

Approved February 24, 1986
Date

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by Representative Ron Fox at
Chairperson

3:30 ~~x~~m./p.m. on February 18, 1986, 1986 in room 526-S of the Capitol.

All members were present except:
Representative Foster (excused)

Committee staff present:

Ramon Powers, Legislative Research Department
Theresa Kiernan, Revisor of Statutes' Office
Betty Ellison, Committee Secretary

Conferees appearing before the committee:

Barbara Sabol, Secretary, Department of Health and Environment
Ken Kern, Executive Director, State Conservation Commission
Hugh Armstrong, Kansas Water Authority
Joe Harkins, Director, Kansas Water Office
Marsha Marshall, Kansas Natural Resource Council

The meeting was called to order by Chairman Fox. Secretary Sabol gave an update briefing on Central Interstate Low-Level Radioactive Waste Compact Activities. She gave a brief history of the Compact and provisions of the Low-Level Radioactive Waste Policy Amendments Act of 1985. Minutes of the most recent meeting, on January 28, 1986, of the Advisory Board on Low-Level Radioactive Waste were included in the printed packet which was distributed to committee members. (See Attachments 1:a-d) Other documents included in the packet related to the Phase II study of the Central Interstate Compact Commission and Procedures for Contacting the Northwest Interstate Compact Committee. (See Attachments 1:e-i) Following the Secretary's presentation, Chairman Fox asked if the state could adopt a policy of non-burial on low-level waste and not interfere with the terms of the interstate compact. Secretary Sabol replied that it could be done. Additional discussion ensued.

Representative Ott made a motion to have a bill drafted and introduced as a committee bill which would ban the underground burial of low-level radioactive waste, consistent with our policy dealing with other hazardous waste. Representative Patrick seconded. The motion carried.

House Bill 2739--State water plan; cost-share program for construction of conservation structures.

Ken Kern represented the State Conservation Commission with testimony in favor of the bill. He stated that his agency had been designated under the State Water Plan to administer a cost-share program for the purchase of new water meters for irrigation or industrial users. He noted that House Bill 2739 was a substitute for Senate Bill 194 submitted in 1985, which would have provided a credit for costs of the meters. Other proposed changes of the bill are listed in Mr. Kern's printed testimony. (See Attachment 2) During discussion, Mr. Kern said that it was anticipated by the Division of Water Resources that between 500 and 600 meters would be installed per year. Those meters that are required would be in intensive groundwater use control areas or minimum desirable streamflow basins. Representative Patrick noted that as the bill is written, there is no cap on the amount of state general fund money that could be spent on this program.

Hugh Armstrong spoke in support of House Bill 2739, as a member of the Kansas Water Authority representing the State Association of Kansas Watersheds. Mr. Armstrong also is currently chairman of the Conservation Committee. He noted that this bill deals with the metering of irrigation

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 526-S, Statehouse, at 3:30 ~~am~~/p.m. on February 18, 1986

and industrial water which is set forth as a policy issue in the Conservation increment of the State Water Plan. It was his feeling that metering was as management practice, which along with other management practices, would enable the irrigator to make the most efficient use of his water resource. Mr. Armstrong said that the lowering of the groundwater table has made the Ground Water Management Districts aware of the importance of water conservation and believe this metering practice to be a very valid tool in the whole process. (See Attachment 3)

Joe Harkins spoke on behalf of the Kansas Water Office. He supported this legislation, noting that the fiscal note associated with it was based on the estimated maximum number of applications that might be received. (See Attachment 4) He noted that the intent of the bill was to provide incentives to achieve more efficient use of water.

Marsha Marshall represented the Kansas Natural Resource Council and testified in opposition to the bill. She said that her organization trusted the judgment of the Water Office and Water Authority that metering is a valuable tool and that they supported the concept of metering, but not cost sharing. She felt that cost sharing was unnecessary, as well as an inappropriate and wasteful use of state funds. (See Attachment 5)

The meeting was adjourned at 4:45 p.m.

The next meeting of the House Energy and Natural Resources Committee will be held on February 19, 1986 at 3:30 p.m. in Room 526-S.

Date: Feb. 18, 1986

GUEST REGISTER

HOUSE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

NAME	ORGANIZATION	ADDRESS	PHONE
Jerry Conrad	KG&E	Topeka	357-1241
DAN R. MCGEE	CENTEL/WESTERN POWER	GREAT BEND	(316) 793-7841
Keith W. Armstrong	Kansas Water Authority	Salina, Ks	(913) 825-4005
Walter Dun	ERUGA	Topeka	272-5674
Bo Kammian	Co. Comm.	Grant Co.	352-1286
Leah E. Rolf	DWR-KSBA	Topeka	x 3717
Mary Powell	KNRC (not official)	TOPEKA	373-5035
Robert Burns	NCK Citizens	Concordia	243-1693
R. J. Hood	NCK Citizens	Concordia	243-1923
Louise Park	NCK Citizens	Mankato	378-3567
Sheryl Matson	NCK Citizens	Jewell	428-3652
Karen McIntyre	NCK Citizens	Randall	739-2481
Laura Neuhusen	NCK Citizens	Jewell	428-3579
Greg Hutton	NCK Citizens/City of Concordia	Concordia	243-7927
Maisha Marshall	KNRC	Topeka	233-6707
Stan J. McSpeth	KNRC	"	"
Jeel Emly	Shawnee County	Joplin	267-2008
Jim Dawson	Shawnee County	Topeka	295-7410

**UPDATE BRIEFING
ON
CENTRAL INTERSTATE LOW-LEVEL RADIOACTIVE
WASTE COMPACT ACTIVITIES**

February, 1986

Congressional Activities

- On December 19, 1985 Congress approved the six (6) regional low-level radioactive waste compacts, including our Central Interstate Compact, and passed the Low-Level Radioactive Waste Policy Amendments Act of 1985. A copy of the Act is attached. There are two major effects of the Act. First, the Act provides for continued access to the three existing commercial disposal facilities for generators of waste until the end of 1992. Second, the congressional consent to the Compact gives the Compact Commission its full powers and responsibilities as established under the Compact. The Act sets forth the criteria, methods and procedures for disposal of low-level radioactive waste throughout the U.S. during the period from January 1, 1986 through December 31, 1992. A summary of relevant sections of the Low-Level Radioactive Waste Policy Amendments Act of 1985 is attached.
- Potential concerns regarding the Act.
 1. Section 5(c)(2) of the Act does not provide an allocation of low-level radioactive waste disposal capacity for Wolf Creek Generating Station until the sixteenth month after receipt of their full power operating license (June 3, 1985), i.e. October 4, 1986. However, KG&E has indicated that, due to adequate planning for such a situation, this will not present a significant problem for them.
 2. Section 9.(1) requires appropriate agreement states to develop the technical capability for processing applications for a license for a disposal facility. Clarification of this requirement will be required before we can determine the impact on Kansas and other agreement states. Additional staffing could be required since the NRC projects that at least two man years will be required to process such a license application.
 3. Section 5.(e)(1)(B) requires a detailed siting plan by January 1, 1988 which includes (1) screening for broad siting areas; (2) identifying and evaluating specific candidate sites; and (3) characterizing the preferred site(s) and completing all environmental assessments. It also requires that either the host state is to be identified by January 1, 1988 or the developer must be named and the site selected. For our Compact, it would have been beneficial if a period of time had been provided after the siting plan is completed to select the site and developer. This leaves less than two years for our Compact to complete our Phase II Study and select a developer and site. Depending on funding from DOE, this could be a problem. It also provides little time for study and consideration of disposal techniques other than shallow land burial.

Attachment 1:a

House Energy and Natural Resources 2/18/86

Advisory Board on Low-Level Radioactive Waste

On January 28, the Advisory Board on Low-Level Radioactive Waste met in the State Office Building Auditorium. The purpose of the meeting was to brief the Board on the latest Compact activities and the Low-Level Radioactive Waste Policy Act Amendments of 1985, as well as to provide an opportunity for Board members to provide input and/or express any concerns prior to the January 30 and 31 meeting of the Compact Commission. A copy of the minutes of that meeting are attached.

KDH&E/Central Interstate Compact Activities

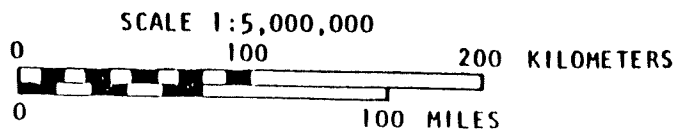
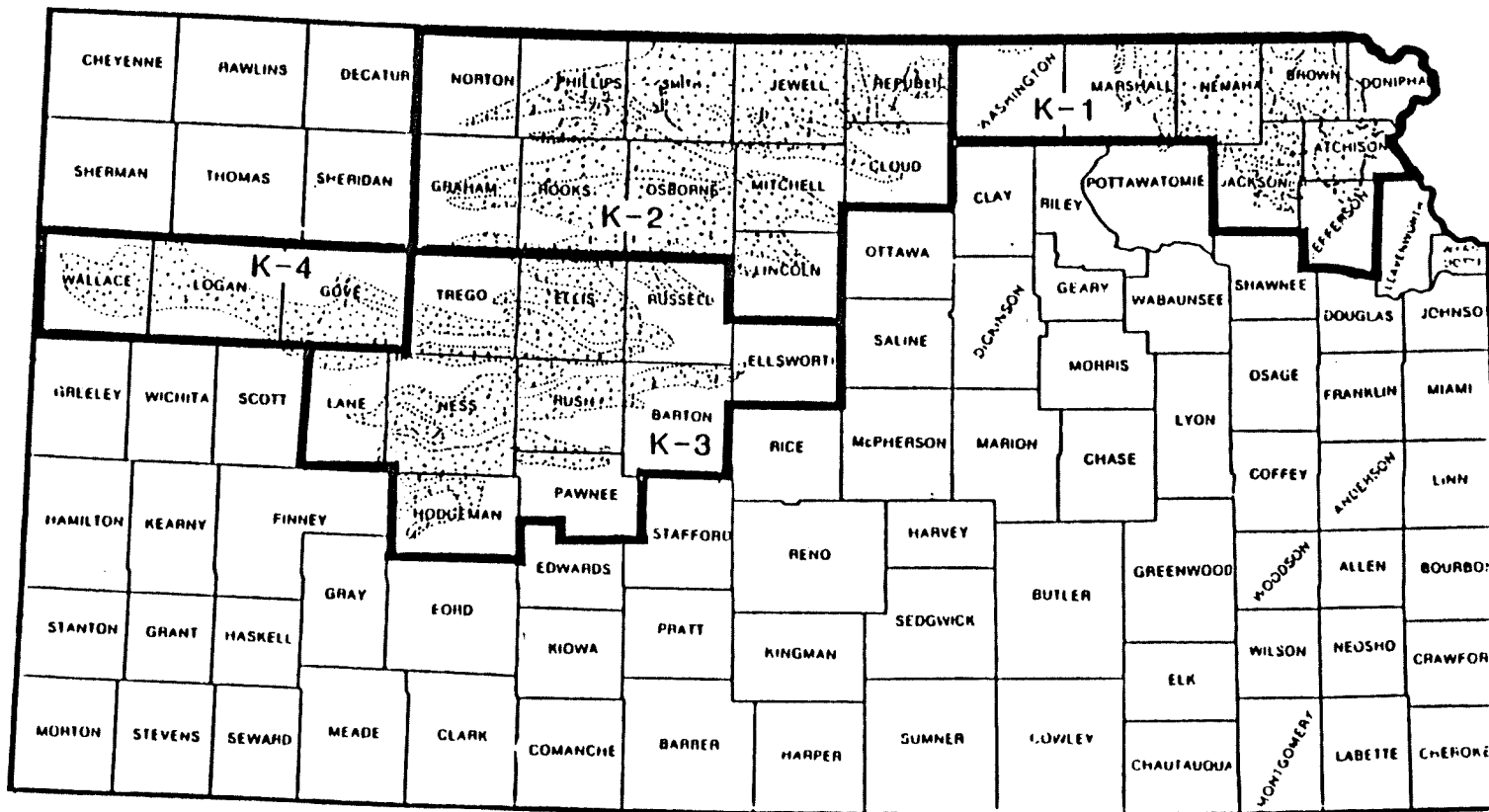
- Since the Phase I Study was completed, Compact activities had primarily been directed toward obtaining DOE funding approval, pending Congressional action on HR 1083 (Low-Level Radioactive Waste Policy Amendments Act of 1985) and approval of the Compacts.
- Since the December 19, 1985 Congressional approval of the six (6) Regional Compacts and the Low-Level Radioactive Waste Policy Amendments Act of 1985, our Compact Commission is again moving forward. A meeting of the Compact Commission was held on January 30 and 31 in Kansas City to outline the manner in which the Commission will move forward to meet the milestones established by the Low-Level Radioactive Waste Policy Amendments Act of 1985. Copies of the five major items considered at this meeting are attached and include:
 1. Recommended Commission action items.
 2. Low-Level Radioactive Waste Policy Amendments Act of 1985 - a summary of relevant sections.
 3. Application to Export Waste - Form and cover letter.
 4. Proposed Management Plan - Statement of Work.
 5. Procedures for contacting the Northwest Compact regarding future access to its regional facility.
- At the January 30 and 31 meeting, the Compact Commission approved an "Application To Export Low-Level Radioactive Waste From The Central Interstate Low-Level Radioactive Waste Compact Region" form and agreed upon an annual certificate fee of \$25,000 for nuclear power plants and \$50 for all other low-level radioactive waste generators within the Compact region. The \$25,000 fee for nuclear power plants was agreed to by the utilities in order to provide additional funding for the Compacts site selection studies. A copy of the application form and cover letter, which has already been sent out to all radioactive materials licensees within the Compact region, is attached. The Compact Commission is currently working on an Application To Transport Waste Form for those needing to transfer waste within the Compact region.
- The Department is currently reviewing existing statutes to determine if new statutes or revisions to existing statutes might be required.

- The Department of Energy (DOE) has apparently informed Ray Peery that \$170,000 will be available to the Compact on March 1, 1986 for funding of the Management Study. However, funding will apparently not be available for the Phase II Siting Study.
- The Department continues to receive letters from citizens, primarily in north central Kansas, expressing their opposition to a low-level radioactive waste disposal site in their region of the state.

Resolutions have been passed in a number of north central Kansas counties prohibiting the location of a low-level radioactive waste disposal facility in those particular counties.

At the January 31 meeting of the Compact Commission, Secretary Sabol received a petition expressing opposition to locating a low-level radioactive waste disposal facility in Marshall County. The petition contained 1,593 signatures.

p²a/UB/1
Attachment



STATE OF KANSAS CANDIDATE AREAS

KEY:

— AREA BOUNDARIES

K-1 AREA DESIGNATION NUMBER

▨ OUTCROP AREA OF POTENTIAL GEOLOGIC HOST FORMATIONS

Attachment 1:b

House Energy and Natural Resources 2/18/86

DAMES & MOORE

4-5

FIGURE 4-2

SENATE RESOLUTION 284—TENDERING THE THANKS OF THE SENATE TO THE SENATE STAFF

Mr. THURMOND submitted the following resolution, which was considered and agreed to:

S. RES. 294

Resolved That the thanks of the Senate are hereby tendered to the Senate Sergeant at Arms, the Secretary of the Senate, the Secretary for the Majority, the Secretary for the Minority, and the floor staff of the two parties for the courteous, dignified, and impartial manner in which they have assisted the deliberations of the Senate during the first session of the Ninety-ninth Congress.

