

101.3

REF.40 FYI

OCT 16 1986

- 1 -

MEMORANDUM FOR: Those on attached list

FROM: Alma Hale, Project Manager
State/Tribal Participation

SUBJECT: INFORMATION ON WASHINGTON STATE REFERENDUM BILL 40

Referendum 40, if passed, will allow Washington State officials to continue challenging DOE on the repository selection process. Information concerning Referendum 40, which is on the November 4, 1986 Washington State Ballot, is attached for your information. During October, the Washington State Nuclear Waste Board (Warren Bishop, Chairman) is conducting five public information-only meetings concerning Referendum 40, the first of which was held on October 14.

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Alma Hale, Project Manager
State/Tribal Participation

Attachments:
As Stated

WM Record File	WM Project
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	Docket No.
	PDR
	LPDR
Distribution:	
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REFERENDUM BILL 40

CHAPTER 1, LAWS of 1986, 1st EX. SESS.

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Referendum Bill 40 begins on page 16.

Vote cast by the 1986 Legislature on final passage:
HOUSE: Yeas, 91; Nays, 3; Absent or not voting, 4.
SENATE: Yeas, 44; Nays, 3; Absent or not voting, 2.

Official Ballot Title:

Shall state officials continue challenges to the federal selection process for high-level nuclear waste repositories and shall a means be provided for voter disapproval of any Washington site?

The law as it now exists:

Federal law directs the United States Department of Energy to undertake a process for the selection of sites for

Statement for

CHALLENGE THE "FEDS" ON THE HANFORD NUCLEAR WASTE SITE

Shall the state of Washington continue its challenge to the U.S. Department of Energy's (USDOE) search for a site for long-term storage of high-level nuclear waste? Vote **yes** to support our state's efforts and to give our congressional delegation the public backing they need to challenge USDOE's process of selecting Hanford.

USDOE ignored the federal law mandating a careful, scientific selection process. Internal USDOE memos show the department bowed to political pressure in its race to find a place to dump high-level nuclear waste.

USDOE DEFIED FEDERAL LAW BY POSTPONING SELECTION OF A SECOND SITE

Our Congress directed USDOE to search for two nuclear waste sites. The department indefinitely postponed its search for a second site without congressional approval, directly violating federal law.

Unless we act immediately, the Hanford site near the Columbia River could, by default, become the *only* high-level nuclear waste site in the country.

YOUR "YES" VOTE IS A VOTE FOR OUR STATE'S FUTURE

Your **yes** vote supports our state's demand that site selection be based on sound scientific principles that take public safety into account. Your **yes** vote insists that USDOE give greater consideration to sites closer to where the waste is produced. Your **yes** vote supports our state's efforts to pursue alliances with Western states affected by the storage and transportation of high-level nuclear wastes.

USDOE's actions have destroyed the credibility of the site selection process. Let's send a clear message to the federal government and the nuclear waste-producing East Coast that *we are not willing to become the nation's nuclear waste site for the sake of political convenience.*

THIS DECISION WILL AFFECT OUR STATE FOR THOUSANDS OF YEARS

Vote for fairness. Vote **yes** — Referendum 40!

Rebuttal of Statement against

Public safety is not a waste of taxpayer's dollars! State government has an obligation to fight for the long-term safety of Washington residents.

Public safety protections have already been violated. The federal Department of Energy's own reports indicate that political considerations caused Hanford to be selected as a nuclear waste finalist—even though it did not qualify based on the evidence.

If we do not fight this flawed process now, later will be too late!

For additional information, call (206) 223-1964.

Voters Pamphlet Statement Prepared by:

MIKE TODD, State Representative; AL WILLIAMS, State Senator; CLIFF BAILEY, State Senator.

Advisory Committee: RAY HILL, Master, Washington State Grange; LAWRENCE KENNEY, President, Washington State Labor Council, AFL-CIO; DAVID BRICKLIN, President, Washington Environmental Council; GERALD POLLET, Executive Director, Washington Public Interest Research Group (Wash PIRG).

the safe, permanent disposal of high-level nuclear waste. Ultimately, the repository sites are to be selected by the President. A state selected as a site by the President is authorized by federal law to indicate disapproval of the selected site by its Governor or Legislature. Such disapproval by a state can be overridden by Congress.

The effect of Referendum Bill 40, if approved into law:

This measure would not change the existing provisions of federal law. It does, however, direct state officials to use all legal means to suspend the preliminary site selection process under which Hanford, Washington is now one of three candidate sites until the United States Department of Energy complies fully with federal law. Further, if a Washington site is ultimately selected by the President, the Governor is directed to call a special statewide election wherein voters would be asked if they favor a notice of disapproval

of a site in Washington State. If the Governor or the Legislature submits a notice of disapproval to Congress within twenty-one days of the President's recommendation, the Governor would be authorized to cancel the special election.

