

RECOMMENDED USDOE ACTIONS TO REDUCE POLITICAL PROBLEMS

IN THE REPOSITORY SITE SELECTION PROCESS

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ABSTRACT

The focus of these remarks is to suggest actions which USDOE must take to reduce political problems which are seriously impeding progress of the repository site selection process.

NUCLEAR WASTE ACTIVITIES IN WASHINGTON STATE

The central focus of attention today is to suggest actions which reduce political problems impeding the repository site selection process. But before turning to that subject, we should review the current situation in the State of Washington.

- Washington is one of only three states with a low-level radioactive waste disposal site. Fifty percent of the non-federal low-level radioactive waste generated each year in this country is disposed of at the Hanford disposal site in the State of Washington.
- More than 20 percent of all non-federal low-level radioactive waste generated since 1965 has been disposed of at the Hanford disposal site, and by 1992 more than 30 percent of all non-federal low-level radioactive waste generated since 1965 will have been disposed of at the Hanford site.
- More than 60 percent (53 million gallons) of the nation's high-level radioactive defense waste is now temporarily stored at the Hanford Reservation in the State of Washington.
- USDOE apparently considers the Port of Seattle as an alternate port of entry for 18 shiploads in the next 18 months of foreign high-level radioactive waste.
- Last week USDOE released several hundred previously unreleased documents describing numerous incidents of releases of radio-nuclides into the environment on the Hanford Reservation over the past 40 years.
- This year the Navy intends to bury the reactor compartment of one of its nuclear submarines at Hanford. The compartment, one of one hundred, will be barged up the Columbia River to the defense low-level disposal site.
- The State of Washington is currently under serious consideration as the host state for the nation's first repository for disposal of 70,000 tons of high-level radioactive waste, to be contained from the surrounding environment for the next 10,000 years.

Other than that, the State of Washington does not really have any significant involvement in issues related to high- or low-level radioactive waste.

These points are discussed to provide you with background information as to the State of Washington's situation, as USDOE considers the Hanford site as a potential finalist in the first round of the high-level waste repository site selection process. Please understand we do not seek, nor will we accept, "bonus points" from USDOE because our state has a history of involvement in the production, storage and disposal of radioactive waste. The citizens of the State of Washington, like the citizens of the other states under consideration, are very concerned about the potential of our state becoming the nation's first disposal site for high-level radioactive waste. As the elected representative of the citizens of the State of Washington, I am fully committed to respond to their concerns.

Our state's position has been consistent since I was first elected, and will remain consistent so long as I am Governor; if the Hanford site is to be selected as the first high-level radioactive waste repository:

- USDOE must clearly demonstrate with convincing scientific evidence that the Hanford site would be a safe site;
- USDOE must clearly demonstrate that the Hanford site is the safest among those sites under consideration; and
- the decision must be acceptable to the citizens of the State of Washington.

We believe that our state's position on this issue is reasonable and responsible, and we intend to participate fully and effectively in the site selection process so long as Hanford is under consideration, and to take all necessary steps in support of our position.

STATUS OF SITE SELECTION PROCESS

We should review what are constructive suggestions to USDOE as to several actions it must take in order for the site selection process to function successfully. In doing so, let's first identify several important points with which we believe almost everyone involved in this complex and controversy-filled site selection process agrees.

- An acceptable means must be developed to safely dispose of high-level radioactive waste;
- Congress, in the Nuclear Waste Policy Act (NWSA), adopted a national policy that the preferred method of high-level radioactive waste disposal is burial in a deep geologic repository;
- Congress, in the NWSA, also established a repository site selection process. The process is the product of lengthy, hard-fought negotiations resulting in compromise by all interested parties, including the Department of Energy, utilities, the nuclear industry, the states, Indian nations, and environmental groups;
- The Office of Civilian Radioactive Waste Management (OCRWM) is charged with leading the implementation of the NWSA site selection process, with the ultimate goal of constructing and operating a certifiably safe high-level radioactive waste repository;
- The affected states and Indian nations have the right to direct participation in the NWSA repository site selection process;
- There is serious disagreement between USDOE and the affected states and Indian nations as to the appropriateness of the means by which USDOE is implementing the NWSA process;
- Almost every state already has faced, or in all likelihood soon will face, serious public concern about transportation of high-level radioactive waste over the highways or rails of their state.

Most of us who are involved in the repository site selection process can agree that the foregoing accurately depicts the situation as it currently exists.

In addition to the foregoing list of generally agreed propositions, it is frequently said that the problems impeding the repository site selection process are political problems, not technical problems. I do not have a scientific background and therefore should not enter the debate on the extent of technical problems at any site. Clearly the selection process should eliminate sites which are technically unsuitable. I have already spoken on my insistence on high technical standards. On the other hand, I certainly do agree that the NWSA site selection process faces increasingly serious political problems. These political problems are just as serious as the unresolved technical problems because they jeopardize successful implementation of the site selection process. Unlike the technical problems, these are problems which are common to all sites considered for either the first or second repository.