AMENDMENTS SUBMITTED

LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACTS

**THURMOND (AND OTHERS)
AMENDMENT NO. 1428**

Mr. THURMOND (for himself, Mr. SIMPSON, Mr. STAFFORD, Mr. BENTSEN, Mr. McCLURE, Mr. JOHNSTON, Mr. EVANS, Mr. HELMS, Mr. HART, Mr. DOMENICI, Mr. HOLLINGS, Mr. HECHT, Mr. BRADLEY, Mr. GOLDWATER, and Mr. DENTON) proposed an amendment to the bill (H.R. 1083) to amend the Low-Level Radioactive Waste Policy Act to improve procedures for the implementation of compacts providing for the establishment and operation of regional disposal facilities for low-level radioactive waste, and for other purposes, as follows:

TITLE I—LOW-LEVEL RADIOACTIVE WASTE POLICY AMENDMENTS ACT OF 1985

SEC. 101. SHORT TITLE.

This Title may be cited as the "Low-Level Radioactive Waste Policy Amendments Act of 1985."

SEC. 102. AMENDMENT TO THE LOW-LEVEL RADIOACTIVE WASTE POLICY ACT.

The Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.) is amended by striking out sections 1, 2, 3, and 4 and inserting in lieu thereof the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Low-Level Radioactive Waste Policy Act'."

"SEC. 2. DEFINITIONS.

"For purposes of this Act:

"(1) **AGREEMENT STATE.**—The term 'agreement State' means a State that—

"(A) has entered into an agreement with the Nuclear Regulatory Commission under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021); and

"(B) has authority to regulate the disposal of low-level radioactive waste under such agreement.

"(2) **ALLOCATION.**—The term 'allocation' means the assignment of a specific amount of low-level radioactive waste disposal capacity to a commercial nuclear power reactor for which access is required to be provided by sited States subject to the conditions specified under this Act.

"(3) **COMMERCIAL NUCLEAR POWER REACTOR.**—The term 'commercial nuclear power reactor' means any unit of a civilian light-water moderated utilization facility required

to be licensed under section 103 or 104b of the Atomic Energy Act of 1954 (42 U.S.C. 2133 or 2134(b)).

"(4) **COMPACT.**—The term 'compact' means a compact entered into by two or more States pursuant to this Act.

"(5) **COMPACT COMMISSION.**—The term 'compact commission' means the regional commission, committee, or board established in a compact to administer such compact.

"(6) **COMPACT REGION.**—The term 'compact region' means the area consisting of all States that are members of a compact.

"(7) **DISPOSAL.**—The term 'disposal' means the permanent isolation of low-level radioactive waste pursuant to the requirements established by the Nuclear Regulatory Commission under applicable laws, or by an agreement State if such isolation occurs in such agreement State.

"(8) **GENERATE.**—The term 'generate', when used in relation to low-level radioactive waste, means to produce low-level radioactive waste.

"(9) **LOW-LEVEL RADIOACTIVE WASTE.**—The term 'low-level radioactive waste' means radioactive material that—

"(A) is not high-level radioactive waste, spent nuclear fuel, or byproduct material (as defined in section 11e.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2))); and

"(B) the Nuclear Regulatory Commission, consistent with existing law and in accordance with paragraph (A), classifies as low-level radioactive waste.

"(10) **NON-SITED COMPACT REGION.**—The term 'non-sited compact region' means any compact region that is not a sited compact region.

"(11) **REGIONAL DISPOSAL FACILITY.**—The term 'regional disposal facility' means a non-federal low-level radioactive waste disposal facility in operation on January 1, 1985, or subsequently established and operated under a compact.

"(12) **SECRETARY.**—The term 'Secretary' means the Secretary of Energy.

"(13) **SITED COMPACT REGION.**—The term 'sited compact region' means a compact region in which there is located one of the regional disposal facilities at Barnwell, in the State of South Carolina; Richland, in the State of Washington; or Beatty, in the State of Nevada.

"(14) **STATE.**—The term 'State' means any State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"Section 3. Responsibilities for Disposal of Low-Level Radioactive Waste.

SECTION 301(1) STATE RESPONSIBILITIES.—Each State shall be responsible for providing, either by itself or in cooperation with other States, for the disposal of—

(A) low-level radioactive waste generated within the State (other than by the federal government) that consists of or contains class A, B, or C radioactive waste as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983;

(B) low-level radioactive waste described in subparagraph (A) that is generated by the federal government except such waste that is—

(i) owned or generated by the Department of Energy;

(ii) owned or generated by the United States Navy as a result of the decommissioning of vessels of the United States Navy; or

(iii) owned or generated as a result of any research, development, testing, or production of any atomic weapon; and

(C) low-level radioactive waste described in subparagraphs (A) and (B) that is generated outside of the State and accepted for disposal in accordance with sections 5 or 6.

(2) No regional disposal facility may be required to accept for disposal any material—

(A) that is not low-level radioactive waste as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983; or

(B) identified under the Formerly Utilized Sites Remedial Action Program.

Nothing in this paragraph shall be deemed to prohibit a State, subject to the provisions of its compact, or a compact region from accepting for disposal any material identified in subparagraphs (A) or (B).

(b)(1) The federal government shall be responsible for the disposal of—

(A) low-level radioactive waste owned or generated by the Department of Energy;

(B) low-level radioactive waste owned or generated by the United States Navy as a result of the decommissioning of vessels of the United States Navy;

(C) low-level radioactive waste owned or generated by the federal government as a result of any research, development, testing, or production of any atomic weapon; and

(D) any other low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Commission for class C radioactive waste, as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983.

(2) All radioactive waste designated a federal responsibility pursuant to subparagraph (b)(1)(D) that results from activities licensed by the Nuclear Regulatory Commission under the Atomic Energy Act of 1954, as amended, shall be disposed of in a facility licensed by the Nuclear Regulatory Commission that the Commission determines is adequate to protect the public health and safety.

(3) Not later than 12 months after the date of enactment of this Act, the Secretary shall submit to the Congress a comprehensive report setting forth the recommendations of the Secretary for ensuring the safe disposal of all radioactive waste designated a federal responsibility pursuant to subparagraph (b)(1)(D). Such report shall include—

(A) an identification of the radioactive waste involved, including the source of such waste, and the volume, concentration, and other relevant characteristics of such waste;

(B) an identification of the federal and non-federal options for disposal of such radioactive waste;

(C) a description of the actions proposed to ensure the safe disposal of such radioactive waste;

(D) a description of the projected costs of undertaking such actions;

(E) an identification of the options for ensuring that the beneficiaries of the activities resulting in the generation of such radioactive wastes bear all reasonable costs of disposing of such wastes; and

(F) an identification of any statutory authority required for disposal of such waste.

(4) The Secretary may not dispose of any radioactive waste designated a federal responsibility pursuant to paragraph (b)(1)(D) that becomes a federal responsibility for the first time pursuant to such paragraph until ninety days after the report prepared pursuant to paragraph (3) has been submitted to the Congress.

"Section 4. Regional Compacts for Disposal of Low-Level Radioactive Waste.

"(a) IN GENERAL.—

"(1) **FEDERAL POLICY.**—It is the policy of the federal government that the responsibilities of the States under section 3 for the disposal of low-level radioactive waste can be most safely and effectively managed on a regional basis.

"(2) INTERSTATE COMPACTS.—To carry out the policy set forth in paragraph (1), the States may enter into such compact as may be necessary to provide for the establishment and operation of regional disposal facilities for low-level radioactive waste.

"(b) APPLICABILITY TO FEDERAL ACTIVITIES.—

"(1) IN GENERAL.—

"(A) ACTIVITIES OF THE SECRETARY.—Except as provided in subparagraph (B), no compact or action taken under a compact shall be applicable to the transportation, management, or disposal of any low-level radioactive waste designated in section 3(a)(1)(B) (IX)(iii).

"(B) FEDERAL LOW-LEVEL RADIOACTIVE WASTE DISPOSAL OF AT NON-FEDERAL FACILITIES.—Low-level radioactive waste owned or generated by the federal government that is disposed of at a regional disposal facility or non-federal disposal facility within a State that is not a member of a compact shall be subject to the same conditions, regulations, requirements, fees, taxes, and surcharges imposed by the compact commission, and by the State in which such facility is located, in the same manner and to the same extent as any low-level radioactive waste not generated by the federal government.

"(2) FEDERAL LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITIES.—Any low-level radioactive waste disposal facility established or operated exclusively for the disposal of low-level radioactive waste owned or generated by the federal government shall not be subject to any compact or any action taken under a compact.

"(3) EFFECT OF COMPACTS ON FEDERAL LAW.—Nothing contained in this Act or any compact may be construed to confer any new authority on any compact commission or State—

"(A) to regulate the packaging, generation, treatment, storage, disposal, or transportation of low-level radioactive waste in a manner incompatible with the regulations of the Nuclear Regulatory Commission or inconsistent with the regulations of the Department of Transportation;

"(B) to regulate health, safety, or environmental hazards from source material, by-product material, or special nuclear material;

"(C) to inspect the facilities of licensees of the Nuclear Regulatory Commission;

"(D) to inspect security areas or operations at the site of the generation of any low-level radioactive waste by the federal government, or to inspect classified information related to such areas or operations; or

"(E) to require indemnification pursuant to the provisions of chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act), or section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly referred to as the Price-Anderson Act), whichever is applicable.

"(4) FEDERAL AUTHORITY.—Except as expressly provided in this Act, nothing contained in this Act or any compact may be construed to limit the applicability of any federal law or to diminish or otherwise impair the jurisdiction of any federal agency, or to alter, amend, or otherwise affect any federal law governing the judicial review of any action taken pursuant to any compact.

"(5) STATE AUTHORITY PRESERVED.—Except as expressly provided in this Act, nothing contained in this Act expands, diminishes, or otherwise affects State law.

"(c) RESTRICTED USE OF REGIONAL DISPOSAL FACILITIES.—Any authority in a compact to restrict the use of the regional disposal facilities under the compact to the disposal of

low-level radioactive waste generated within the compact region shall not take effect before each of the following occurs:

"(1) January 1, 1986; and

"(2) the Congress by law consents to the compact.

"(d) CONGRESSIONAL REVIEW.—Each compact shall provide that every 5 years after the compact has taken effect the Congress may by law withdraw its consent.

"Section 5. Limited Availability of Certain Regional Disposal Facilities During Transition and Licensing Periods.

"(a) AVAILABILITY OF DISPOSAL CAPACITY.—

"(1) PRESSURIZED-WATER AND BOILING WATER REACTORS.—During the seven-year period beginning January 1, 1986 and ending December 31, 1992, subject to the provisions of subsections (b) through (g), each State in which there is located a regional disposal facility referred to in paragraphs (1) through (3) of subsection (b) shall make disposal capacity available for low-level radioactive waste generated by pressurized water and boiling water commercial nuclear power reactors in accordance with the allocations established in subsection (c).

"(2) OTHER SOURCES OF LOW-LEVEL RADIOACTIVE WASTE.—During the seven-year period beginning January 1, 1986 and ending December 31, 1992, subject to the provisions of subsections (b) through (g), each State in which there is located a regional disposal facility referred to in paragraphs (1) through (3) of subsection (b) shall make disposal capacity available for low-level radioactive waste generated by any source not referred to in paragraph (1).

"(3) ALLOCATION OF DISPOSAL CAPACITY.—

"(A) During the seven-year period beginning January 1, 1986 and ending December 31, 1992, low-level radioactive waste generated within a sited compact region shall be accorded priority under this section in the allocation of available disposal capacity at a regional disposal facility referred to in paragraphs (1) through (3) of subsection (b) and located in the sited compact region in which such waste is generated.

"(B) Any state in which a regional disposal facility referred to in paragraphs (1) through (3) of subsection (b) is located may, subject to the provisions of its compact, prohibit the disposal at such facility of low-level radioactive waste generated outside of the compact region if the disposal of such waste in any given calendar year, together with all other low-level radioactive waste disposed of at such facility within that same calendar year, would result in that facility disposing of a total annual volume of low-level radioactive waste in excess of 100 per centum of the average annual volume for such facility designated in subsection (b): *Provided, however,* That in the event that all three States, in which regional disposal facilities referred to in paragraphs (1) through (3) of subsection (b) act to prohibit the disposal of low-level radioactive waste pursuant to this subparagraph, each such State shall, in accordance with any applicable procedures of its compact, permit, as necessary, the disposal of additional quantities of such waste in increments of ten per centum of the average annual volume for each such facility designated in subsection (b).

"(C) Nothing in this paragraph shall require any disposal facility or State referred to in paragraphs (1) through (3) of subsection (b) to accept for disposal low-level radioactive waste in excess of the total amounts designated in subsection (b).

"(4) CESSATION OF OPERATION OF LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY.—No provision of this section shall be construed to obligate any State referred to in paragraphs (1) through (3) of subsection (b) to

accept low-level radioactive waste from any source in the event that the regional disposal facility located in such state ceases operations.

"(b) LIMITATIONS.—The availability of disposal capacity for low-level radioactive waste from any source shall be subject to the following limitations:

"(1) BARNWELL, SOUTH CAROLINA.—The State of South Carolina, in accordance with the provisions of its compact, may limit the volume of low-level radioactive waste accepted for disposal at the regional disposal facility located at Barnwell, South Carolina to a total of 8,400,000 cubic feet of low-level radioactive waste during the 7-year period beginning January 1, 1986 and ending December 31, 1992 (as based on an average annual volume of 1,200,000 cubic feet of low-level radioactive waste).

"(2) RICHLAND, WASHINGTON.—The State of Washington, in accordance with the provisions of its compact, may limit the volume of low-level radioactive waste accepted for disposal at the regional disposal facility located at Richland, Washington to a total of 9,800,000 cubic feet of low-level radioactive waste during the 7-year period beginning January 1, 1986 and ending December 31, 1992 (as based on an average annual volume of 1,400,000 cubic feet of low-level radioactive waste).

"(3) BEATTY, NEVADA.—The State of Nevada, in accordance with the provisions of its compact, may limit the volume of low-level radioactive waste accepted for disposal at the regional disposal facility located at Beatty, Nevada to a total of 1,400,000 cubic feet of low-level radioactive waste during the 7-year period beginning January 1, 1986 and ending December 31, 1992 (as based on an average annual volume of 200,000 cubic feet of low-level radioactive waste).

"(c) COMMERCIAL NUCLEAR POWER REACTOR ALLOCATIONS.—

"(1) AMOUNT.—Subject to the provisions of subsections (a) through (g) each commercial nuclear power reactor shall upon request receive an allocation of low-level radioactive waste disposal capacity (in cubic feet) at the facilities referred to in subsection (b) during the 4-year transition period beginning January 1, 1986, and ending December 31, 1989, and during the 3-year licensing period beginning January 1, 1990, and ending December 31, 1992, in an amount calculated by multiplying the appropriate number from the following table by the number of months remaining in the applicable period as determined under paragraph (2).

