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SB 233 ENACTING THE NORTHWEST INTERSTATE COMPACT ON LOW-LEVEL  
RADIOACTIVE WASTE MANAGEMENT.

The Senate Resources Committee considered and unanimously passed out this bill, which ratifies the Northwest Regional Low-Level Radioactive Waste Compact.

Under the federal Low-Level Radioactive Waste Policy Act of 1980, a compact for joint disposal of wastes was negotiated by Alaska and seven other states that rely on the Hanford, Washington disposal site. Under the terms of the federal act, the member states will be authorized to prohibit importation of wastes from non-member states. At this time, all party states except Alaska have ratified the compact. It is therefore imperative that the State of Alaska also move towards ratification or we may be prohibited from future use of the Washington facility.

I urge you to support passage of this important legislation.

Member states: Alaska, Hawaii, Idaho, Montana, Oregon, Utah,  
Washington, Wyoming

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ROBERT H. ZIEGLER, SR., Vice Chairman  
DICK ELIASON  
PAUL FISCHER  
VIC FISCHER  
BOB MULCAHY  
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## Senate Committee on Resources

- (1) Representative Finstad, Co-Chairman  
Representative Shultz, Co-Chairman  
House Resources Committee
- (2) Senator Fahrenkamp, Chairman  
Senate Resources Committee
- R. H. 233, Compact on Radioactive Waste Management  
May 17, 1983

Today the Senate has almost unanimously passed S.R. 233 which authorizes the State to accept the Compact on Radioactive Waste Management.

Under the Federal Low Level Radioactive Waste Policy Act of 1980, a compact for joint disposal of wastes are negotiated by Alaska and seven other states that rely on the Federal Washington disposal site. Under the terms of the Federal act, the member states will be authorized to accept transportation of wastes from non member states after July 1, 1993. At this time, the only states are Alaska and Nevada that are compacted.

It is therefore imperative that the State of Alaska take prompt action to ratify the compact or be prohibited from future use of the Washington facility.

I urge you to support and pass this legislation of his important legislation.

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ROBERT H. ZIEGLER, SR., Vice Chairman  
DICK ELIAS ON  
PAUL FISCHER  
VIC FISCHER  
BOB MULCAHY  
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## Senate

### Committee on Resources

TO: Senator Don Bennett  
Senator John Sackett  
Co-Chairs, Senate Finance Committee

FROM: Senator Bettye Fahrenkamp  
Senate Resources Committee

RE: SB 233, Compact on Radioactive Waste Management

DATE: May 23, 1983

The Senate Resources Committee considered and unanimously passed out SB 233, which ratified the Northwest Regional Low Level Radioactive Waste Compact.

Under the Federal Low-Level Radioactive Waste Policy Act of 1980, a compact for joint disposal of wastes was negotiated by Alaska and seven other states that rely on the Hanford, Washington disposal site. Under the terms of the federal act, the member states will be authorized to prohibit importation of wastes from non-member states. At this time, all party states except Alaska have ratified the compact. It is therefore imperative that the State of Alaska also move towards ratification or we may be prohibited from future use of the Washington facility.

I urge you to support passage of this important legislation *this session.*

*after July 1, 1983*

SB 233 ENACTING THE NORTHWEST INTERSTATE COMPACT ON LOW-LEVEL  
RADIOACTIVE WASTE MANAGEMENT.

SB 233 ratifies the Northwest Regional Low-Level Radioactive Waste Compact. Under the Federal Low-Level Radioactive Waste Policy Act of 1980, a compact for joint disposal of these wastes was negotiated by Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington, and Wyoming, all of which rely on the Hanford, Washington disposal facility. Under the terms of the federal act, the member states will be authorized to prohibit importation of low-level radioactive wastes from non-member states after July 1, 1983. If Alaska does not become a member of the Compact by that date, the members will have the option of refusing to accept waste from Alaska. Safe disposal of low-level waste cannot be accomplished at any existing or planned site in Alaska.

The Compact would require that each party state adopt practices that conform to packaging and transportation requirements and regulations of the host state. These must include an inventory of generators, inspection procedures, authorization of shipping containers, and enforcement procedures. In addition, each party state may impose fees upon generators and shippers, impose more stringent standards on generators and carriers than those required in the compact, and limit the nature and type of wastes to be accepted at facilities within its borders.

All party states except Alaska have ratified the compact. The compact does require Congressional consent.

SB 220

ENACTS THE NORTHWEST INTERSTATE COMPACT ON LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT.

SPONSOR: SENATOR/GOVERNOR

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Enacts the Northwest Interstate Compact on Low-Level Radioactive Waste Management on behalf of Alaska and any other states legally joining it. (See Art. VI below.)

Art. I Purpose is to protect health and safety through a cooperative effort among the party states in minimizing the amount of handling and transportation required to dispose of wastes and in providing facilities to serve the region.

Art. II Definitions.

Art. III Requires all states to adopt practices that conform to the applicable packaging and transportation requirements of the host state. Practices must include: inventory of generators, inspection, authorization of containers, enforcement.

Art. IV Effective 7/1/83 if consent is given by Congress, requires that a facility located in a party state must accept low level waste generated by any other party state, and only from party states.