Statement against

VOTE NO! DO NOT WASTE TAX DOLLARS!

A *no* vote is recommended. A *yes* vote will not stop site characterization. A *no* vote will stop your state officials from spending your tax dollars in meaningless court challenges of federal law. Federal law does not provide for voter disapproval of site characterization.

PROCEDURES HAVE BEEN ESTABLISHED AND FOLLOWED

The President of the United States has decided to proceed with full-scale, extensive, at-depth testing and characterization of three sites in three different states, for possible use as a nuclear waste repository, in accordance with the Nuclear Waste Policy Act of 1982. This decision represented the culmination of extensive evaluations of these and other potential sites during the past three years. Work included the compilation of thorough environmental assessments and widespread public comment. Over 20,000 public comments were received and incorporated into the decision.

PUBLIC HEALTH AND SAFETY WILL BE ADDRESSED

Site characterization will cost approximately \$1 billion at each site and take 4 to 5 years to complete. Federal law requires that the impact of a repository on the health and safety of people and the environment must be determined in accordance with Environmental Protection Agency standards and regulations. A final environmental impact statement is required. All steps must be completed before the President may recommend a site to Congress for construction of a repository. The repository is subject to independent licensing by the Nuclear Regulatory Commission.

WASHINGTON STATE IS ALREADY EMPOWERED TO DISAPPROVE A SITE

Federal law provides for disapproval by the Governor or the state Legislature for substantial reasons, subject to override by majority vote of both Houses of Congress, only after the President has recommended a site.

Rebuttal of Statement for

The proponents statement is based on false allegations. The allegations that the sites were not selected on a scientific basis and that USDOE violated federal law by postponing the selection of a second site are false. The scientific evaluation and selection of the three sites took over three years as already discussed. A law that does not apply for at least three more years could not have been violated!

No law at present relates to repository site location; hence, your vote has no effect.

For additional information, call (206) 786-7614 or (509) 946-5562.

Voters Pamphlet Statement Prepared by:

RAYMOND E. ISAACSON, State Representative; MAX E. BENITZ, State Senator; SAM C. GUESS, State Senator.

Hanford referendum passes

YAKIMA HERALD-REPUBLIC
Yakima, WA

AUG 2 1986

9/10/2

By DAVID AMMONS
Associated Press

OLYMPIA — Washington lawmakers Friday invited state voters to join them in sending the Reagan administration a loud Bronx cheer for picking the state's Hanford Nuclear Reservation as a finalist to receive the nation's nuclear waste.

In a display of bipartisanship, the House and Senate approved a strongly worded referendum by nearly unanimous margins. The measure sets up a Nov. 4 statewide vote on the government's site-selection process that produced the nomination of sites at Hanford, Yucca Mountain, Nev., and Deaf Smith County, Texas.

It took lawmakers less than 3½ hours in a special session to produce the bill, which also would require a statewide vote if Hanford is selected as the national repository in 1992. The presumed veto from the 1992 vote still could be overridden by Congress.

Most of the partisan arguing was over whether to put the measure on the Sept. 16 primary ballot, as the minority Republicans wanted, or on the general election ballot, as the Democrats insisted. The Democrats, who control both houses, prevailed.

Republicans, who originally had opposed the special session, joined the Democrats in droves on final passage. The final vote was 91-3 in the House and 44-3 in the Senate. Gov. Booth Gardner, who called the special session, does not need to sign the bill, since it goes straight to the November ballot.

"It's part of keeping a full-court press on," a jubilant Gardner told a post-session press conference.

He conceded that "in isolation, this effort doesn't make any difference," but said the November vote and national media attention, the state's lawsuits against the government, lobbying efforts in Congress and other steps may bear fruit as a total effort.

Gardner had not flat-out said he wouldn't accept the nuke dump at Hanford, but has said he'd insist that the site be proven scientifically to be the safest in the country and that state residents be willing to go along.

Besides setting up the public votes, the bill would require Gardner and the other state elected officials to try everything in their power to scuttle the current site-selection process and to try to convince the government to reverse its decision to abandon plans for a second repository.

The site selected must be "safe, scientifically justified and regionally and geographically equitable," the bill says.

Gardner and sponsors of the bill had in hand a new statewide poll showing strong support for the public vote and rising opposition to the Hanford site.

Sponsors also circulated a front-page article in the morning's Washington Post about U.S. Department of

Energy documents showing the government considered politics in making its site choices.