Reactor type	4-yr transition period		3-yr transition period	
	In-sited region	All other locations	In-sited region	All other locations
PWR	1,027	871	934	845
BWR	2,300	1,951	2,091	1,533

"(2) METHOD OF CALCULATION.—For purposes of calculating the aggregate amount of disposal capacity available to a commercial nuclear power reactor under this subsection, the number of months shall be computed beginning with the first month of the applicable period, or the sixteenth month after receipt of a full power operating license, whichever occurs later.

"(3) UNUSED ALLOCATIONS.—Any unused allocation under paragraph (1) received by a reactor during the transition period or the licensing period may be used at any time after such reactor receives its full power license or after the beginning of the pertinent period, whichever is later, but not in any event after December 31, 1992, or after

commencement of operation of a regional disposal facility in the compact region or State in which such reactor is located, whichever occurs first.

"(4) **TRANSFERABILITY.**—Any commercial nuclear power reactor in a State or compact region that is in compliance with the requirements of subsection (e) may assign any disposal capacity allocated to it under this subsection to any other person in any such State or compact region. Such assignment may be for valuable consideration and shall be in writing, copies of which shall be filed at the affected compact commissions and States, along with the assignor's unconditional written waiver of the disposal capacity being assigned.

"(5) **UNUSUAL VOLUMES.**—

"(A) The Secretary may, upon petition by the owner or operator of any commercial nuclear power reactor, allocate to such reactor disposal capacity in excess of the amount calculated under paragraph (1) if the Secretary finds and states in writing his reasons for so finding that making additional capacity available for such reactor through this paragraph is required to permit unusual or unexpected operating, maintenance, repair or safety activities.

"(B) The Secretary may not make allocations pursuant to subparagraph (A) that would result in the acceptance for disposal of more than 800,000 cubic feet of low-level radioactive waste or would result in the total of the allocations made pursuant to this subsection exceeding 11,900,000 cubic feet over the entire seven-year interim access period.

"(6) **Limitation.**—During the seven-year interim access period referred to in subsection (a), the disposal facilities referred to in subsection (b) shall not be required to accept more than 11,900,000 cubic feet of low-level radioactive waste generated by commercial nuclear power reactors.

"(d)(1) **SURCHARGES.**—The disposal of any low-level radioactive waste under this section (other than low-level radioactive waste generated in a sited compact region) may be charged a surcharge by the State in which the applicable regional disposal facility is located, in addition to the fees and surcharges generally applicable for disposal of low-level radioactive waste in the regional disposal facility involved. Except as provided in subsection (e)(2), such surcharges shall not exceed—

"(A) in 1986 and 1987, \$10 per cubic foot of low-level radioactive waste;

"(B) in 1988 and 1989, \$20 per cubic foot of low-level radioactive waste; and

"(C) in 1990, 1991, and 1992, \$40 per cubic foot of low-level radioactive waste.

"(2) **MILESTONE INCENTIVES.**—

"(A) **ESCROW ACCOUNT.**—Twenty-five per centum of all surcharge fees received by a State pursuant to paragraph (1) during the seven-year period referred to in subsection (a) shall be transferred on a monthly basis to an escrow account held by the Secretary. The Secretary shall deposit all funds received in a special escrow account. The funds so deposited shall not be the property of the United States. The Secretary shall act as trustee for such funds and shall invest them in interest-bearing United States Government Securities with the highest available yield. Such funds shall be held by the Secretary until—

"(i) paid or repaid in accordance with subparagraphs (B) or (C); or

"(ii) paid to the State collecting such fees in accordance with subparagraph (F).

"(B) **PAYMENTS.**—

"(i) **JULY 1, 1986.**—The twenty-five per centum of any amount collected by a State under paragraph (1) for low-level radioactive waste disposed of under this section

during the period beginning on the date of enactment of the Low-Level Radioactive Waste Policy Amendments Act of 1985 and ending June 30, 1986, and transferred to the Secretary under subparagraph (A), shall be paid by the Secretary in accordance with subparagraph (D) if the milestone described in subsection (e)(1)(A) is met by the State in which such waste originated.

"(ii) **JANUARY 1, 1988.**—The twenty-five per centum of any amount collected by a State under paragraph (1) for low-level radioactive waste disposed of under this section during the period beginning July 1, 1986 and ending December 31, 1987, and transferred to the Secretary under subparagraph (A), shall be paid by the Secretary in accordance with subparagraph (D) if the milestone described in subsection (e)(1)(B) is met by the State in which such waste originated (or its compact region, where applicable).

"(iii) **JANUARY 1, 1990.**—The twenty-five per centum of any amount collected by a State under paragraph (1) for low-level radioactive waste disposed of under this section during the period beginning January 1, 1988 and ending December 31, 1989, and transferred to the Secretary under subparagraph (A), shall be paid by the Secretary in accordance with subparagraph (D) if the milestone described in subsection (e)(1)(C) is met by the State in which such waste originated (or its compact region, where applicable).

"(iv) The twenty-five per centum of any amount collected by a State under paragraph (1) for low-level radioactive waste disposed of under this section during the period beginning January 1, 1990 and ending December 31, 1992, and transferred to the Secretary under subparagraph (A), shall be paid by the Secretary in accordance with subparagraph (D) if, by January 1, 1993, the State in which such waste originated (or its compact region, where applicable) is able to provide for the disposal of all low-level radioactive waste generated within such State or compact region.

"(C) **FAILURE TO MEET JANUARY 1, 1993 DEADLINE.**—If, by January 1, 1993, a State (or, where applicable, a compact region) in which low-level radioactive waste is generated is unable to provide for the disposal of all such waste generated within such State or compact region—

"(i) each State in which such waste is generated, upon the request of the generator or owner of the waste, shall take title to the waste, shall be obligated to take possession of the waste, and shall be liable for all damages directly or indirectly incurred by such generator or owner as a consequence of the failure of the State to take possession of the waste as soon after January 1, 1993 as the generator or owner notifies the State that the waste is available for shipment; or

"(ii) if such State elects not to take title to, take possession of, and assume liability for such waste, pursuant to clause (i), twenty-five per centum of any amount collected by a State under paragraph (1) for low-level radioactive waste disposed of under this section during the period beginning January 1, 1990 and ending December 31, 1992 shall be repaid, with interest, to each generator from whom such surcharge was collected. Repayments made pursuant to this clause shall be made on a monthly basis, with the first such repayment beginning on February 1, 1993, in an amount equal to one thirty-sixth of the total amount required to be repaid pursuant to this clause, and shall continue until the State (or, where applicable, compact region) in which such low-level radioactive waste is generated is able to provide for the disposal of all such waste generated within such

State or compact region or until January 1, 1996, whichever is earlier.

If a State in which low-level radioactive waste is generated elects to take title to, take possession of, and assume liability for such waste pursuant to clause (i), such State shall be paid such amounts as are designated in subparagraph (B)(iv). If a State (or, where applicable, a compact region) in which low-level radioactive waste is generated provides for the disposal of such waste at any time after January 1, 1993 and prior to January 1, 1996, such State (or, where applicable, compact region) shall be paid in accordance with subparagraph (D) a lump sum amount equal to twenty-five per centum of any amount collected by a State under paragraph (1): *Provided, however,* That such payment shall be adjusted to reflect the remaining number of months between January 1, 1993 and January 1, 1996 for which such State (or, where applicable, compact region) provides for the disposal of such waste. If a State (or, where applicable, a compact region) in which low-level radioactive waste is generated is unable to provide for the disposal of all such waste generated within such State or compact region by January 1, 1996, each State in which such waste is generated, upon the request of the generator or owner of the waste, shall take title to the waste, be obligated to take possession of the waste, and shall be liable for all damages directly or indirectly incurred by such generator or owner as a consequence of the failure of the State to take possession of the waste as soon after January 1, 1996 as the generator or owner notifies the State that the waste is available for shipment.

"(D) **RECIPIENTS OF PAYMENTS.**—The payments described in subparagraphs (B) and (C) shall be paid within thirty days after the applicable date—

"(i) if the State in which such waste originated is not a member of a compact region, to such State;

"(ii) if the State in which such waste originated is a member of the region, to the compact commission serving such State.

"(E) **USES OF PAYMENTS.**—

"(i) **LIMITATIONS.**—Any amount paid under subparagraphs (B) or (C) may only be used to—

"(I) establish low-level radioactive waste disposal facilities;

"(II) mitigate the impact of low-level radioactive waste disposal facilities on the host state;

"(III) regulate low-level radioactive waste disposal facilities; or

"(IV) ensure the decommissioning, closure, and care during the period of institutional control of low-level radioactive waste disposal facilities.

"(ii) **REPORTS.**—

"(I) **RECIPIENT.**—Any State or compact commission receiving a payment under subparagraphs (B) or (C) shall, on December 31 of each year in which any such funds are expended, submit a report to the Department of Energy itemizing any such expenditures.

"(II) **DEPARTMENT OF ENERGY.**—Not later than six months after receiving the reports under subclause (i), the Secretary shall submit to the Congress a summary of all such reports that shall include an assessment of the compliance of each such State or compact commission with the requirements of clause (i).

"(F) **PAYMENT TO STATES.**—Any amount collected by a State under paragraph (1) that is placed in escrow under subparagraph (A) and not paid to a State or compact commission under subparagraphs (B) and (C) or not repaid to a generator under subpara-

graph (C) shall be paid from such escrow account to such State collecting such payment under paragraph (1). Such payment shall be made not later than 30 days after a determination of ineligibility for a refund is made.

"(G) PENALTY SURCHARGES.—No rebate shall be made under this subsection of any surcharge or penalty surcharge paid during a period of noncompliance with subsection (e)(1).

"(e) REQUIREMENTS FOR ACCESS TO REGIONAL DISPOSAL FACILITIES.—

"(1) REQUIREMENTS FOR NON-SITED COMPACT REGIONS AND NON-MEMBER STATES.—Each non-sited compact region, or State that is not a member of a compact region that does not have an operating disposal facility, shall comply with the following requirements:

"(A) By July 1, 1986, each such non-member State shall ratify compact legislation or, by the enactment of legislation or the certification of the Governor, indicate its intent to develop a site for the location of a low-level radioactive waste disposal facility within such State.

"(B) By January 1, 1988—

"(i) each non-sited compact region shall identify the State in which its low-level radioactive waste disposal facility is to be located, or shall have selected the developer for such facility and the site to be developed, and each compact region or the State in which its low-level radioactive waste disposal facility is to be located shall develop a siting plan for such facility providing detailed procedures and a schedule for establishing a facility location and preparing a facility license application and shall delegate authority to implement such plan; and

"(ii) each non-member State shall develop a siting plan providing detailed procedures and a schedule for establishing a facility location and preparing a facility license application for a low-level radioactive waste disposal facility and shall delegate authority to implement such plan.

"(iii) The siting plan required pursuant to this paragraph shall include a description of the optimum way to attain operation of the low-level radioactive waste disposal facility involved, within the time period specified in this Act. Such plan shall include a description of the objectives and a sequence of deadlines for all entities required to take action to implement such plan, including, to the extent practicable, an identification of the activities in which a delay in the start, or completion, of such activities will cause a delay in beginning facility operation. Such plan shall also identify, to the extent practicable, the process for (1) screening for broad siting areas; (2) identifying and evaluating specific candidate sites; and (3) characterizing the preferred site(s), completing all necessary environmental assessments, and preparing a license application for submission to the Nuclear Regulatory Commission or an Agreement State."

"(C) By January 1, 1990—

"(i) a complete application (as determined by the Nuclear Regulatory Commission or the appropriate agency of an agreement State) shall be filed for a license to operate a low-level radioactive waste disposal facility within each non-sited compact region or within each non-member State; or

"(ii) the Governor (or, for any State without a Governor, the chief executive officer) of any State that is not a member of a compact region in compliance with clause (i), or has not complied with such clause by its own actions, shall provide a written certification to the Nuclear Regulatory Commission, that such State will be capable of providing for, and will provide for, the storage, disposal, or management of any low-level radioactive waste generated within such State and requiring disposal after December 31,

1992, and include a description of the actions that will be taken to ensure that such capacity exists.

"(D) By January 1, 1992, a complete application (as determined by the Nuclear Regulatory Commission or the appropriate agency of an agreement State) shall be filed for a license to operate a low-level radioactive waste disposal facility within each non-sited compact region or within each non-member State.

"(E) The Nuclear Regulatory Commission shall transmit any certification received under subparagraph (C) to the Congress and publish any such certification in the Federal Register.

"(F) Any State may, subject to all applicable provisions, if any, of any applicable compact, enter into an agreement with the compact commission of a region in which a regional disposal facility is located to provide for the disposal of all low-level radioactive waste generated within such State, and, by virtue of such agreement, may, with the approval of the State in which the regional disposal facility is located, be deemed to be in compliance with subparagraphs (A), (B), (C), and (D).

"(2) PENALTIES FOR FAILURE TO COMPLY.—

"(A) By July 1, 1986.—If any State fails to comply with subparagraph (1)(A)—

"(i) any generator of low-level radioactive waste within such region or non-member State shall, for the period beginning July 1, 1986, and ending December 31, 1990, be charged 2 times the surcharge otherwise applicable under subsection (d); and

"(ii) on or after January 1, 1987, any low-level radioactive waste generated within such region or non-member State may be denied access to the regional disposal facilities referred to in paragraphs (1) through (3) of subsection (b).

"(B) By January 1, 1988.—If any non-sited compact region or non-member State fails to comply with paragraph (1)(B)—

"(i) any generator of low-level radioactive waste within such region or non-member State shall—

"(I) for the period beginning January 1, 1988, and ending June 30, 1988, be charged 2 times the surcharge otherwise applicable under subsection (d); and

"(II) for the period beginning July 1, 1988, and ending December 31, 1988, be charged 4 times the surcharge otherwise applicable under subsection (d); and

"(ii) on or after January 1, 1989, any low-level radioactive waste generated within such region or non-member State may be denied access to the regional disposal facilities referred to in paragraphs (1) through (3) of subsection (b).

"(C) By January 1, 1990.—If any non-sited compact region or non-member State fails to comply with paragraph (1)(C), any low-level radioactive waste generated within such region or non-member State may be denied access to the regional disposal facilities referred to in paragraphs (1) through (3) of subsection (b).

"(D) By January 1, 1992.—If non-sited compact region or non-member State fails to comply with paragraph (1)(D), any generator of low-level radioactive waste within such region or non-member State shall, for the period beginning January 1, 1992 and ending upon the filing of the application described in paragraph (1)(D), be charged 2 times the surcharge otherwise applicable under subsection (d).

"(3) DENIAL OF ACCESS.—No denial or suspension of access to a regional disposal facility under paragraph (2) may be based on the source, class, or type of low-level radioactive waste.

"(4) RESTORATION OF SUSPENDED ACCESS: PENALTIES FOR FAILURE TO COMPLY.—Any

access to a regional disposal facility that is suspended under paragraph (2) shall be restored after the non-sited compact region or non-member State involved complies with such requirement. Any payment of surcharge penalties pursuant to paragraph (2) for failure to comply with the requirements of subsection (e) shall be terminated after the non-sited compact region or non-member State involved complies with such requirements.

"(f)(1) ADMINISTRATION.—Each State and compact commission in which a regional disposal facility referred to in paragraphs (1) through (3) of subsection (b) is located shall have authority—

"(A) to monitor compliance with the limitations, allocations, and requirements established in this section; and

"(B) to deny access to any non-federal low-level radioactive waste disposal facilities within its borders to any low-level radioactive waste that—

"(i) is in excess of the limitations or allocations established in this section; or

"(ii) is not required to be accepted due to the failure of a compact region or State to comply with the requirements of subsection (e)(1).