Art. V Establishes the Northwest Low Level Waste Compact Committee, comprised of 1 executive appointment of each party state.

Art. VI Eligible states are Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington, Wyoming. The compact becomes effective when enacted into law by 2 states.

Art. VIII Authorizes DEC to adopt regulations to carry out the compact.

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MAY 19 1983

Department of Environmental Conservation

May 19, 1983

TO: Members  
Northwest Interstate Compact Committee

FROM: David W. Stevens, Chairman  
Northwest Interstate Compact Committee

SUBJECT: MINUTES - MEETING OF APRIL 28, 1983

*David Stevens*

Minutes of the telephone conference meeting of the Compact Committee on April 28 are attached for your consideration.

If you have additions or corrections to the minutes, please contact either me or Dr. Ellen Haars.

DWS:mh

Attachment

MINUTES OF THE NORTHWEST LOW-LEVEL RADIOACTIVE WASTE COMPACT COMMITTEE

Telephone Conference Meeting

April 28, 1983

Compact Committee Members Present:

Robert Funderburg - State of Idaho  
Larry Lloyd - State of Montana  
Darrell Warren - State of Utah  
David Stevens - State of Washington

Others Present:

T. R. Strong - State of Washington  
Ellen Haars - State of Washington

Absent from the meeting were Don Godard (Oregon) and Melvin Koizumi (Hawaii). Mr. Koizumi was briefed on the meeting by Dr. Haars and Mr. Strong at 4:30 p.m., April 28, 1983. Mr. Godard was briefed by David Stevens at 3:00 p.m., May 9, 1983.

The purpose of this meeting was to provide an update for the Committee members on a meeting attended by T. R. Strong for David Stevens on April 18, 1983. The National Governors' Association (NGA) had requested the position of all of the compact regions on two issues dealing with the congressional consent process for compacts. The issues are:

- What changes must be made in the 1980 Low-Level Waste Policy Act to eliminate the ambiguous nature of the definition of "Federal research and development wastes"? Since several of the compacting regions now contain the same definition, some instruction must be provided to Congress to clarify the definition and to allow Congress to provide consistent consent language in each of the proposed compacts.
- What are the "good faith" requirements acceptable to both Congress and the compacting regions which will be required, after exclusivity is allowed, by those regions with sites when accepting wastes from regions without sites? Again, the intent is to search for consent language agreeable to all of the regions and Congress.

Holmes Brown, of the NGA staff, will draft proposed language intended to eliminate the ambiguous qualities of the definition of Federal R&D wastes. The draft will be submitted to the Federal agencies producing such wastes and to the compact regions for concurrence. When there is agreement, the language would be presented to congressional staff for consideration as consent language. The next discussion of this issue will be held at an NGA sponsored meeting on May 27, 1983, in Washington, D.C. No further action is required by us at this time.

With regard to the good faith efforts which might be imposed by the Northwest Compact Committee and which would represent our initial position with regard to such requirements, the following language and requirements were developed.

- After exclusivity is allowed, all of the following conditions must have been met before the Northwest Compact Committee would accept waste from a region which did not have a disposal site:
  - It must be clearly demonstrated to the Northwest Compact Committee that the volume of waste proposed to be sent to us for disposal has been significantly reduced through such procedures as compaction or incineration.
  - Wherever technically feasible or practical, U.S. Department of Energy low-level waste disposal sites within the compact regions of generation must be considered and/or used for the disposal of the waste if made available.
  - To the maximum extent possible, on-site storage practices of waste generated within the requesting region must be in use; i.e., a given generator's waste must be stored on his own property awaiting permanent disposal in that region's anticipated disposal site.
  - Wastes, which for whatever reasons are considered for but are not amenable to, volume reduction, disposal in DOE sites, or to on-site storage, must be considered for interim storage within the requesting region.
  - Finally, if all of the above conditions have been met to the extent feasible, and there is still waste which a given state in another compact region wants to dispose in the Northwest region site, the Northwest Compact Committee will require the following conditions before waste will be accepted for disposal: The state in which the generator resides must be a party member of a compact region, the compact for that region must have been submitted to Congress for consent, and congressional consent must have been granted to the compact, all before January 1, 1985.

If the above conditions have been met, and the Northwest Compact Committee receives a request to dispose of waste from outside its region on a temporary basis, the following additional requirement is necessary.

- A disposal site for the region in question must have been identified and selected within 18 months of congressional consent to that compact, or no later than January 1, 1987.

After January 1, 1987, a disposal site has been identified and the Northwest Compact Committee receives a request for disposal from a region without a site, the following additional condition must be met:

- The radioactive materials license for the proposed site within the region requesting disposal must have been applied for within 18 months of identification and selection of that site, or no later than July 1, 1988.

After July 1, 1988, if these conditions have been met, and the Northwest Compact Committee receives a request for the disposal of waste from a region without an operating site, the following additional condition must be met:

- The proposed site must be determined to be operable within 24 months of the radioactive materials license approval date, or no later than January 1, 1990.

