally offered by the House members and accepted by Johnston the MRS linkage proposal is as follows:

- o The Negotiator can negotiate a deal with a volunteer state, but Congress must enact legislation to implement it.
- o Authorization is conditioned on NRC issuing a license to construct a permanent repository; No construction on the MRS can begin until construction of the repository is licensed (if the license is revoked or repository construction ceases, MRS authorization ceases).

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- o The Oak Ridge MRS siting decision is nullified. No site can be selected until the repository site characterization is completed and the Secretary has recommended a repository site under section 114 (a) of the NWPA.
- o The selected MRS host state may veto its selection, but Congress may override the veto under NWPA procedures.
- o The MRS capacity is limited to 15,000 metric tons, and no more than 10,000 metric tons can be received until shipments to repository begin.
- The MRS review commission as proposed in Johnston's high-level waste bill, is authorized (See EXCHANGE Vol. 6 No. 20) without the process to revoke the MRS authorization.

No Backup To Nevada

In picking Nevada, the final House proposal did not provide, as the Senate bill did, for moving to another "preferred" site in the event the first site is disqualified. Instead, as adopted in the final agreement, it requires DOE to return to Congress for further direction in the event of first-site disqualification.

No Work At Other Sites

The House conferees rejected a Senate (and NRC-endorsed) proposal to continue limited surface testing at the other two selected repository sites during characterization of the first repository site. Instead, the final House proposal, as adopted by the conferees, terminates all activity, other than reclamation, at the Texas and Washington sites within ninety days of enactment of the bill. (This provision had a lot of folks stirring late Thursday night!)

Other major provisions of the bill include language:

 Requiring environmental and judicial reviews of the siting decisions according to the Nuclear Waste Policy Act. However, a comparative evaluation of three alternative HLW sites was obviated by the designation of Nevada as the preferred host.

- Authorizing Udall's Nuclear Waste Ne gotiator to look for volunteers to host either a MRS or a repository, even though Nevada is designated as the preferred repository host state. Such deals would have to be approved by Congress in order to go into effect.
- Providing for impact assistance and grants-equal-to-taxes payable to Nevada and its affected local governments and special taxing districts.
- o Making any state willing to waive its right under the NWPA to veto a proposed repository (a veto that Congress can override anyway), or its veto (granted under this bill) of an MRS, eligible to receive up to \$20 million per year for a repository and up to \$10 million per year for an MRS. The state must also waive impact assistance payments to get this benefits package.
- o Prohibiting all further granite research.
- o Establishing a Peer review process for the waste program, via a scientific panel as proposed by Rep. Sharp and included in the Interior Committee bill. (See EXCHANGE Vol. 6 No. 19)

A Sullen Group Of Conferees

At the end of the conference Johnston was almost singularly the only one pleased with the outcome. Rep. Ed Markey, (MA), told his fellow conferees "This agreement is laced with a poison pill." Markey warned that the MRS authorization provisions of the bill might undermine the likelihood of ever building a permanent repository, especially if the first repository were disqualified after the MRS is built. He suggested that a better alternative would be to prohibit the issuance of a license for the MRS until a repository operating license is granted.

Other key House Members supporting the agreement hardly seemed enthusiastic. Rep. Al Swift, (WA), after claiming victory in getting his state "off the hook" for a

repository, saw a darker side to the outcome. "When you win a victory like this," he mused, "you have to be careful not to feel a sense of joy. This bill shows you what can happen to a small state when forty-nine other states decide its a target." Rep. Mo Udall, known for his political humor, commented somberly, "We're doing a drastic thing to a kind state with good people." Senator Alan Simpson, left the conferees with this warning "If Nevada isn't it we're in deep trouble." **

Calendar

January

- 8 DEADLINE: Proposal Submission:MidWest Compact General Support Contract, Contact: Greg Larson(612) 293-0126.
- 15 DEADLINE: Proposal Submission; DOE-OCRWM; Super Gorilla Integrator Contract
- 20-22 Seminar: INMM Spent Fuel Storage; Loew's L'Enfant Plaza Hotel, Washington, D.C.; Spons: Institute of Nuclear Materials Management; Contact: Beth Perry, INMM, (312) 480-9573.
- 26-28 Workshop: LLRW Packaging, Transportation and Disposal, Sheraton Charleston Hotel, Charleston, S.C.; Spons. Chem-Nuclear Systems, Inc. Contact: Tammi Pennington (803) 256-0450.

February

- 1-5 Short Course: BRC RADWASTE DISPOSAL; Spons: Depts. of Mechanical Engineering & Civil Engineering, University of Texas at Austin; Joe C. Thompson Conference Center; Fee: \$695 Contact: (512) 471-3506.
- 22-24 Workshop: LLRW Packaging, Transportation and Disposal, Sheraton Charleston Hotel, Charleston, S.C.; Spons. Chem-Nuclear Systems, Inc.; Contact: Tammi Pennington (803) 256-0450.
- 28-3 Meeting: Waste Management '88, Tucson, A2; Contact: Mort Wacks, Dept. of Nuclear Engineering, University of Arizona, Tucson, A2 85721.
- March
- 30-31 Conference; "Waste Reduction-Pollution Prevention: Progress and Prospects in North Carolina;" Spons: N.C. Pollution Prevention Pays Program, the UNC Water Resources Research Institute; North Ralsigh Hilton; Fee: \$60; Regis. deadline 3/23/88; Contact: Dr. James M. Stewart, (919) 737-2815.

April

10-13 Fuel Cycle Conference '88; The New Orleans Hilton; New Orleans, LA; Contact: U.S,. Council for Energy Awareness; (202) 293-0770.

May

- 3-5 Nuclear Power Assembly, The Hyatt Regency Washington On Capitol Hill; Washington, D.C. Spons: U.S. Council for Energy Awareness; Contact: (202)293-0770.
- 3-6 Conference: International Conference On Incineration of Hazardous & LLRW; San Francisco, CA; Contact: Jim Tripodes (714) 856-6200.
- 17-19 Workshop: LLRW Packaging, Transportation and Disposal, Sheraton Charleston Hotel, Charleston, S.C. Spons; Chem-Nuclear Systems, Inc. Contact: Tammi Pennington (803) 256-0450.

CONTRACT AWARD: OCRWM Super Gorilla Contract.

July

4-8 Meeting: HPS Meeting, Boston, MA; Contact: R.J. Burk Jr., Health Physics Society, 8000 West Park Drive, Suite 400, McLean, VA 22102.

October

30-2 Nuclear Energy Forum 1988, Washington Hilton, Washington, D.C. Contact: U.S. Council for Energy Awareness (202)293-0770.

(Changes from previous calendar in bold print)

Happy Christmas E Hanukkah A Good New Year Found J Herristi

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