"(2) AVAILABILITY OF INFORMATION DURING LETTERS ACCESS PERIOD.—

"(A) The States of South Carolina, Washington, and Nevada may require information from disposal facility operators, generators, intermediate handlers, and the Department of Energy that is reasonably necessary to monitor the availability of disposal capacity, the use and assignment of allocations and the applicability of surcharges.

"(B) The States of South Carolina, Washington, and Nevada may, after written notice followed by a period of at least 30 days, deny access to disposal capacity to any generator or intermediate handler who fails to provide information under subparagraph (A).

"(C) PROPRIETARY INFORMATION.—

"(i) Trade secrets, proprietary and other confidential information shall be made available to a State under this subsection upon request only if such State—

"(I) consents in writing to restrict the dissemination of the information to those who are directly involved in monitoring under subparagraph (A) and who have a need to know;

"(II) accepts liability for wrongful disclosure; and

"(III) demonstrates that such information is essential to such monitoring.

"(ii) The United States shall not be liable for the wrongful disclosure by any individual or State of any information provided to such individual or State under this subsection.

"(iii) Whenever any individual or State has obtained possession of information under this subsection, the individual shall be subject to the same provisions of law with respect to the disclosure of such information as would apply to an officer or employee of the United States or of any department or agency thereof and the State shall be subject to the same provisions of law with respect to the disclosure of such information, as would apply to the United States or any department or agency thereof. No State or State officer or employee who receives trade secrets, proprietary information, or other confidential information under this Act may be required to disclose such information under State law.

"(g) NONDISCRIMINATION.—Except as provided in subsections (b) through (e), low-level radioactive waste disposed of under this section shall be subject without discrimination to all applicable legal require-

ments of the compact region and State in which the disposal facility is located as if such low-level radioactive waste were generated within such compact region.

"SEC. 6. EMERGENCY ACCESS.

"(a) IN GENERAL.—The Nuclear Regulatory Commission may grant emergency access to any regional disposal facility or nonfederal disposal facility within a State that is not a member of a compact for specific low-level radioactive waste, if necessary to eliminate an immediate and serious threat to the public health and safety or the common defense and security. The procedure for granting emergency access shall be as provided in this section.

"(b) Request for Emergency Access.—Any generator of low-level radioactive waste, or any Governor (or, for any State without a Governor, the chief executive officer of the State) on behalf of any generator or generators located in his or her State, may request that the Nuclear Regulatory Commission grant emergency access to a regional disposal facility or a non-federal disposal facility within a State that is not a member of a compact for specific low-level radioactive waste. Any such request shall contain any information and certifications the Nuclear Regulatory Commission may require.

"(c) DETERMINATION OF NUCLEAR REGULATORY COMMISSION.—

"(1) REQUIRED DETERMINATION.—Not later than 45 days after receiving a request under subsection (b), the Nuclear Regulatory Commission shall determine whether—

"(A) emergency access is necessary because of an immediate and serious threat to the public health and safety or the common defense and security; and

"(B) the threat cannot be mitigated by any alternative consistent with the public health and safety, including storage of low-level radioactive waste at the site of generation or in a storage facility obtaining access to a disposal facility by voluntary agreement, purchasing disposal capacity available for assignment pursuant to section 5(c) or ceasing activities that generate low-level radioactive waste.

"(2) REQUIRED NOTIFICATION.—If the Nuclear Regulatory Commission makes the determinations required in paragraph (1) in the affirmative, it shall designate an appropriate non-federal disposal facility or facilities, and notify the Governor (or chief executive officer) of the State in which such facility is located and the appropriate compact commission that emergency access is required. Such notification shall specifically describe the low-level radioactive waste as to source, physical and radiological characteristics, and the minimum volume and duration, not exceeding 180 days, necessary to alleviate the immediate threat to public health and safety or the common defense and security. The Nuclear Regulatory Commission shall also notify the Governor (or chief executive officer) of the State in which the low-level radioactive waste requiring emergency access was generated that emergency access has been granted and that, pursuant to subsection (e), no extension of emergency access may be granted absent diligent State action during the period of the initial grant.

"(d) TEMPORARY EMERGENCY ACCESS.—Upon determining that emergency access is necessary because of an immediate and serious threat to the public health and safety or the common defense and security, the Nuclear Regulatory Commission may at its discretion grant temporary emergency access, pending its determination whether the threat could be mitigated by any alternative consistent with the public health and safety. In granting access under this subsec-

tion, the Nuclear Regulatory Commission shall provide the same notification and information required under subsection (c). Absent a determination that no alternative consistent with the public health and safety would mitigate the threat, access granted under this subsection shall expire 45 days after the granting of temporary emergency access under this subsection.

"(e) EXTENSION OF EMERGENCY ACCESS.—The Nuclear Regulatory Commission may grant one extension of emergency access beyond the period provided in subsection (c), if it determines that emergency access continues to be necessary because of an immediate and serious threat to the public health and safety or the common defense and security that cannot be mitigated by any alternative consistent with the public health and safety, and that the generator of low-level radioactive waste granted emergency access and the State in which such low-level radioactive waste was generated have diligently though unsuccessfully acted during the period of the initial grant to eliminate the need for emergency access. Any extension granted under this subsection shall be for the minimum volume and duration the Nuclear Regulatory Commission finds necessary to eliminate the immediate threat to public health and safety or the common defense and security, and shall not in any event exceed 180 days.

"(f) RECIPROCAL ACCESS.—Any compact region or State not a member of a compact that provides emergency access to non-Federal disposal facilities within its borders shall be entitled to reciprocal access to any subsequently operating non-federal disposal facility that serves the State or compact region in which low-level radioactive waste granted emergency access was generated. The compact commission or State having authority to approve importation of low-level radioactive waste to the disposal facility to which emergency access was granted shall designate for reciprocal access an equal volume of low-level radioactive waste having similar characteristics to that provided emergency access.

"(g) APPROVAL BY COMPACT COMMISSION.—Any grant of access under this section shall be submitted to the compact commission for the region in which the designation disposal facility is located for such approval as may be required under the terms of its compact. Any such compact commission shall act to approve emergency access not later than 15 days after the receiving notification from the Nuclear Regulatory Commission, or reciprocal access not later than 15 days after receiving notification from the appropriation authority under subsection (f).

"(h) LIMITATIONS.—No State shall be required to provide emergency or reciprocal access to any regional disposal facility within its borders for low-level radioactive waste not meeting criteria established by the license or license agreement of such facility, or in excess of the approved capacity of such facility, or to delay the closing of any such facility pursuant to plans established before receiving a request for emergency or reciprocal access. No State shall, during any 12-month period, be required to provide emergency or reciprocal access to any regional disposal facility within its borders for more than 20 percent of the total volume of low-level radioactive waste accepted for disposal at such facility during the previous calendar year.

"(i) VOLUME REDUCTION AND SURCHARGES.—Any low-level radioactive waste delivered for disposal under this section shall be reduced in volume to the maximum extent practicable and shall be subject to surcharges established in this Act.

"(j) DEDUCTION FROM ALLOCATION.—Any volume of low-level radioactive waste granted emergency or reciprocal access under this section, if generated by any commercial nuclear power reactor, shall be deducted from the low-level radioactive waste volume allocable under section 5(c).

"(k) AGREEMENT STATES.—Any agreement under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021) shall not be applicable to the determinations of the Nuclear Regulatory Commission under this section.

"SEC. 7. RESPONSIBILITIES OF THE DEPARTMENT OF ENERGY.

"(a) FINANCIAL AND TECHNICAL ASSISTANCE.—The Secretary shall, to the extent provided in appropriations Act, provide to those compact regions, host States, and non-member States determined by the Secretary to require assistance for purposes of carrying out this Act—

"(1) continuing technical assistance to assist them in fulfilling their responsibilities under this Act. Such technical assistance shall include, but not be limited to, technical guidelines for site selection, alternative technologies for low-level radioactive waste disposal, volume reduction options, management techniques to reduce low-level waste generation, transportation practices for shipment of low-level wastes, health and safety considerations in the storage, shipment and disposal of low-level radioactive wastes, and establishment of a computerized data-base to monitor the management of low-level radioactive wastes; and

"(2) through the end of fiscal year 1993, financial assistance to assist them in fulfilling their responsibilities under this Act

"(b) REPORTS.—The Secretary shall prepare and submit to the Congress on an annual basis a report which (1) summarizes the progress of low-level waste disposal siting and licensing activities within each compact region, (2) reviews the available volume reduction technologies, their applications, effectiveness, and costs of a per unit volume basis, (3) reviews interim storage facility requirements, costs, and usage, (4) summarizes transportation requirements for such wastes on an inter- and intra-regional basis, (5) summarizes the data on the total amount of low-level waste shipped for disposal on a yearly basis, the proportion of such wastes subjected to volume reduction, the average volume reduction attained, and the proportion of wastes stored on an interim basis, and (6) projects the interim storage and final disposal volume requirements anticipated for the following year, on a regional basis.

"SEC. 8. ALTERNATIVE DISPOSAL METHODS.

"(a) Not later than 12 months after the date of enactment of the Low-Level Radioactive Waste Policy Amendments Act of 1985, the Nuclear Regulatory Commission shall, in consultation with the States and other interested persons, identify methods for the disposal of low-level radioactive waste other than shallow land burial, and establish and publish technical guidance regarding licensing of facilities that use such methods.

(b) Not later than 24 months after the date of enactment of the Low-Level Radioactive Waste Policy Amendments Act of 1985, the Commission shall, in consultation with the States and other interested persons, identify and publish all relevant technical information regarding the methods identified pursuant to subsection (a) that a State or compact must provide to the Commission in order to pursue such methods, together with the technical requirements that such facilities must meet, in the judgment of the Commission, if pursued as an alterna-

tive to shallow land burial. Such technical information and requirements shall include, but need not be limited to, site suitability, site design, facility operation disposal site closure, and environmental monitoring, as necessary to meet the performance objectives established by the Commission for a licensed low-level radioactive waste disposal facility. The Commission shall specify and publish such requirements in a manner and form deemed appropriate by the Commission.

SEC. 9. LICENSING REVIEW AND APPROVAL

"In order to ensure the timely development of new low-level radioactive waste disposal facilities, the Nuclear Regulatory Commission or, as appropriate, agreement States, shall consider an application for a disposal facility license in accordance with the laws applicable to such application, except that the Commission and the agreement state shall—

"(1) not later than 12 months after the date of enactment of the Low-Level Radioactive Waste Policy Amendments Act of 1985, establish procedures and develop the technical capability for processing applications for such licenses;

"(2) to the extent practicable, complete all activities associated with the review and processing of any application for such a license (except for public hearings) no later than 15 months after the date of receipt of such application; and

"(3) to the extent practicable, conduct all required technical and environmental reviews and public hearings.

SEC. 10. RADIOACTIVE WASTE BELOW REGULATORY CONCERN

"(a) Not later than 6 months after the date of enactment of the Low-Level Radioactive Waste Policy Amendments Act of 1985, the Commission shall establish standards and procedures, pursuant to existing authority, and develop the technical capability for considering and acting upon petitions to exempt specific radioactive waste streams from regulation by the Commission due to the presence of radionuclides in such waste streams in sufficiently low concentrations or quantities as to be below regulatory concern.

"(b) The standards and procedures established by the Commission pursuant to subsection (a) shall set forth all information required to be submitted to the Commission by licensees in support of such petitions, including, but not limited to—

"(1) a detailed description of the waste materials, including their origin, chemical composition, physical state, volume, and mass; and

"(2) the concentration or contamination levels, half-lives, and identities of the radionuclides present.

Such standards and procedures shall provide that, upon receipt of a petition to exempt a specific radioactive waste stream from regulation by the Commission, the Commission shall determine in an expeditious manner whether the concentration or quantity of radionuclides present in such waste stream requires regulation by the Commission in order to protect the public health and safety. Where the Commission determines that regulation of a radioactive waste stream is not necessary to protect the public health and safety, the Commission shall take such steps as may be necessary, in an expeditious manner, to exempt the disposal of such radioactive waste from regulation by the Commission.

SEC. 11. REVOLUTION OF COMMERCIAL, LOW-LEVEL WASTE SITES UNDER RCRA

"(a) Not later than 90 days after the date of enactment of the Low-Level Radioactive Waste Policy Amendments Act of 1985, the

Nuclear Regulatory Commission and the Administrator of the Environmental Protection Agency (hereinafter in this section referred to as the Administrator) shall jointly identify and publish in the Federal Register a list of all substances identified or listed as hazardous waste under section 3004 of the Solid Waste Disposal Act and subject to regulation under that Act that are low-level radioactive waste subject to section 3(a) of this Act or are being disposed of at low-level radioactive waste disposal facilities licensed by the Commission or by an Agreement State pursuant to an agreement with the Commission under section 274 of the Atomic Energy Act (42 U.S.C. 2021). For each such substance, the Commission and the Administrator shall jointly identify the source of generation, the volume, concentration, composition, hazard, and other relevant characteristics of such substance, and the facility or facilities at which such substance is currently or has recently been disposed of. Such list shall be periodically reviewed and revised as necessary.

"(b) If the Nuclear Regulatory Commission and the Administrator determine that disposal (or treatment and disposal) of a substance identified under subsection (a) at a facility meeting only—

"(1) the requirements of subtitle C of the Solid Waste Disposal Act or

"(2) the requirements established by the Nuclear Regulatory Commission for the licensing and regulation of the disposal of low-level radioactive waste;

is adequate to protect public health and safety and to protect human health and the environment, disposal (or treatment and disposal) of such substance at such a facility shall constitute compliance with the requirements for proper disposal of such substance and for the licensing and regulation of such facility with respect to the disposal (or treatment and disposal) of such substance under both subtitle C of the Solid Waste Disposal Act and the Atomic Energy Act.

"(c)(1) Not later than 180 days after the date of publication in the Federal Register of the list of hazardous wastes identified pursuant to subsection (a) that may not be disposed of (or treated and disposed of) at a facility identified pursuant to subsection (b), the Administrator shall identify what specific requirements, if any, based on subtitle C of the Solid Waste Disposal Act, in addition to those established by the Commission for the licensing and regulation of low-level radioactive waste disposal facilities, are necessary for the disposal (or treatment and disposal) of each such substance to protect human health and the environment. The Administrator shall promptly transmit such identification to the Nuclear Regulatory Commission, together with a statement of the basis for such judgment and the views of the Administrator on the consistency of such requirements with the Atomic Energy Act, including the requirements established by the Commission for the licensing and regulation of low-level radioactive waste disposal facilities subject to this Act.

"(2) Not later than 90 days after receipt of information transmitted under paragraph (1), the Nuclear Regulatory Commission shall review and evaluate such information and, after considering the views of the Administrator, shall make a determination as to whether the requirements identified under paragraph (1) are not inconsistent with the Atomic Energy Act, including the requirements established by the Commission for the licensing and regulation of low-level radioactive waste disposal facilities subject to this Act. Where the Commission determines that such requirements are not

inconsistent with the Atomic Energy Act, including the requirements established by the Commission for the licensing and regulation of low-level radioactive waste disposal facilities subject to this Act, not later than 90 days after such determination, the Commission shall take such steps as might be necessary, either in rulemaking or in individual licensing procedures for specific facilities, to impose such requirements on each such facility that proposes to accept any substance identified pursuant to subsection (a) for which such requirements are applicable. A facility in compliance with such modified requirements shall be deemed to be in compliance with subtitle C of the Solid Waste Disposal Act.