RECOMMENDED USDOE ACTIONS

It is my hope that USDOE will seriously consider the following recommendations as they continue to assume the lead in implementing the repository site selection process.

- USDOE must work with the states, Indian nations, and other interested parties to resolve the liability issues surrounding the transportation, storage and disposal of high-level radioactive waste. The NWSA establishes a process for disposal of high-level waste which is totally dominated and controlled by the federal government, from the time USDOE takes title to the waste until it is disposed of in a deep geologic repository and for 10,000 years thereafter. State and local officials must be able to assure their citizens that the federal government is developing a safe system for the transportation, storage and disposal of high-level waste. Passage of legislation which encompasses the following elements will provide some assurance that the federal government is confident of the reliability and safety of the system they are developing:
 - (1) Strict federal liability for all injuries arising from nuclear incidents related to the transportation, storage and disposal of high-level waste (including high-level and transuranic defense waste);
 - (2) Establishment of a federal policy providing for full compensation for injuries sustained as a result of a nuclear incident;
 - (3) A hold harmless provision for states, local governments and Indian nations for liability arising from a nuclear incident.

I urge USDOE to work cooperatively with the states, Indian nations and other parties to convince Congress that such legislation is needed at the earliest possible date.

- USDOE must establish a realistic schedule for site characterization and licensing which assures adequate time for a thorough scientific investigation of each potential site. It should not be constrained by the 1998 completion date. It must plan for alternative means of accepting and storing wastes from utilities which may run out of on-site storage space prior to completion of the repository.
- The goal of the NWSA process is to site, construct and operate a deep geologic repository which will contain high-level radioactive materials from the environment for the next 10,000 years. We are seeking to protect the next 400 generations of humans from the potential dangers of waste produced by three generations. It does not make sense to harm the credibility of the process, and thereby jeopardize the overall success of the program, in order to meet a target date when there is no compelling reason to do so.
- USDOE must select three potential sites which it is confident will meet the requisite safety criteria and will not be disqualified during site characterization. However, in addition, USDOE must commit to a process which assures three viable sites

at the completion of site characterization. To the extent that USDOE utilizes an effective screening process, USDOE certainly should be able to meet this commitment. If this means that a fourth site must be characterized in order to end up with three viable sites, the substantially increased credibility of the site selection process and the elimination of the risk that a court may subsequently invalidate the process due to a misinterpretation by USDOE of the proper timing of the preliminary determination of suitability more than offsets the costs of characterizing a fourth site. USDOE must view the possibility of additional costs for site characterization in the perspective that such costs will be spread over the next 10,000 years during which the deep geologic repository must perform.

If USDOE persists in its current position, which is that the NWA only requires one licensable site at the completion of site characterization, it is taking a risk that the entire site selection process will be invalidated. It would certainly not be acceptable to me or to the citizens of the State of Washington, if USDOE persists in its current position and the Hanford site is selected by default. Once again, I urge USDOE to reconsider its position prior to issuing the final environmental assessments.

- USDOE must establish and follow a selection process for the site which the Secretary of Energy will recommend to the President for development as a repository. That new process must maximize confidence in the credibility of the selection. USDOE's ultimate goal must be clearly to select the safest of three viable sites. At a minimum this site selection process must include the following:

- (1) Early identification of meaningful criteria upon which the final decision will be based;

- (2) Meaningful involvement of the states and affected Indian nations in the process by which the data is gathered to measure against the criteria;
- (3) Meaningful involvement of the states and affected Indian nations in the process by which the data are compared against the criteria.
- (4) Commitment to utilize an acceptable ranking methodology and to subject its implementation to a detailed review by an independent, well-qualified and respected outside entity;

We can all agree that the Secretary of Energy is ultimately responsible to make a recommendation to the President as to the choice for the site of the first deep geologic repository. I do not suggest that this responsibility should be removed from the Secretary of Energy. What I do suggest is that to the extent USDOE involves the affected states and Indian nations in the decision-making process in a meaningful way, the credibility of the process and confidence in the final result will increase.

In summary, the site selection process under NWA requires meeting a high standard of technical suitability. Beyond that, the federal government must improve its performance on a number of less technical, but just as important, political problems. This latter category is common to all of the sites being considered.

Satisfying both sets of conditions will be difficult. It requires deep commitments to quality and patience. It is believed that USDOE can only accomplish the goal of NWA if all its employees and contractors share those commitments.

The political problems surrounding the site selection process cannot be eliminated, but they can certainly be reduced. To accomplish this result the Department of Energy must change its course on several major issues.