"The federal government has broken the rules and the people of the state should have an opportunity to cry foul," said state Sen. Nita Rinehart, D-Seattle.

Rep. Mike Todd, D-Auburn, the prime sponsor, told the House, "This referendum informs the people of the nation that we do not consider it an honor to be chosen for a waste dump."

He added, "Only by immediately halting this faulty selection process and beginning again can a fair, scientific decision be assured."

Two Yakima Valley Democrats who had been lukewarm toward the idea of a special session when it was first proposed said they now support a public vote on the dump-site issue.

(See HANFORD, Page 2A)

Hanford/ from Page 1A

"I, of course, have made several statements to your paper regarding the need for nuclear power," Rep. Forrest Baugher, D-Parker, told the Herald-Republic Friday. However, he added, "I will always defend the right of the people to decide in November."

His 15th-District colleague, Democrat Rep. Margaret Rayburn of Grandview, had also expressed reservations about the special session. But on Friday she said, "I think that this is a really dynamic subject, and I strongly support the right of the people to vote on it."

Action began in the House, where Republicans tried to expand the session to include a referendum supporting a Navy homeport at Everett, a crackdown on drug traffickers, a bill to allow the state to seek waivers from federal requirements of secondary treatment of sewage and an anti-Hanford memorial from the Legislature itself.

Democrats beat back every effort,

with Majority Leader Joe King, D-Vancouver, calling it "a test of political will."

Republicans also lost their bid to put the referendum on the primary ballot Sept. 16. The Republicans said if the outcome is to be ammunition for the state's congressional delegation, the vote has to come before Congress adjourns in early October.

Democrats countered that the voter turnout would be much higher for the general election and that the resulting vote would be a stronger message to Washington, D.C.

The Republican amendment lost 42-52.

During debate on final passage of the bill, Todd said the new DOE documents reveal "deliberate disregard for our safety in exchange for political gain in the East, where 85 percent of the nuclear wastes are generated."

Burying nuclear waste is "an enterprise where you get no second

chances," said Rep. Dick Nelson, D-Seattle.

Said Rep. Jolene Unsoeld, D-Olympia, "Let's show them what resistance is!"

The three House members from the Tri-Cities area near Hanford were the only dissenters. Shirley Hankins, R-Richland, called the referendum "purely political and highly emotional."

Ray Isaacson, R-Richland, called it "at best, a fit of demagoguery" and added, "I'm frustrated by it because it does not follow good science or engineering. It is a political outcry."

He said the state should allow the billion-dollar site-characterization study of Hanford to proceed before complaining.

"The probability of nuclear waste getting into the river is so remote, it borders on the ridiculous," he added.

Rep. Richard Hastings, R-Pasco, also opposed the bill.

Final House passage came within 95 minutes of convening.

In the Senate, there were no efforts to expand the session. Sen. Cliff Bailey, R-Snohomish, narrowly lost an amendment to create a Washington-Oregon-Idaho commission to set regional policy on nuclear energy and wastes.

Sponsors of the main bill wanted to keep off all amendments and voted down Bailey 23 to 24. The senator also lost an amendment calling for regional "monitored, retrievable storage" of high-level wastes.

Senate Republicans also tried to force a September vote.

The prime opponent of the bill on final passage was Sen. Max Benitz, R-Prosser, who represents Hanford. He termed the referendum "the first big move to get rid of nuclear energy nationwide."

He called it "far-reaching and extremely foolish" and said voters don't know enough about nuclear technology to cast an informed vote.

Gov. Gardner vows to push referendum in Tri-Cities

TACOMA NEWS TRIBUNE
Tacoma, WA
AUG 2 1986

By PETER CALLAGHAN
The News Tribune

OLYMPIA — Gov. Booth Gardner pledged to campaign around the state — even in the Tri-Cities of Richland, Kennewick and Pasco — for a referendum that criticizes a federal decision to consider Hanford as the site for the nation's highly radioactive nuclear waste.

Shortly after lawmakers Friday approved a bill condemning the process by which Hanford was selected as one of three finalists for the dump, Gardner said he thinks a 60 percent vote in favor of the referendum would send a strong message to Congress and the federal government.

It is that bill that voters will approve or disapprove when they vote in November. Polls have shown an overwhelming number of state voters disapprove of the dump site, but a majority in the Tri-Cities favor it.

Gardner said the public vote would be just one of

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Staff photo by JEFF LARSEN

Rep. Mike Todd, who proposed the referendum, spoke in favor of it on the House floor.