"(3) If the Commission determines under paragraph (2) that any requirements identified by the Administrator under paragraph (1) cannot be applied at a particular facility in a manner not inconsistent with the Atomic Energy Act, including the requirements established by the Commission for the licensing and regulation of low-level radioactive waste disposal facilities subject to this Act, the Commission is authorized to prohibit the disposal of substances for which such requirements are identified by the Administrator as necessary at such facility or in any low-level radioactive waste disposal facility licensed and regulated by the Commission or by an Agreement State.

"(d) For the purposes of judicial review, the identification of a facility under subsection (b), the imposition of requirements or failure to impose requirements in accordance with subsection (c)(2), and the prohibition of disposal under subsection (c) shall be considered final agency actions."

TITLE II—OMNIBUS LOW-LEVEL RADIOACTIVE WASTE INTERSTATE COMPACT CONSENT ACT

SEC. 201. SHORT TITLE.

This Title may be cited as the "Omnibus Low-Level Radioactive Waste Interstate Compact Consent Act".

Subtitle A—General Provisions

SEC. 211. CONGRESSIONAL FINDING.

The Congress hereby finds that each of the compacts set forth in subtitle B is in furtherance of the Low-Level Radioactive Waste Policy Act.

SEC. 212. CONDITIONS OF CONSENT TO COMPACTS.

The consent of the Congress to each of the compacts set forth in subtitle B—

(1) shall become effective on the date of the enactment of this Act;

(2) is granted subject to the provisions of the Low-Level Radioactive Waste Policy Act, as amended; and

(3) is granted only for so long as the regional commission, committee, or board established in the compact complies with all of the provisions of such Act.

SEC. 213. CONGRESSIONAL REVIEW.

The Congress may alter, amend, or repeal this Act with respect to any compact set forth in subtitle B after the expiration of the 10-year period following the date of the enactment of this Act, and at such intervals thereafter as may be provided in such compact.

Subtitle B—Congressional Consent to Compacts

SEC. 221. NORTHWEST INTERSTATE COMPACT ON LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT.

The consent of Congress is hereby given to the states of Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington, and Wyoming to enter into the Northwest Interstate Compact on Low-Level Radioactive Waste Management, and to each and every part

Meeting Minutes

Advisory Board on Low-Level Radioactive Waste State Office Building Auditorium

January 28, 1986

12:15 P.M. - Board Chairperson, Barbara Sabol called the meeting to order. A list of those in attendance is attached.

- Ms. Sabol and her staff provided a briefing on recent developments and activities from the attached briefing paper. Handouts of the briefing paper with attachments were provided to each individual in attendance. She announced that a meeting of the Central Interstate Low-Level Radioactive Waste Compact Commission was scheduled for January 30 and 31 and one of the purposes of this Board meeting was to provide an opportunity for members to express any concerns or ask questions that should be presented to the Compact Commission.
- Mr. Shann McGrath, who was representing the Kansas Natural Resources Council, provided copies of a fact sheet which the Council had developed and this was also distributed to each individual in attendance.
- Ms. Sabol and her staff addressed a number of questions from Board members and other attendees. Some of the more notable questions and answers are summarized as follows:
 - Q. The question of county sovereignty was raised, i.e. will county laws be pre-empted by state and federal laws? **Answer.** Yes, county laws which are in conflict with state and federal laws are pre-empted by those laws.
 - Q. Does the Compact have the right of eminent domain in selecting a site? **Answer.** No, a developer will have to already have access to a site before submitting a license application. However, the Department is currently studying the eminent domain laws and issues relative to our Compact.
 - Q. Exactly how deep would a "shallow land burial" facility be? **Answer.** Beginning depth in the disposal trenches would probably be approximately 70 to 80 feet.
 - Q. Will the licensing process for a developer of a site be the same regardless of the Compact member state for which the site is planned? **Answer.** It was explained that, although the licensing process itself would be basically the same, the license would be issued by the U.S. NRC for a site in Oklahoma because it is not an agreement state. In the other four member states, the site would be licensed by the state since they are all agreement states.
 - Q. Is shallow land burial the only disposal technology being considered for our Compact's facility? **Answer.** No, in fact, the Phase II study will include a review of the different disposal technologies available and the best and safest disposal technology will be chosen.

Attachment 1:d

- Q. Are the current Kansas statutes adequate or will additional statutes be required to address low-level radioactive waste or Compact issues? **Answer.** We think current statutes are adequate, however, we will be reviewing our statutes to determine if new statutes or revisions to existing statutes might be required.
- Ms. Sabol asked the Board members for input regarding the possibility of public meetings or forums in north central Kansas. She indicated that it has been the Department's opinion to-date that information regarding our Compact's site selection process and possible site locations was not sufficient to warrant such activities. She explained that the Department had responded to each letter or request for information and would continue to do so. The attending Board members agreed.
 - Harold Spiker took exception with the use of the term "hazardous life" as used in the Kansas Natural Resource Council Fact Sheet on Low-Level Radioactive Waste Disposal, which had previously been handed out to each of those in attendance. Mr. Spiker explained that there was no such term and it was meaningless and misleading as used. Mr. McGrath indicated that it had come from some of the KNRC reference materials and that he would check into it.

1:05 P.M. - Meeting Adjourned

p²a/AB
Attachment

RECOMMENDED ACTION ITEMS
THE COMMISSION SHOULD TAKE
AS A RESULT OF CONGRESSIONAL
CONSENT TO THE COMPACT

I. Immediate:

1. Adopt "Application to Export Waste" and related "Application to Transport Waste within the Region".
Authority: Article III, Section g.
Article IV, Section m., 6.

II. During Next 12 Months:

1. Develop procedure to allow a party state to volunteer to host a regional facility. (Article V, section a.)
2. Develop procedure for seeking applicants to develop and operate a regional disposal facility. Develop the procedure by which the Commission will act on applications. (Article V, section b.)
3. Determine the need for additional application criteria, adopt such criteria and draft an application to develop a regional facility. (Article V, section c., 5.)
4. Each state should enact legislation prescribing penalties for violators of the Compact. (Article VII, section a.)

*Such penalties need to be uniform
throughout member states*

Attachment 1:e

House Energy and Natural Resources 2/18/86

LOW-LEVEL RADIOACTIVE WASTE
POLICY AMENDMENTS ACT OF 1985

Section:

5 (a)(1)

Interim access period established:
January 1, 1986 thru December 31, 1992.

Attachment 1:f

House Energy and Natural Resources 2/18/86

Section:

Surcharges:

5(d)(1)(A)	1986 and 1987 - \$10/cu. ft.
5(d)(1)(B)	1988 and 1989 - \$20/cu. ft.
5(d)(1)(C)	1990, 91 and 92 - \$40/cu. ft.

Section:

Rebates:

5(d)(2)(A)

Escrow Account established with Secretary, U. S. Department of Energy. 25% of surcharges paid by generators will go into Escrow Account to be paid to Compact Commission from where waste originated if that region meets it milestones.

Rebate Payment Schedule:

5(d)(2)(B)(i)

July 1, 1986 - rebate of 25% of surhcarges paid during period January 1, 1986 through June 30, 1986.

5(d)(2)(B)(ii)

January 1, 1988 - rebate of 25% of surhcarges paid during period July 1, 1986 thru December 31, 1987.

5(d)(2)(B)(iii)

January 1, 1990 - rebate of 25% of surhcarges paid during period January 1, 1988 thru December 31, 1989.

5(d)(2)(B)(iv)

January 1, 1993 - rebate of 25% of surhcarges paid during period January 1, 1990 thru December 31, 1992. To be paid only if the region is able to provide for disposal of all the LLRW generated within the region.*

*If the region is unable to provide for disposal, then each state within the region "shall take possession of the waste, shall be laible for damages...incurred by such generator or owner as a consequence of the failure of the state to take possession as soon after January 1, 1993, as the generator ...notifies the state..." or forfeit the rebates due. (Section 5(d)(2)(C)).

Section:

Milestones

- 5(e)(1)(A) July 1, 1986 - Each state to join Compact or indicate it will go-it-alone. We have met this milestone!
- 5(e)(1)(B) January 1, 1988 - Identify host state, or select developer for a facility and the site to be developed. Also, a siting plan with detailed procedures and schedule for establishing facility location, preparing license application, and delegation of authority to implement such plan shall be developed by either the Compact Commission or the host state.
- 5(e)(1)(C) January 1, 1990 - Region shall have filed a complete application for a license to operate a facility; or Governor of a state not a member of a region in compliance can certify that the state will be capable of providing for storage, disposal or management of LLRW.
- 5(e)(1)(D) January 1, 1992 - A complete application for license to operate a disposal facility shall be filed.

Penalties for Failure to Meet Milestones

- 5(e)(2)(A) Failure to meet July '86 milestone: 1) Generator must pay \$20/cu. ft. surcharge for period July 1, 1986 thru December 31, 1986. 2) After January 1, 1987, sited region may deny access.
- 5(e)(2)(B) Failure to meet January '88 milestone: 1) For period January 1, 1988 thru June 30, 1988, generator must pay \$40/cu. ft. surcharge. 2) For period July 1, 1988 thru December 31, 1988, generator must pay \$80/cu. ft. 3) After January 1, 1989, sited region may deny access.
- 5(e)(2)(C) Failure to meet January '90 milestone: Denial of access by sited region.

Section:

5(e)(2)(D) Failure to meet January '92 milestone: Generator must pay surcharge of \$120 until such time that an application is filed.

5(e)(4) Restoration of suspended access: At any time a region complies with the milestone that resulted in penalties, then the penalties shall cease and all rights to access are restored.

Section:

Licensing Review and Approval

the NRC and

9(1)

Not later than December 31, 1986, each agreement state shall establish procedures and develop the technical capability for processing an application for a license.



Central Interstate Low-Level Radioactive Waste Compact Commission

Chairman
L. Hall Bohlinger, Sc.D.
Louisiana

FEB 10 1986

February 1, 1986

Executive Director
Raymond J. Peery

To: Persons Licensed to Possess Radioactive Materials
From: Raymond J. Peery, Executive Director *RJP*
Re: Application to Export Low-Level Radioactive Waste
for Disposal Outside the Central Interstate Low-Level
Radioactive Waste Compact Region

In response to the Low-Level Radioactive Waste Policy Act of 1980, the States of Arkansas, Kansas, Louisiana, Nebraska, and Oklahoma, entered into the Central Interstate Low-Level Radioactive Waste Compact. The purpose of the Compact is to provide for the safe and efficient management of low-level radioactive wastes that are generated within the region. The Compact created as its regional governing body, the Central Interstate Low-Level Radioactive Waste Compact Commission.

In December 1985, the Congress enacted the Low-Level Radioactive Waste Policy Amendments Act of 1985, and gave its consent to the Compact. The effect of congressional action is two-fold. First, the Policy Amendments Act provides for continued access to the three existing commercial disposal facilities for generators of waste until the end of 1992. Second, the congressional consent to the Compact gives the Compact Commission its full powers and responsibilities as established under the Compact.

As mentioned earlier, the States of Arkansas, Kansas, Louisiana, Nebraska, and Oklahoma, are members of the Compact, and have enacted the Compact at the state level. Thus, the Compact is law in each of its member states. Article III, Section g. of the Compact, provides that "unless authorized by the Commission, it shall be unlawful after January 1, 1986, for any person:

1. To deposit at a regional facility, waste not generated within the region;
2. to accept, at a regional facility, waste not generated within the region;
3. to export from the region, waste which is generated within the region; and

Attachment 1:g

House Energy and Natural Resources 2/18/86

4. to transport waste from the site at which it is generated, except to a regional facility."

Because of the necessity of developing an Application to Export Waste, subsequent to Congressional action, the Commission was unable to adopt an Application until its meeting on January 31, 1986. Recognizing that generators within the region need to ship waste for disposal during January, February, and March of 1986, the Commission, by Resolution, has established the policy that all lawful waste generators in the region are authorized to ship waste for disposal out of the region until March 30, 1986.

After March 30, 1986, anyone in possession of low-level radioactive waste that requires shipment out of the region for disposal must have a Certificate from the Commission authorizing shipment of the waste. Anyone shipping such waste for disposal out of the region, or transferring the waste from one location to another within the region without Commission authorization, will be violating the law of the state wherein the generator of such waste resides.

In an effort to notify all potential waste generators within the region of the requirements of the Compact and the Commission's policy, the Commission is providing the enclosed Application to Export Waste to each person in the region licensed to possess radioactive materials.

The Commission recognizes that many persons licensed to possess radioactive materials do not generate low-level radioactive waste. However, if you generate waste and need to ship that waste out of the region for disposal, please complete the enclosed application, and return it to the Commission as soon as possible for prompt action.

If you generate low-level radioactive waste and wish to transport that waste to another person or location within the region, please contact the Commission's office for an Application to Transport Waste.

Your cooperation with the Commission regarding this matter is appreciated. It is the purpose of the Commission to assist and work closely with the region's generators. Should you have any questions regarding this or any other matter pertaining to the Commission's responsibilities and authority, please contact me.

RJP/tb

encl.



Central Interstate Low-Level Radioactive Waste Compact Commission

Chairman
L. Hall Bohlinger, Sc.D.
Louisiana

Executive Director
Raymond J. Peery

IMPORTANT APPLICATION INFORMATION

At its meeting on January 31, 1986, the Commission adopted the following policies regarding the Application to Export.

1. The Application period shall run from January 1, until December 31, of each year. An application may be submitted at any time during the year, prior to the shipment of waste. However, each authorization to ship waste shall expire on December 31, of the year the application was made for such authorization. Re-application must be made for the following year if waste is to be shipped during that year.
2. For the 1986 calendar year, the Commission has adopted the following application fee schedule:
 - For commercial nuclear power reactors (on a site basis) - \$25,000.
 - For all other applicants - \$50.

A check in the amount of the applicable fee should be made payable to the Central Interstate Low-Level Radioactive Waste Compact Commission, and should be remitted to the Commission's office with the completed application. An application will be reviewed and acted on by the Commission only if the applicable fee has been paid.

3. If questions on the application can not be answered in the space provided, the applicant is requested to answer them on a separate sheet of paper and attach the answers as an Appendix to the application.

If you have any questions regarding the attached application, please contact the Commission's office.

APPLICATION TO EXPORT LOW-LEVEL
RADIOACTIVE WASTE FROM THE CENTRAL INTERSTATE
LOW-LEVEL RADIOACTIVE WASTE COMPACT REGION

1. Name of company: _____

2. Mailing address: _____

3. Person to be contacted
concerning this application: _____

(Title)

(Telephone No.)

4. Person responsible for waste
shipments: _____

(Title)

(Telephone No.)

5. Location of unit generating
waste: _____

6. Classification of Waste to be Shipped.
Please attach a list labeled "Appendix A", of waste
classifications to be shipped, and the amounts of each
classification (by cubic feet) to be shipped (by year)
during the period covered by this application. (Please
use most accurate estimates possible based on past history
and knowledge of planned future generation rates. Classi-
fication of waste should be specified as, Class A, B, or
C.) Also, note any special needs regarding any wastes
that require transport to a specific low-level radioactive
waste disposal facility because other facilities will not
accept it.

