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JUN 17 1985

MEMORANDUM FOR: The File

FROM: Catherine Russell, Project Manager
State/Tribal LiaisonSUBJECT: TRIP REPORT - MEETING OF THE NATIONAL CONFERENCE OF STATE
LEGISLATURES' LEGISLATIVE WORKING GROUP ON HIGH-LEVEL WASTE
MAY 4-6, 1985.

At their invitation, Joseph Bunting, Chief, Policy and Program Control Branch, and myself, attended the semi-annual meeting of the National Conference of State Legislators' (NCSL) Working Group on High-Level Radioactive Waste, held in Charleston, South Carolina on May 4-6, 1985. A copy of the agenda is attached. The meeting also included, on the final day, a tour of the Savannah River Plant's waste facility, storage tanks and new vitrification process facility currently under construction. In the afternoon, there was a tour of the Barnwell low-level waste site operated by Chem-Nuclear, Inc.

NCSL membership in the Legislative Working Group on High-Level Waste is composed of representative's of the various first and second round state legislatures and their staff. NCSL has a contract with the DOE to serve as the liaison with the legislative personnel from the states to keep them up to date on the DOE's repository program. The Charleston meeting was the second one that NCSL has arranged with the legislators under the DOE contract.

Roger Gale, Director, DOE's Office of Policy, Integration and Outreach, began the meeting with a status report on the various DOE activities required under the NWA including the Mission Plan, the Section 8 Co-Mingling Defense Waste Study, AM/FM Panel Report, the Consultation and Cooperation agreements, Price Anderson, and Monitored Retrievable Storage. A more detailed presentation on several of these activities was given later in the meeting. Mr. Gale also commented on the need for legislation similar to Price-Anderson and said he felt passage of such legislation was crucial to the success of the repository program. For all areas of DOE's repository program, Gale said that litigation should be a last resort for the state/tribes. Any difficulties they encounter in their relationship with DOE should be worked out through the consultation and cooperation agreements process.

The next speaker, giving a utility's view on the implementation of the NWA, was Dr. E. Linn Draper, Senior Vice President, External Affairs, Gulf States Utilities. Dr. Draper was also a member of the AM/FM Panel and is President of the American Nuclear Society. Dr. Draper said one of the biggest problems with

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the program is the public's perception that nuclear power and storage of nuclear waste is not safe. A Utility Waste Management Group, composed of Chief Executive Officers and other representatives of nuclear utilities, has been formed to provide DOE with advice on the implementation of the NHPA and give suggestions on ways to mitigate this perception problem. Dr. Draper said that the 1 mil per kilowatt hour that utilities are currently being assessed for nuclear waste storage is sufficient. The utility industry, according to Dr. Draper, intends to hold DOE to the commitment of accepting waste by 1998. He feels the utilities have a legal contract with the DOE to accept the waste so that utilities will not have to expand their storage capabilities. Dr. Draper indicated the overall view of the utility industry is that they do not have proper or adequate participation under the NHPA in the repository program. He feels that utilities should have special status under the Act similar to that given to potential host states and affected indian tribes.

As a whole, the utility industry views comingling of commercial and defense waste as a sensible national strategy. However, added Draper, the defense industry must pay their fair share of the costs, not just incremental costs, but on a pro rata basis in the same way as utilities. Also, said Draper, the defense industry should pay up-front for pre-existing defense spent fuel just as the utilities are required to pay in advance for their pre-existing spent fuel. Draper indicated that utilities were neither pro nor con on the issue of MRS. But, he added, the MRS concept could be worthwhile if the repository isn't completed on schedule, since it would still enable DOE to take possession of the waste. However, Draper stressed that MRS should not take the place of a permanent deep geologic repository.

Mack Cameron of the Mississippi Attorney General's Office, and Dave Berick of the Environmental Policy Institute, gave a status report on litigation involving the NHPA. Cameron said he thought, at some point in time, that there would be a consolidation of all pending cases involving the NHPA with one Court of Appeals since the cases are all inter-related. Berick said EPI's lawsuit on the siting guidelines is not site specific, but rather focuses on the generic methodology used by DOE to narrow down the number of sites. Both Berick and Cameron indicated that, at the very least, the lawsuits would slow down DOE's program and force them to deal with a number of unresolved controversial issues.

Vic Trebules, DOE, said the President had signed the decision directing DOE to put defense and commercial high-level radioactive waste in the same repository. He then went on to summarize the findings made in the DOE's Section 8 Report regarding co-mingling of waste, and indicated that the major advantage is that of cost.

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Roger Hilley, Director of DOE's Office of Storage and Transportation Systems, announced the three sites in Tennessee that are under consideration by DOE for a Monitored Retrievable Storage Facility. The first choice is the site of what was to be the Clinch River Breeder Reactor (CRBR). Another Oak Ridge Site a few miles away is the second choice, and the third is TVA's cancelled Hartsville nuclear power plant about 40 miles northeast of Nashville. Hilley indicated that DOE will not be sending their MRS proposal to Congress until January 1986. Hilley said the DOE had two priorities for an MRS system: establishing a system to assure acceptance of waste from generators by 1998; and an integrated regional system to get material to the repository. The five functions of the MRS would be: to receive spent fuel; produce a consolidated repository-ready package; store spent fuel; monitor spent fuel; and ship to the repository. Hilley said the proposed MRS facility would enhance the waste transportation aspect of the program because it would reduce transportation impacts by @ 30%-50%. In addition, it would provide a buffer between the acceptance of spent fuel and completion of the repository.

The MRS facility would need approximately 1100 acres. Hilley said eight other sites were found to be suitable for the MRS in addition to the three Tennessee sites. "The sites all had to meet the following criteria," said Hilley; "areas of greater than 1100 acres; centrally located in a 'preferred area;' and an already present data base of site-related information due to a previous attempt to license or use the site for other nuclear facilities was available. Hilley said the "preferred area" within which all the sites are located was determined by primarily "limiting the number of total shipment miles to and from an MRS facility as much as reasonably possible." This area turned out to be centered around eastern Tennessee and Kentucky. At the CRBR site, according to Hilley, there is already \$40 million worth of environmental data so DOE would not have to spend additional money and duplicate past efforts. If the MRS facility is approved by Congress, Hilley indicated that it would take approximately 10 years to bring the MRS facility on-line. DOE would have to produce an Environmental Assessment for the preferred site, and intends to include site-specific designs for the MRS facility when the Report goes to Congress. Initial cost estimates for the MRS, said Hilley, are fairly low incrementally, around \$20 per kilogram. The cost to utilities of providing dry storage, he said, is estimated to range between \$50-\$125 per kilogram.

Kandra Hahn, representing the Western Interstate Energy Board, (WIEB) gave a status report on the issue paper they had prepared, under contract from DOE, on the transportation of high-level waste. She indicated that a draft should be circulated shortly for comment. Rich Schaussburger, DOE-Chicago, gave an overview of the DOE's second repository or crystalline program. Mr. Joseph Bunting discussed the NRC role in the implementation of the NWP. On Monday,

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May 6, we toured Savannah River and the Barnwell low-level waste disposal site. Materials from the site visits, as well as materials from the NCSL meeting are available for review in my office.

mattson /s/
for Catherine Russell, Project Manager
State/Tribal Liaison

Enclosure:
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