AUG 2 1986

Gardner

Continued from Page One

the tools he would use to try to correct the government's methods for selecting Hanford in addition to sites in Nevada and Texas. Gardner has said he thinks Hanford was made a finalist based on politics, not science — that is, because officials in Washington, D.C., think the Tri-Cities and Washington state want the dump for the economic impact.

"I'll go to Richland," Gardner said. "It may not show good sense, but I'll go."

Gardner said he thinks a statewide vote of approval in the high 50 percent range will be a good result. And he said he doesn't fear that a negative vote in the Tri-Cities will damage the credibility of the statement.

"It's the state that the federal government will look at, not just one community," he said.

The governor's comments came just after lawmakers had completed a 3-hour, 15-minute special session to discuss Hanford. Both houses easily approved the measure — the House 91-3 and the Senate 44-3. Five of the six no votes came from Tri-Cities lawmakers.

"This act shall be submitted to the people of the State of Washington for their adoption and ratification, or rejection, at the next succeeding general election ..." states the bill. The November ballot title will read: "Shall state officials continue challenges to the federal selection process for high-level nuclear waste repositories and shall a means be provided for voter disapproval of any Washington site?"

"We played fair, and we expect-

ed our federal government to play fair," said Rep. Jolene Unsoeld (D-Olympia), one of the proponents of the measure. "If the feds are going to base this decision not on science but on the amount of resistance a state gives, then let's show them what resistance is."

Rep. Mike Todd (D-Auburn), who gets credit for coming up with the idea for a referendum, said documents released this week by the U.S. Department of Energy show it was a political decision to select only Western sites for the dump.

"These documents reveal the Department of Energy's deliberate disregard for our safety in exchange for political gain in the East, where 85 percent of the wastes are generated," Todd said.

"This referendum represents our attempt to reinstate the American ideal that the people control the government and not the other way around," he said.

But the short-staffed resistance, led by Tri-Cities Republicans, labeled the entire special session and the referendum as a political ploy on the part of Democrats.

AUG 3 1986 Pg 1 of 2

The lonely legislators

Hanford lawmakers couldn't swing nuclear vote

By SCOTT WILSON
The News Tribune

OLYMPIA — If you believe legislators speak for the people, then it's Benton County against the world. And the score, after Friday's one-day special legislative session: World 1, Benton County 0.

With help from only a couple of friends, a handful of legislators from the hot, sprawling Eastern Washington county — home of most of the Hanford nuclear reservation — were alone in voting against the tidal wave of support for a statewide vote on whether Hanford should be used as the nation's nuclear waste dump.

Of 141 total votes cast on the issue in the state House and Senate combined, only six were opposed. Four of those six came from legislators living in Benton County or in Pasco, just across the line in Franklin County.

Their pleas before packed houses of often impatient colleagues were passionate. Rep. Ray Isaacson (R-Richland) argued that the scientific evidence is not complete yet, and that legislators are asking the voters to act hastily. Sen. Max Benitz (R-Prosser) said 80 percent to 90 percent of the people in his district want the repository, and a statewide vote will backfire because the federal government will pay attention only to the tally from the Tri-Cities area most affected by it.

Rep. Richard (Doc) Hastings (R-Pasco) charged that the whole ballot issue is a political ploy designed

to get Democrat Brock Adams elected to the U.S. Senate.

All of the Benton County voices contended that the scientific evidence about Hanford's suitability as a repository is not yet in; that it's too early for state residents to vote on the issue; and the vote won't do any good anyway. In at least two cases, their appeals were interrupted by House Speaker Wayne Ehlers (D-Spanaway), who told them they were out of order or had expended their speaking time.

Ehlers left Hastings, a Pasco businessman, fuming. Each time Hastings tried to suggest that the timing of the Hanford vote was motivated by Adams' challenge to Republican U.S. Senator Slade Gorton, Ehlers pounded his gavel and demanded that Hastings return to the merits of the issue. On the second interruption, Ehlers pounded his gavel so hard he chipped it. On the third interruption, Ehlers told Hastings his speaking time had expired and, as the floor erupted in laughter, had the clerk shut off Hastings' microphone.

Hastings later said he expected rude treatment.

"I expected to be called down two or three times," he said. "They don't want to hear what I have to say." Besides accusing Democrats of pushing the vote as a political ploy, Hastings also had lots to say about Western Washington voters trying to set the standards for the Hanford-area residents of Eastern

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Rep. Ray Isaacson pondered the lopsided vote.

Staff photo by JEFF CARSE

Hanford

From Page B-1

Washington who know a lot more about the nuclear issue anyway.