7. Please attach as "Appendix B", a list of waste shipments and amounts (cubic feet) by classification, (i.e. "A", "B", or "C") shipped to each of the three existing commercial low-level radioactive waste disposal facilities during each of the years 1980 through 1985. Also list (seperately) any shipments made during the same period (other than shipments made only for testing purposes such as waste samples) to anyone or place other than one of the three commercial disposal facilities.

8. Which disposal facility do you wish to ship to? Please indicate the order of preference and any special circumstances (such as need to ship to more than one facility).

a. Do you have an agreement, contract, or access guarantee with one of the three commercial disposal facility operators? If so, which ones and for what period of time?

_____ Beatty, Nevada

_____ Richland, Washington

_____ Barnwell, South Carolina

Special circumstances: _____

_____.

9. Are you presently engaged in negotiations to acquire access to one of the current operating commercial disposal facilities? Are you confident that your needs will be met? If not, what assistance can the Commission provide?

10. If you will not be shipping all the waste you generate to one of the three existing disposal facilities, how will you manage the waste you do not ship? How many cubic feet of waste will be managed by such an alternative to disposal?

11. Year for which application is made: _____

12. Please enclose a check made payable to "Central Interstate Low-Level Radioactive Waste Compact Commission" for the applicable application fee.

The Commission has adopted the following application fee

schedule for the calendar year 1986:

- ° Commercial nuclear power reactor
(on a site basis) - \$25,000.00
- ° All other applicants - \$50.00

*The requirements of this application and any authorization issued as a result of this application relate only to the requirements of and authority of the Central Interstate Low-Level Radioactive Waste Compact Commission established by the Central Interstate Low-Level Radioactive Waste Compact. Applicants are not relieved of any other responsibilities or liabilities arising under any state and federal laws and regulations.

I hereby certify that to the best of my knowledge the information provided herein is accurate and correct.

Date: _____

(Title)

For Commission Use:

(Approved)

(Disapproved)

Reason: _____

By: _____

(Title)

Date: _____

A RESOLUTION of the Central Interstate Low-Level Radioactive Waste Compact Commission

Establishing a policy regarding the export of waste from the region and for other purposes.

WHEREAS, the Congress has enacted the Low-Level Radioactive Waste Policy Amendments Act of 1985, that establishes interim access to the three existing commercial low-level radioactive waste disposal facilities; and

WHEREAS, the Congress has given its consent to the Central Interstate Low-Level Radioactive Waste Compact, thereby giving full force and effect to the Compact; and

WHEREAS, Article III, Section g., of the Compact makes it unlawful for any person after January 1, 1986, to "export from the region, waste which is generated within the region; and to transport waste from the site from which it is generated, except to a regional facility."; and

WHEREAS, the Commission was unable to adopt an Application to Export Waste and an Application to Transport Waste prior to January 31, 1986; and

WHEREAS, the region has no operating commercial low-level radioactive waste disposal facility; and

WHEREAS, the Commission recognizes the necessity for lawful generators of waste within the region to transport their waste outside the region for the purposes of disposal; and

WHEREAS, the Commission recognizes the necessity for lawful generators of waste within the region to from time-to-time transport waste within the region for storage or other waste management purposes; and

WHEREAS, it is the policy of the Commission to authorize the safe and efficient management of low-level radioactive waste, in order to ensure that the health and safety of the citizens of the region are protected; and

WHEREAS, the Commission, at its meeting held on January 31, 1986, has adopted an Application to Export Waste and an Application to Transport Waste.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION that any person within the region lawfully in possession of low-level radioactive waste may until March 31, 1986, export such waste from the region for the purposes of disposal at a licensed low-level radioactive waste facility without written certification from the Commission.

BE IT FURTHER RESOLVED that any person within the region lawfully in possession of low-level radioactive waste may until March 31, 1986, transport such waste in a lawful manner

within the region without written Commission certification if such transport is otherwise lawful.

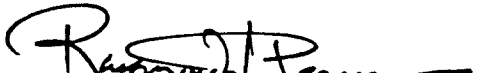
BE IT FURTHER RESOLVED that the policy established herein concerning the export of waste from the region and the transport of waste within the region for the period January 1, 1986, until March 31, 1986, relates only to the requirements of the Central Interstate Low-Level Radioactive Waste Compact, and is in no way intended to nor does it affect any other law or regulation of any of the member states or the federal government.

BE IT FURTHER RESOLVED that after March 31, 1986, any person within the region in possession of low-level radioactive waste who desires to transport such waste within the region for management purposes, or desires to transport such wastes in or out of the region for the purposes of management shall have submitted the appropriate Application to Export or Application to Transport Waste to the Commission's office, and shall have obtained ~~the appropriate~~ from the Commission, a Certificate to Export or a Certificate to Transport.

BE IT FURTHER RESOLVED that after March 31, 1986, any person within the region in violation of the Compact shall be prosecuted in accordance with state law.

January 31, 1986


L. Hall Bohlinger, Chairman


Raymond J. Peery, Secretary



STATEMENT OF WORK

Proposer: Central Interstate Low-Level Radioactive Waste Compact Commission
3384 Peachtree Road, N.E., Suite 860
Atlanta, Georgia 30326

Type: Nonprofit

Contact: Ray Peery (404)266-0209

Date Submitted: March 25, 1985

DOE proposal number: 8509005

Original Title: Phase II Low-Level Radioactive Waste Management Study of
the Central Interstate Compact Commission

Revised Title: A Comprehensive Management Plan for the Central Interstate
Compact Region

I. INTRODUCTION

The Low-Level Radioactive Waste Policy Act of 1980 assigns to the states the responsibility for disposal of low-level radioactive waste generated within their boundaries. It also provides for regional compacts among states to address their needs on a broader basis. Each state, either individually or as a member of a compact, must therefore consider the establishment of a low-level radioactive waste disposal facility within its borders.

The Central Interstate Low-Level Radioactive Waste Compact comprised of member states: Arkansas, Kansas, Louisiana, Nebraska, and Oklahoma selected Dames and Moore to conduct a preliminary site suitability and screening study. The Region has chosen to approach site selection on an exclusionary basis, eliminating areas within candidate states which are determined to be unsuitable for low-level radioactive waste disposal applications. Completion of the Phase I project in July of 1985 was a considerable milestone toward site evaluation and selection.

The emphasis of Phase II activities is to develop a comprehensive management plan for the Central Region. The uniqueness of the approach taken by the Central Region warrants such a plan and requires that several key issues be clarified before additional siting activities are pursued.

II. SCOPE

The major objective of this workscope is to develop a comprehensive Management Plan to be utilized by the Central Interstate Compact Region as a programmatic baseline document. Siting studies are provided as an optional task pending the development and identification of information gaps in site selection process. The Central Interstate Low-Level Radioactive Waste Compact Commission will hire a contractor to perform the majority of the proposed work. All tasks will be coordinated and performed in cooperation with the Central Interstate Compact Commission.

III. APPLICABLE DOCUMENTS

None

IV. TECHNICAL TASKS

Task 1: Management Plan Technical Support

Central's Regional Management Plan would include an Introduction as well as sections on Objectives, Compact History, Regional Waste Streams, Public Involvement, Site Selection, and Facility Design, Licensing and Construction. Subtasks to be performed in support of development of this document include:

- 1) Evaluation of Regional Waste Streams
- 2) Development of a Public Involvement Plan
- 3) Definition of the Site Selection Process
- 4) Development of Guidelines for Facility Design, Licensing and Construction

Subtask 1.1: Evaluation of Regional Waste Streams

The objective of this task is to characterize low-level waste generated within the region, assess rates of generation, and evaluate existing technologies for processing regional wastes. During this task National Low-Level Waste Management Program data bases will be evaluated and updated.

Work Elements:

1.1.1 Compile data from the Conference of Radiation Control Program Directors (CRCPD) Survey, National Low-Level Waste Management Program Data Bases and information obtained by the Western Governors Association. Evaluate and verify existing data as necessary through personal contact with generating stations. Collect additional information as required to adequately characterize the Regional Waste Stream with respect to physical, chemical, radiological and other important characteristics.

1.1.2 Utilize the existing data outlined in Work Element 1.1.1 to assess present generation rates for regional waste generators. Determine the type and location of waste generating stations within the region.

1.1.3 Project future waste generation rates taking into account pending technological and institutional changes which may affect the types and volumes of institutional, industrial, and government wastes generated over the projected life of the facility.

1.1.4 Evaluate the types and amounts of waste, if any, presently being stored in interim storage facilities or necessitating storage prior to the completion of a regional disposal facility.

1.1.5 Assess volume reduction, waste treatment, disposal and storage technologies utilizing the results of the NLLWMP's Radioactive Waste Treatment and Disposal Project and Model Development Program. Evaluate each technology with respect to performance characteristics, potential for

licensability and suitability to the regional waste stream.

1.1.6 Provide the LLWMP with data obtained in the above work elements to assist in updating existing data. Establish mechanisms for periodic review and update of waste projection figures and the National Low-Level Waste Management Program data base.

Subtask 1.1 - Deliverables

A report describing the Region's waste stream characteristics and generation rates including a tabular compilation of updated data compatible with the NLLWMP data base shall be prepared and submitted to the DOE-ID as stated in Section VII.

Subtask 1.2: Public Involvement Plan:

A public involvement plan will be developed to promote regionwide awareness of the goals, objectives, policies and mandates of the Central Compact Commission. Levels of involvement, mechanisms for participation, and critical decisions requiring public involvement shall be addressed.

Work Elements:

1.2.1 Review existing Public Participation Programs including those of the Virginia Solid Waste Commission, Texas Low-Level Radioactive Waste Disposal Authority, Illinois Department of Nuclear Safety and the Midwest Low-Level Radioactive Waste Compact Commission. Adapt, revise and modify existing information to meet the needs and requirements of the Central Region. A Public participation program will be designed for the Central Interstate Compact to promote regionwide awareness of the goals, objectives, policies, procedures, and mandates of the Central Compact Commission.

1.2.2 Identify critical decision points in the site and technology selection and licensing processes which necessitate public participation. Establish a tentative schedule to allow public interaction prior to critical program decisions.

1.2.3 Identify interest groups and organizations specific to the Central Region with a stake in the development of a low-level waste disposal facility for the Central Region..

1.2.4 Assess the level of public concern through meetings and interviews of key opinion leaders in the compact region.

1.2.5 Determine the level of public involvement (regional, statewide, local) required for a successful program and the mechanisms by which the public may effectively participate in the Commission's programs. Such mechanisms may include a mailing list and newsletter to be sent to concerned citizens. Other programs may include information meetings, panel discussions and forums on low-level waste management issues.

Subtask 1.2 - Deliverables

Draft and final versions of the Region's Public Involvement Plan shall be submitted to DOE-ID for review as required in Section VII.

Subtask 1.3: Site Selection and Criteria Development Process

The objective of this task is to address critical aspects of the site selection process. Groundwork and schedules for both potential siting scenarios, a member state volunteering or site selection by a contractor, shall be developed. Procedures, criteria, and evaluation factors for siting a low-level waste disposal facility in the Central Region shall also be developed.

Subtask 1.3.1: Volunteer Host State

The Central Compact Commission will allow all member states an opportunity to volunteer as the host state for the regional low-level waste disposal facility. Procedures shall be developed to define the host state volunteer process. Criteria will be developed to assist the Commission in evaluating volunteer host state proposals and selecting a host state from those proposals. An evaluation shall be performed to identify incentives to stimulate the interest of potential volunteer host candidates.

Work Elements:

1.3.1.1 Develop procedures to define the volunteer host state selection process. All aspects of the volunteer process shall be addressed, including: proposals, submittal, Commission review, utilization of previously defined selection criteria and weighting factors, approval/rejection notification, and recourse.

1.3.1.2 Develop technical and non-technical criteria, and weighting factors to be used by the Central Compact Commission or a designated contractor in evaluating host state proposals. Additional siting studies may be performed, as stated in optional Task 3, to support the evaluation of host state proposals.

1.3.1.3 Review existing siting incentives evaluations previously supported by the NLLWMP for applicability to the Central Region. Based on this information, develop a local siting incentives package which addresses such issues as: potential technical service support; financial benefits available to the state, county, and local governments; primary and secondary economic multiplier effects; and tax revenues from facility operation. Local consideration shall be directed at candidate areas identified in the Phase I siting studies. Results of this study will be made available to appropriate state and local governments in the Central Region.

1.3.1.4 Develop guidelines to be used by a volunteer host state in establishing criteria for site selection of a regional low-level radioactive waste disposal facility. Information, procedures and weighting guidelines will be considered. A literature review of available information will be considered by the Central Interstate Compact Commission and used as a starting point. The guidelines will address the procedures a host state should follow, the information, technical, environmental, and socio-economic factors to be considered, and the weightings to be given each type of information in the selection of disposal facility locations.

Subtask 1.3.1 - Deliverables

Issue draft and final report addressing the aspects of the volunteer host state selection process outlined in work elements 1.3.1.1 through 1.3.1.4. Draft and final reports are to be issued to DOE-ID in accordance with the schedule in Section VII.

Subtask 1.3.2: Site Selection by a Contractor

In the event that no state volunteers or if all voluntary proposals submitted to the Commission are unacceptable, the Commission shall publicly seek applicants for the development and operation of a regional facility. In support of this option it is necessary to define the process by which an operating contractor would select a site location as well as the mechanism by which the Commission would choose an operating contractor.

Work Elements:

1.3.2.1 Define the bid process as it will apply to an independent contractor. As a minimum this shall include: the identification of potential applicants, evaluation and distribution of contractor incentives, solicitation of bids, bid requirements such as, format, level of detail, items required to be addressed, and bidding and evaluation procedures.

1.3.2.2 Develop criteria to be used for evaluating applicants and their proposals. Establish methods for implementation and weighting factors for specific criterion.

1.3.2.3 Define the role and responsibilities of a Contractor designee during the site selection phase. Organizational interfaces shall be defined and procedures developed for all involved organizations, ie., regulatory, governmental, Commission.

1.3.2.4 Develop guidelines and/or criteria, in addition to that previously developed in work element 1.3.1.4, to be used by an operating contractor in determining a suitable site location for a low-level waste disposal facility. Technical, environmental, and socio-economic criteria and weighting factors to be used in selecting a disposal facility location will be developed. Such criteria and weightings should be the basis upon which a disposal facility location will be determined. Additional siting studies may be performed if necessary, as stated in Task 3, to support the site selection and evaluation process.

Subtask 1.3.2 - Deliverables

A draft and final report summarizing the fundamental framework for the operating contractor site selection process shall be issued to DOE-ID per the schedule in Section VII.

Subtask 1.4: Facility Design, Licensing and Construction

The objective of this subtask is to define the responsibilities of organizations involved in the design, licensing and construction of a regional low-level waste facility. Additionally, the framework by which this project shall be completed should be established and a plan for

implementation developed. This task shall build upon documentation developed by the DOE program and consider other available information.

Work Elements

1.4.1 Define the responsibilities of organizations which may potentially be involved in the design and construction of a low-level waste disposal facility for the Central Region.

1.4.2 Identify procedures, to be developed at a later date, by which participating organizations can interface and operate throughout the design and construction phase of the project.

1.4.3 Assess 10 CFR 61 performance standards and technical licensing criteria requirements for design, construction, operation, maintenance monitoring, etc. Assess 10 CFR 61 for licensing a facility in the Central Region. Specific regulations to be reviewed include those on record keeping procedures, liability and performance bond criteria, technical qualification for site personnel, post closure care, and decommissioning and institutional controls concerning waste forms. Develop a plan for implementing and ensuring that all standards will be met or exceeded. Identify and document alternative licensing methods available to a host state.

1.4.4 Evaluate the need for criteria and procedure development for emergency closure and decommissioning of a regional facility.

1.4.5 Compare financing options for design and construction of a regional facility. Define the responsible organization and evaluate the need to assess methods for controlling and tracking the design and construction budget.

1.4.6 Develop a comprehensive schedule for design, licensing and construction of a regional facility include key decision points and critical milestones. Determine the organization responsible for scheduling and tracking of design and construction activities.

Subtask 1.4 - Deliverables

A preliminary work breakdown structure(WBS) shall be submitted to the LLWMP as required in Section VII with a final WBS submitted for review at the completion of this task. All organizations and significant interfaces shall be included with an overview of each organizations responsibilities. Anticipated exceptions, modification and/or exclusions to 10 CFR 61 performance standards shall be compiled and submitted with justifications for Program review in preliminary and final form as required in Section VII.

Task 2: Develop Management Plan

Develop a work plan, and schedule for completing all work elements required to complete the comprehensive management plan. Develop the Central Interstate Compact Management Plan incorporating the results of Task 1. Establish an acceptable review cycle for the Management Plan and procedures for implementation. Concerned interest groups and technical

experts whom will be involved in the review cycle shall be identified.

Subtask 2.1: Work Plan

Develop a work plan and schedule for the completion of all work elements identified in this scope of work. The work plan will address who will perform the work, how it will be performed, and the schedule for performance.

Subtask 2.1 - Deliverables

Provide a work plan and comprehensive schedule for all work elements in this scope of work. The work plan is to be delivered to the DOE-ID for review as indicated in Section VII.

Subtask 2.2 Management Plan

Develop the draft and final versions of the Central Interstate Compact Management Plan.

Work Elements:

2.2.1 Develop the draft Central Interstate Compact Management Plan incorporating the information gathered in Task 1. The plan should also provide an integrated schedule for development of a new LLW disposal facility from now until the facility is operational. Major Milestones shall be identified. Issue the draft plan for review and comment in accordance with the review procedures established in subtask 2.3.

2.2.2 Upon receipt of review comments, resolve comments and revise the Plan as required.

Subtask 2.2 - Deliverables

Provide the Management Plan to DOE-ID in draft and final forms in accordance with the schedule requirements of Section VII.

Subtask 2.3: Review Management Plan

This subtask provides for review of the draft management plan by appropriate public, state, and agency personnel, and resolution of comments.

Work Elements:

2.3.1 Develop procedures for review of the Central Interstate Compact Management Plan. Determine the appropriate individuals and groups to be involved in the review cycle. Determine methods of involving the public in review of the Management Plan. For example, a review group of state and community leaders and residents of the Central Region may be established to review, comment and prepare a consensus judgement on the overall Management Plan.. Establish review groups as necessary to complete a thorough review of the Management Plan.

2.3.2 Determine a method for addressing and/or resolving review cycle

comments.

2.3.3 Establish a review cycle schedule compatible with other Compact activities.

Task 2.3 - Deliverables

Provide a report to DOE-ID as indicated in Section VII identifying who will review the Management Plan; how the plan will be reviewed; how comments will be resolved; and who will provide final approval of the Plan. The report should also show the schedule for the review cycle. Additionally, a graphic representation of the Management Plan review cycle including individuals and organizations participating in the review cycle will be submitted to the DOE-ID. at the completion of this task, along with a tentative schedule for Management Plan development, review and approval.

Task 3: - (OPTIONAL) Additional Siting Activities

Additional siting activities may be necessary to support gaps in information as a result of the site selection guidelines or criteria defined in work units 1.3.1.1 and 1.3.2.4, respectively. In the event that additional studies are required DOE may at its option, negotiate the work scope and funding level for such studies at a later date.

V. DELIVERABLE REPORTS

The grantee shall provide reports as specified in Task 1 and 2 statements of work.

A final report is additionally required as specified by the Federal Assistance Reporting Checklist. This report should be a letter report summarizing all the work accomplished under this grant, and reported in the various task deliverable reports. The final report shall enclose updated and/or modified task reports, as may be required, due to the recommendations made during the review cycle. The final report shall additionally include the final approved version of the Central Interstate Compact Management Plan.

VI. SPECIAL CONDITIONS

All information generated and accumulated during the implementation of the recommendations of this grant shall be made available to the Department of Energy's Low-Level Waste Management Program. The purpose of this requirement is to foster a cooperative arrangement between the Central Region and the Program for the exchange of information.

VII. SCHEDULE FOR DELIVERABLES

The time period for the performance of this work is 11 months from the initiation of this grant.

This schedule does not include time required to perform any optional studies that might be required at the completion of the basic scope of work. The deliverable schedule is as shown on table 1.

SCHEDULE FOR DELIVERABLES
CENTRAL INTERSTATE COMPACT COMMISSION

Task 1

Management Plan Technical Support

<u>Deliverables</u>	<u>Month Due</u>
1. Regional Waste Stream Characteristics & Generation Rates Report	3
2. Low-Level Waste Management Program Data Base Updated Parameters Data Sheet	3
3. Draft Public Involvement Plan	2
4. Final Public Involvement Plan	3
5. Draft Report on Volunteer Host State Selection Process	4
6. Final Report on Volunteer Host State Selection Process	6
7. Draft Report summarizing the fundamental framework for the Contractor Site Selection Process	4
8. Final Report on Site Selection by an Operating Contractor	6
9. Preliminary Work Breakdown Structure identifying organizations and interfaces involved in Facility Design, Licensing and Construction	7
10. Final Facility Design, Licensing and Construction	10
11. Summary of Organizational Interfaces	7
12. Letter to DOE Low-Level Waste Management Program documenting any anticipated exceptions, modifications, and/or exclusions to 10CFR61	7

Task 2

Development Management Plan

Deliverables

Month Due

- | | |
|--|----|
| 1. Work Plan and Schedule for all Tasks in Support Management Plan | 1 |
| 2. Draft Management Plan | 9 |
| Final Management Plan | 10 |
| 3. Review Cycle Plan & Schedule | 4 |

**U.S. DEPARTMENT OF ENERGY
FEDERAL ASSISTANCE REPORTING CHECKLIST**

FORM EIA 453A
(10/80)

FORM APPROVED
OMB NO 1900 0127

1. Identification Number: P85-09005	2. Program/Project Title: A Comprehensive Management Plan for the Central Interstate Compact Region
---	--

3. Recipient:
 Central Interstate Compact Commission

4. Reporting Requirements:	Frequency	No. of Copies	Addressees
PROGRAM/PROJECT MANAGEMENT REPORTING			
<input type="checkbox"/> Federal Assistance Milestone Plan	Q	1,1,1,1	A,B,C,D
<input type="checkbox"/> Federal Assistance Budget Information Form			
<input checked="" type="checkbox"/> Federal Assistance Management Summary Report			
<input type="checkbox"/> Federal Assistance Program/Project Status Report			
<input type="checkbox"/> Financial Status Report, OMB Form 269			
TECHNICAL INFORMATION REPORTING			
<input type="checkbox"/> Notice of Energy RD&D	Q	1,1,1,1	A,B, ,D
<input checked="" type="checkbox"/> Technical Progress Report	A	1,1,1,1	A,B, ,D
<input checked="" type="checkbox"/> Topical Report			
<input type="checkbox"/> Final Technical Report			

FREQUENCY CODES AND DUE DATES:

- A - As Necessary; within 5 calendar days after events.
- F - Final; 90 calendar days after the performance of the effort ends.
- Q - Quarterly; within 30 days after end of calendar quarter or portion thereof.
- O - One time after project starts; within 30 days after award.
- X - Required with proposals or with the application or with significant planning changes.
- Y - Yearly; 30 days after the end of program year. (Financial Status Reports 90 days).
- S - Semiannually; within 30 days after end of program fiscal half year.

5. Special Instructions:

The technical progress reports are quarterly reports covering the status of all tasks and project activities.

The topical reports are the reports required under Tasks 1-2.

Reports should be submitted as "schedule for deliverables" indicates.

6. Prepared by: (Signature and Date)

7. Reviewed by: (Signature and Date)

James D. Stuch 12/23/85

- A. M. J. Barainca, Manager
Low-Level Waste Management Program
Idaho Operations Office - DOE
785 DOE Place
Idaho Falls, ID 83402

- B. J. D. Detwiler
Contract Management
Idaho Operations Office - DOE
785 DOE Place
Idaho Falls, ID 83402

- C. E. G. Jones
Financial Management
Idaho Operations Office - DOE
785 DOE Place
Idaho Falls, ID 83402

- D. Julie E. Conner
Low-Level Waste Management Program
EG&G Idaho, Inc.
P.O. Box 1625
Idaho Falls, ID 83415

PROCEDURES FOR CONTACTING THE NORTHWEST INTERSTATE COMPACT COMMITTEE

The Northwest Interstate Compact Committee has established the following procedures to be followed by outside parties when formally contacting the Committee.

A. Contacting the Committee When Requesting Future Access to the Regional Disposal Site.

The Compact Committee's Policy Resolution on Conditions for Future Access to Region's Low-Level Waste Disposal Site states that "formal offers for future access to the regional site" will be accepted and should be submitted in accordance with these procedures. Petitions for future access will only be accepted from regional compact committees or non-compact states. Such petitions must address all waste generated in the region or state for which access beyond January 1, 1986 is requested. All requests for access starting January 1, 1986 and beyond must be received by October 1, 1985, or within 60 days of Congressional ratification of the Northwest Interstate Compact, or within 60 days of passage of any amendments to the Low-Level Radioactive Waste Policy Act, whichever is later. Otherwise requests for access must be made 90 days before anticipated date of access.

The petition must be a written statement submitted to the Chair of the Northwest Interstate Compact Committee through its own Regional Compact Committee or, for non-compact states, through the state low-level radioactive waste authority. The petition must include the following information:

- Name and address of the petitioner seeking the specific request.
- Specific requested action including how long continued access is requested.
- State or region's anticipated waste generation for each year that continued access is requested.
- The expected date of availability of the state's or region's disposal capability including a specific timetable for development of that capability.
- Actions taken and to be taken to improve waste management practices including minimizing waste generation, volume reduction, and quality assurance for packaging and transportation.
- Capacity for on-site storage at waste generators.
- Why the request is necessary; why the waste cannot be disposed in the originating region.
- Impact on transportation including estimated number of shipments per year.
- Other options the petitioner has considered together with an explanation as to why the options considered are not feasible or, if feasible, why not fully satisfactory.

- An explanation of why the region's compact body will not accept the waste.
- The consequences of the Northwest Compact's not accepting the waste.
- A commitment that the petitioner and the generators, shippers, and carriers of the waste will comply with the transportation and disposal regulations of the Northwest Compact states.
- A commitment that the petitioner will support the goals of the federal Low-Level Radioactive Waste Policy Act and goals of compacts thereunder.

The following procedures have been established by the Committee to be used when considering petitions for future access:

Upon receipt of a petition, the Chair of the Compact Committee will request the Committee staff to review the petition and provide a recommendation to the Committee. Priority will be assigned based on the date and completeness of the petition.

The Committee will consider the petition, taking into account:

- Impact on the national program for sharing responsibilities for low-level waste management.
- Impact on transportation.
- Consistency with the intent of the Northwest Interstate Compact on Low-Level Radioactive Waste Management, including the needs and goals of the Northwest Compact members.
- Economic impact of granting the petition.
- Extent to which other options have been explored.
- Public comments.
- Other information deemed relevant by the Committee.
- Efforts undertaken by requesting state or region to fulfill its responsibility managing and disposing of its wastes.

At the conclusion of the review, the staff will submit a recommendation to the Committee with an evaluation of the request. If recommended for approval, the staff may suggest compliance conditions to be adopted by the Committee.

Upon receipt of the staff report, the Chair will place the recommendation on the agenda for discussion and action at the next regularly or specially scheduled Compact Committee meeting.

The Chair will notify the petitioner as to the disposition of the request by the Compact Committee.

If the request is denied, the petitioner will be provided with the reasons for such decision. The petitioner will be allowed to re-apply if the concerns of the Committee have been resolved.

B. Other Contacts With the Committee

1. If the individuals or organizations wish to discuss an issue with the Compact Committee, they should provide advance written notice. The basic issue or concern should be described, together with any request for action by the Committee. If appropriate, upon receipt of a request, the Compact Committee Chair will schedule time on the agenda of the next meeting for discussion of the issue.
2. The Committee will attempt to resolve the issue during the meeting in which the discussion is scheduled. Where this is not possible, the chair may request staff to consider the request and/or investigate the situation as appropriate and recommend actions to the Committee. Where this is not possible, the Chair will respond in writing.
3. The Chair will make time available at each Compact Committee meeting for public comment. Those desiring to appear at a meeting to discuss an issue will be encouraged to do so.



State Conservation Commission

Telephone (913) 296-3600

109 S.W. 9th Street, Room 300

Topeka, Kansas 66612

TESTIMONY BY
KENNETH F. KERN
EXECUTIVE DIRECTOR

HOUSE ENERGY AND NATURAL
RESOURCES COMMITTEE
HOUSE BILL 2739
February 18, 1986

The State Water Plan designated the State Conservation Commission to administer a cost-share program for the purchase of new water meters for irrigation or industrial users. House Bill 2739 is a substitute for Senate Bill 194 submitted last year, which would have provided a credit for costs of the meters.

1. House Bill 2739 amends K.S.A. 2-1915 of the conservation district law.
2. A holder of a water right for irrigation or industrial uses, who:
 - a. Voluntarily installs, or
 - b. Is required by chief engineer or a groundwater management district to install a water meter;
 May be eligible for reimbursement of up to 50% of the cost of the meter, not to exceed \$500.
3. Legislature appropriates funds to be administered by the State Conservation Commission.
4. Chief Engineer shall certify:
 - a. Metering device meets specifications.
 - b. Installed in accordance with specifications established by Chief Engineer.
5. Cost-share not available for replacement of existing meters.
6. The irrigator or industrial user shall apply to the Commission through the conservation districts.
7. Rules and regulations shall be adopted by the Commission to implement the program.
8. The fiscal impact would be approximately \$20,000 for administrative costs and \$365,00 for cost-sharing.
9. The proposed program would be established for a four year period, July 1, 1986 to June 30, 1990.

10. Water meters provide:
 - a. Water use data for irrigator, industry and governmental agencies.
 - b. A useful management tool.
 - c. Information to develop guides for conservation plans.
 - d. More accurate forecasts of future water supply conditions.
11. Drawback of meters:
 - a. Expensive to install, especially if modification to pump stand are required.
 - b. Periodic maintenance necessary.
 - c. Administrative problems associated with collecting data.

The State Conservation Commission supports the passage of House Bill 2739.