"Those in Western Washington are not fully apprised of the nuclear issue," he said. "We've got the nuclear activity (in Benton County). If a poll were taken to determine if people here (west of the Cascades) knew the difference between high-level and low-level nuclear waste, the vast majority wouldn't know."

Rep. Isaacson, long a Hanford defender and an engineer with a firm attached to the nuclear industry in Benton County, was also interrupted and told his speaking privilege was up. But he had enough time to tell the House that state policy was being guided by "political outcry" instead of scientific data.

In an interview after his speech, Isaacson said he blamed anti-nuclear activists like WashPIRG for agitating the nuclear waste-dump issue into existence, whereas without them it might not be a public concern. He added that those voting for the statewide vote are working in the interests of the petroleum industry, which wants to see nuclear power squashed so gas and oil can return to their previous dominance in the national economy.

The lonely "no" votes of Hastings and Isaacson in the House of Representatives were joined only by Rep. Shirley Hankins (R-Richland), also a nuclear industry employee. Hankins made a brief speech on the floor saying she did not believe the public knew enough about the technical evidence to make an informed decision. In a subsequent interview, she said her constituents did not want to vote on the use of

Hanford as a national waste repository until they had more scientific data.

But what her constituents do know, she said, is that folks from west of the mountains have some "very strange" attitudes about the nuclear issue. "They (voters in her district) definitely think there's a real problem here with perceptions, and an even bigger problem with communications," she said.

Not all Benton County legislators decided to oppose taking the measure to the ballot.

Rep. Peter Brooks (R-Walla Walla) said he was concerned about the effectiveness of a vote at this time, but said for pragmatic political reasons — his upcoming re-election bid — he was going to support a statewide vote.

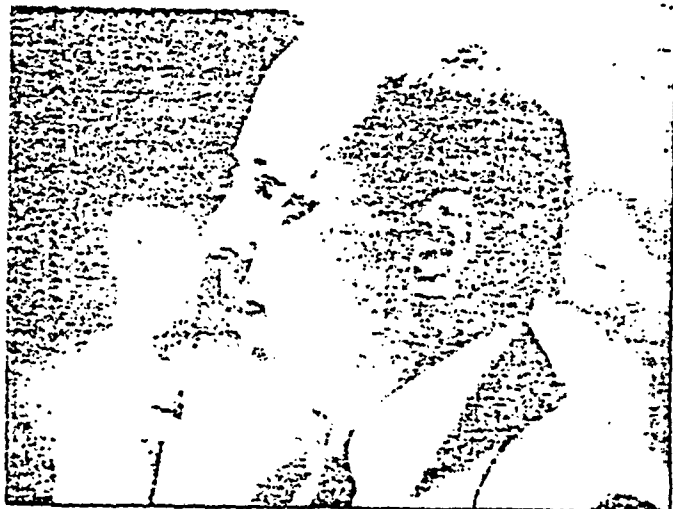
"They (the Democrats) have the mistaken idea that this is going to make a difference," Brooks said. "But the polls have shown that people want a chance to vote," even in Benton County.

Sen. Irving Newhouse (R-Mabton) also said he wanted the people to have a chance to vote. "But they need to know it's not a chance at a veto," he said.

Newhouse, a rancher, voted for the statewide vote. Benitz was joined only by Wenatchee Republican George Sellar and Spokane Republican Sam Guess in voting against it.



Shirley Hankins



Richard (Doc) Hastings

Staff photos by JEFF LARSEN

State vote on N-waste site of little value

FRIDAY'S SESSION of the Washington Legislature on nuclear wastes went off smoothly. In November voters will overwhelmingly approve the proposition. Whereupon the federal government will yawn and say, "So what?"

We are referring to the referendum that gives voters an opportunity to say they don't want Hanford designated as the nation's nuclear waste dump. The reaction is so natural, like breathing, that the action has meaning only for those who believe in the efficacy of propaganda.

The federal Department of Energy chose three finalists for the nuclear waste dump on political, not scientific, grounds — of that there can be little doubt. It was more than coincidence that all three finalists are in the West (Texas and Nevada are the other designated states).

That means 47 states were *not* chosen for the dumps, and that means most of them (Oregon and Idaho are among the exceptions) are satisfied with the selection. So a political reversal prompted by a state referendum is highly unlikely.

The place to remedy the Department of Energy's decision is not the political arena, but the courts. Trouble is, that wouldn't give political office holders a chance to beat their chests and brag to their constituents about how vigorously they are fighting.

There's no great harm in having the issue on the ballot, although there remains the possibility that Benton County, in which Hanford is situated, will vote against the referendum because the project would bring in lots of federal money. That would be embarrassing and makes questionable the risk of having a referendum at all.