McCrometer Model MO300

Catalog Number	Nominal Size	Normal Range GPM	Shipping Weight	List Price
MO304-00	4"	50-600	14 lbs.	447.00
MO306-00	6"	90-1200	19 lbs.	476.00
MO308-00	8"	100-1500	21 lbs.	506.00
MO310-00	10"	125-1800	23 lbs.	536.00
MO312-00	12"	150-2500	30 lbs.	565.00
MO314-00	14"	250-3000	38 lbs.	625.00
MO316-00	16"	275-4000	44 lbs.	691.00
MO318-00	18"	400-5000	55 lbs.	966.00
MO320-00	20"	475-6000	65 lbs.	1,040.00
MO322-00	22"	650-7000	73 lbs.	1,077.00
MO324-00	24"	700-8500	80 lbs.	1,113.00
MO330-00	30"	1200-12500	110 lbs.	1,262.00
MO336-00	36"	1500-17000	140 lbs.	1,514.00
MO342-00	42"	2000-25000	170 lbs.	1,766.00
MO348-00	48"	2500-30000	200 lbs.	2,020.00

• **SPECIAL NOTE:** For O.D. pipe part number changes to MD304, MD306, etc. For larger sizes, please consult factory.

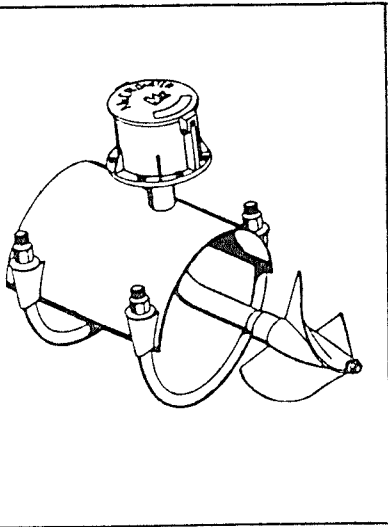
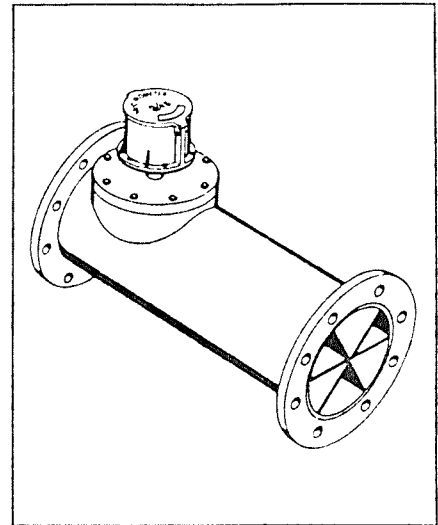
Model Number MO300 — Saddle Meter, furnished with "U" bolts. MAGNETIC DRIVE, INSTANTANEOUS FLOW INDICATOR, STRAIGHT-READING SIX DIGIT TOTALIZER. Fabricated carbon steel saddle completely coated with corrosion-resistant plastic coating. Neoprene flat gasket. When ordering, specify I.D. and O.D. of pipe in which meter is to be installed. Where straightening vanes are required, refer to accessories section. Operating pressure 150 psi.

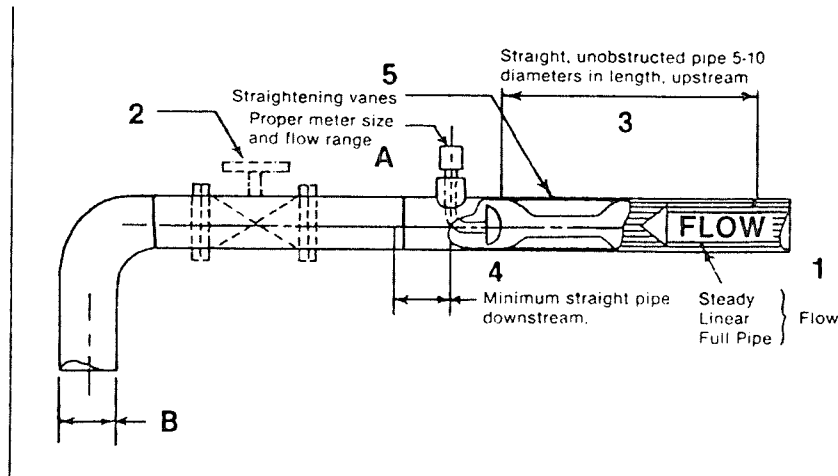
McCrometer Model MW500

Catalog Number 150 P.S.I.	Nominal Size	Normal Range GPM	Overall Length	Shipping Weight	List Price
MW502-00	2"	35-250	16"	32 lbs.	471.00
MW501-00	2.5"	35-250	16"	32 lbs.	471.00
MW503-00	3"	35-250	16"	32 lbs.	471.00
MW504-00	4"	50-600	20"	68 lbs.	694.00
MW506-00	6"	90-1200	22"	115 lbs.	806.00
MW508-00	8"	100-1500	24"	135 lbs.	964.00
MW510-00	10"	125-1800	26"	197 lbs.	1,263.00
MW512-00	12"	150-2500	28"	325 lbs.	1,520.00
MW514-00	14"	250-3000	42"	465 lbs.	1,689.00
MW516-00	16"	275-4000	48"	530 lbs.	1,920.00
MW518-00	18"	400-5000	54"	744 lbs.	2,151.00
MW520-00	20"	475-6000	60"	890 lbs.	2,680.00
MW524-00	24"	700-8500	72"	1,293 lbs.	3,494.00
MW530-00	30"	1200-12500	84"	1,450 lbs.	4,146.00
MW536-00	36"	1500-17000	96"	1,650 lbs.	4,975.00

• **SPECIAL NOTE:** For larger sizes, please consult factory.

Model Number MW500 — (150 psi) Main Line Fabricated Steel Flanged Tube Meter with integral straightening vanes. MAGNETIC DRIVE, INSTANTANEOUS FLOW INDICATOR, STRAIGHT-READING SIX DIGIT TOTALIZER. Flanges conform to ANSI B16.5, 150 psi standard for steel flanges.





MCCROMETER FLOW METER APPLICATIONS

AGRICULTURE AND TURF IRRIGATION

The McCrometer propeller meter is the most widely used flowmeter for Ag and Turf irrigation measurement due to its light weight, simple but rugged design with the added ability to accurately measure corrosive and debris-laden irrigation water. Instantaneous flow rate indicator feature allows quick and accurate monitoring of irrigation system performance. Typical applications:

- Center Pivot Systems
- Sprinkler Irrigation Systems
- Drip Irrigation Systems
- Golf Course and Park Water Management
- Gravity Turnouts from Underground Pipelines
- Commercial Nurseries
- Chemical Feed
- Multi-Stage Pump Actuation and Control
- Valve Actuation
- Flow Input to Irrigation Controllers
- Remote Indication, Totalization, and Recording

MUNICIPAL POTABLE WATER SUPPLY

An excellent flowmeter for municipal water supply because of its high accuracy, low head loss, ease of maintenance, ability to handle sand-laden water without the need of strainers, low cost and reliability as compared to turbines or sonic flowmeters. Typical applications:

- Water Treatment Plants
- Water Intake Plants
- Elevated Storage Tanks and Bi-Directional Flow Measurement
- Transmission and Distribution Lines
- Remote Indicating, Totalizing, Recording
- Chemical Feed Control
- Flowrate Control
- Alarm Functions
- Valve Control
- Multi-Stage Pump Actuation and Control

WASTEWATER TREATMENT

The preferred propeller meter for wastewater treatment plants because the unique self-cleaning design of the propeller support which prevents solids build-up. Typical applications:

- Return Activated Sludge
- Waste Water
- Chemical Feed
- Valve Actuation and Control
- Alarm Functions
- Multi-Stage Pump Actuation and Control
- Remote Indication, Totalization and Recording
- Bi-Directional Measurement

INDUSTRIAL / CHEMICAL / PETROLEUM

The McCrometer flowmeters are amazingly versatile flowmeters capable of accurately measuring and controlling a wide range of industrial liquids and processes. Optional high-grade stainless steel and high temperature plastics enable the flowmeters to accurately monitor corrosive and high temperature processes. Typical applications:

- Cooling Water
- In-Plant Water
- Plant Effluent
- Raw Water Intake
- Sea Water
- Mine Tailings
- Hot Water and Petroleum Mixtures
- Process Batching and Chemical Feed
- Alarm Functions
- Remote Indication, Totalization and Recording
- Multi-Stage Pump Actuation and Control
- Valve Control and Actuation
- Flow Control
- Bi-Directional Measurement

House of Representatives
Energy and Natural Resources Committee

Mr. Ron Fox, Chairman

February 18, 1986

Chairman Fox, members of the committee and friends. I am Hugh W. Armstrong and a member of the Kansas Water Authority representing the State Association Of Kansas Watersheds. I am also chairman of the Conservation Committee this year and want to thank you for the opportunity to speak before you on behalf of H.B.2739.

It has been my privilege to serve as a member of the Authority for nearly five years in helping to develop a Comprehensive, Coordinated, and Continuing Water Plan for the State of Kansas. It was a rewarding experience after nearly four years hard work on the part of the Kansas Water Office, the Kansas Water Authority and hundreds of dedicated people from over the state to see adopted by the Governor and the Legislature the Plan that we had presented at the beginning of the 1985 legislative session. It was further gratifying to see the Legislature adopt almost one fourth of the recommendations that we had made in that same session, the policies that will help to develop, conserve, manage and improve the quality of the water resources of our state.

The 1986 session is starting out with more water related legislation than any year in the history of Kansas. It points out the importance of water to every citizen and the dedication of all people of all walks of life in perpetuating and improving this most valuable resource.

Conservation and Quality are the two most important increments of the Water Plan and today our attention is drawn to H.B. 2739 which deals with conservation. It deals with conservation as it relates to agricultural and industrial use. H.B.2703 deals with the development of conservation plans, where needed, to provide for the most efficient use of the water resource. H.B.2739 deals with a specific management practice which will be a part of many of the conservation plans. It deals with the metering of irrigation and industrial water which is set forth as a policy issue in the Conservation increment of the Plan.

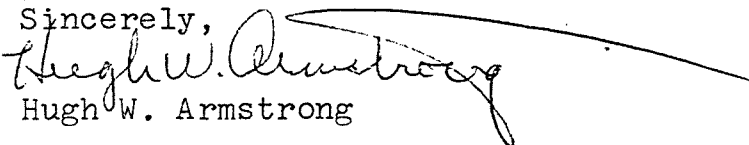
Metering is not an end within itself, rather it a means unto an end. It is a management practice, a tool that along with other management practices enables the irrigator to make the most efficient use of his water resource.

The Kansas Water Office and the Kansas Water Authority learned a great deal from the Ground Water Management Districts while developing the Water Plan. Several of them have been promoting this practice for several years. One GMD has required meters placed on all new wells since 1980. The lowering of the groundwater table has made them aware of the importance of water conservation and believe this metering practice to be a very valid tool in the whole process.

In view of the success that this practice has brought to the wise and efficient use of water not only in agriculture but in the industrial area as well I urge you, not only as a Water Authority member but as an interested private citizen as well, to support this legislation and bring it to a successful conclusion through the legislative process.

Thank you,

Sincerely,


Hugh W. Armstrong

Attachment 3

The Honorable Ron Fox, Chairperson
Committee on Energy and Natural Resources
House of Representatives
Third Floor, Statehouse

Dear Representative Fox:

SUBJECT: Fiscal Note for House Bill No. 2739 by Committee
 on Energy and Natural Resources

In accordance with K.S.A. 75-3715a, the following fiscal note concerning House Bill No. 2739 is respectfully submitted to your committee.

House Bill No. 2739 would implement certain recommendations in the Conservation Section of the State Water Plan by establishing a cost-share program for installation of water meters by irrigation and industrial water users. Under the provisions of the bill, the state would reimburse up to 50 percent of the cost of a meter, with a maximum state payment of \$500 per meter. Eligibility under the program would be granted to any holder of a water right for irrigation or industrial use who installs a meter between July 1, 1986 and June 30, 1990 -- whether voluntarily, upon order of the Chief Engineer of the Board of Agriculture or upon order of a groundwater management district. Meters must meet state specifications; replacement meters would not be eligible.

The State Conservation Commission would be responsible for administering the cost-share program with funds appropriated by the Legislature for that purpose. The Chief Engineer of the Board of Agriculture would be responsible for setting meter specifications and for certifying to the Conservation Commission that the metering devices for which reimbursement is sought actually meet the specifications that are established.

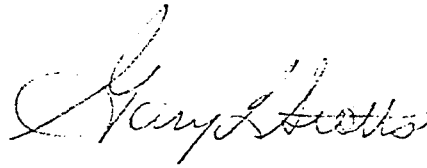
The State Conservation Commission estimates that it would incur administrative costs of \$19,264 in FY 1987 to meet its responsibilities under the provisions of House Bill No. 2739. Costs include those associated with one half-time conservation coordinator position. Funds available for water meter cost-share grants would be subject to legislative appropriations; however, the Conservation Commission has developed FY 1987 funding level estimates of \$300,000 for agricultural water meters and \$65,000 for industrial water meters. Funding of \$365,000 would be sufficient for the state to provide cost-share support of approximately 800 meters.

Attachment 4

House Energy and Natural Resources 2/18/86

The Board of Agriculture estimates additional costs of \$69,370 in FY 1987 to implement House Bill No. 2739. The estimate is based on the addition of two Hydrologist II positions to inspect meter installations and certify to the State Conservation Commission that they meet specifications established by the Chief Engineer.

Any expenditures resulting from passage of House Bill No. 2739 would be from the State General Fund and would be in addition to amounts contained in the FY 1987 Governor's Budget Report.



Gary L. Stotts
Acting Director of the Budget

GLS:JJ:dh

Kansas Natural Resource Council

Testimony before the House Energy and Natural Resources Committee
Presented by Marsha Marshall
Concerning HB 2739, relating to cost sharing of meters.

February 18, 1986

Cost sharing is an inappropriate and wasteful use of state funds. First, it is absolutely unnecessary. The legislature clearly has the power to require metering without providing cost sharing funds, and there is a growing constituency which favors that action. For example, GMD's #2 and #5 are rapidly moving toward requiring metering of all users, and the Division of Water Resources is requiring metering in Intensive Groundwater Use Control Areas and along depleting streams.

Second, some people who would have access to the funds do not need the financial aid of the state. Since there is such fierce competition for state dollars, it would be poor fiscal policy to allocate funds to a program that doesn't require the money, and to some people who don't have a compelling need for those funds.

By statute, Kansas waters are dedicated to the people of the state. People thus have a right to know how much water is being used, and users have a responsibility to know. With all due respect and concern for the financial hardships of farmers or industry, we submit that the value of water pumped greatly exceeds the price of meters. If we are truly moving into an era where the use of water carries with it the responsibility to use it wisely, then that responsibility must include knowing how much is used.

Much of the funding that has been proposed for implementation of the water plan will positively affect people in the eastern half of the state, while our most serious water problems are evident in the western half, profoundly affecting the state's agricultural community. As legislators, you need to identify ways of allocating funds to the agricultural community as a whole which address the devastating water depletion problems that these people are facing. Better use of state funds to assist this sector might include providing information about converting to dryland farming, and about water efficient technologies and practices.

Attachment 5

House Energy and Natural Resources 2/18/86