The Committee agreed that the principles described above would represent the position of the Northwest Compact Committee, and could be sent forward as proposed for consent language. A further discussion of these issues will be held at the NGA meeting on May 26.

In further business before the Committee, Mr. Stevens reported that there is a proposal before the Alaska legislature to ratify the Northwest Interstate Compact. On April 22 the bill was considered by the Alaska Senate Resources Committee. At the request of the Alaska legislature, T. R. Strong, representing Mr. Stevens, testified before the Committee. The measure was given a do-pass recommendation and sent to the Senate Finance Committee. Stan Hungerford, Alaska's interim representative to the Northwest Compact Committee, indicated he saw no reason why Alaska would not adopt the legislation this session.

Mr. Stevens reported that in the current session of the Washington legislature the Senate Energy Committee had introduced SB 3625, a measure which would significantly amend the Northwest Interstate Compact. The proposal did not receive any action by the Committee, and consequently no change to the Compact was made.

In a final item of business, the time and location for the next meeting of the Northwest Interstate Compact Committee was discussed. It was unanimously agreed, with Mr. Koizumi agreeing later in a separate conversation, that the next meeting be held in Hawaii during the middle or latter part of 1983. Final arrangements will be completed soon, with additional information forthcoming to all members shortly.

The telephonic meeting concluded at 2:45 p.m., PDT.

## FACT SHEET

### NORTHWEST INTERSTATE COMPACT ON LOW-LEVEL WASTE MANAGEMENT

The Northwest Interstate Compact on Low-Level Waste Management is the first compact established in the nation for managing low-level waste on a regional basis, fulfilling the Congressional intent set forth in Public Law 96-573, the Low-Level Radioactive Waste Policy Act. In the spring of 1981, the legislatures of Idaho and Washington formally adopted the Compact. Oregon adopted Compact language in July 1981, Utah passed the necessary legislation in February 1982. Montana has joined by executive order of Governor Schwinden in November 1981. Hawaii passed the Compact language in June 1982. Alaska and Wyoming are also eligible for membership. The Compact must be ratified by Congress before all of its provisions can take effect.

Basically, the purpose of the Compact is to provide for the health and safety of the citizens of member states, with the responsibility for low-level radioactive waste management shared equally by the states. Membership in the Compact requires a party state in which a disposal facility is located (Washington has such a site) to accept waste from other member states. Waste from non-Compact states will not be accepted after Congress ratifies the Compact and authorizes the Compact states to prohibit importation. In addition to low-level waste, participants recognize the principle of reciprocity in accepting hazardous chemical wastes.

Under the Compact provisions, the Governor of each member state has named a representative to the Northwest Low-Level Waste Compact Committee. The Committee meets to consider matters arising under the jurisdiction of the Compact such as the review of low-level waste management regulations and approval of disposal of waste from non-member states. In addition, the Committee functions to enhance and extend communications efforts among the Northwest states and with the other regions.

There is one low-level waste disposal site in the Northwest Interstate Compact located on the U.S. DOE Hanford Reservation near Richland, Washington. The 100 acre site is operated by US Ecology, Inc. under sublease from Washington State. In 1981 1,500,000 cubic feet of low-level waste was disposed at the site, which compromised approximately 50 percent of the low-level waste disposed in the nation.

NORTHWEST INTERSTATE COMPACT COMMITTEE MEMBERS

<u>State</u>	<u>Governor's Representative</u>	<u>Date of Authorizing Legislation</u>
Hawaii	Mr. Melvin Koizumi Deputy Director Environmental Health Department of Health P. O. Box 3378 Honolulu, Hawaii 96801 (801) 548-4139	June 1982
Idaho	Mr. Robert Funderburg Manager of Radiation Control Division of Environment 450 W. State 5th Floor Boise, Idaho 83720 (208) 334-4107	April 1981
Montana	Mr. Larry Lloyd, Chief Occupational Health Bureau Department of Health and Environmental Sciences Room 113 Cogswell Building Helena, Montana 59601 (406) 449-3671	November 1981*
Oregon	Mr. Donald Godard, Administrator Siting and Regulation Section Department of Energy Labor & Industries Building Room 102 Salem, Oregon 97310 (503) 378-6469	July 1981
Utah	Mr. Darrell Warren, Director Bureau of Radiation Control P. O. Box 2500 150 W. North Temple Salt Lake City, Utah 84110 (801) 533-6734	February 1982
Washington	Mr. David Stevens, Chairman Policy Assistant for Energy and Natural Resources Office of the Governor Legislative Building Mail Stop AS-13 Olympia, Washington 98504 (206) 753-6780	April 1981

STATEMENT BY T. R. STRONG

DIVISION OF HEALTH

BEFORE

ALASKA STATE LEGISLATURE  
SENATE RESOURCES COMMITTEE

Juneau, Alaska

April 22, 1983

3:00 p.m.

I am T. R. Strong, Head of the Radiation Control Section for the state of Washington.

Mr. Hungerford has indicated that you are interested in several specific issues associated with the Northwest Interstate Compact on Low-Level Radioactive Waste Management. These include:

- The history of the Northwest Interstate Compact and comments about each of the eligible states.
- Status of consent legislation in Congress with regard to the Northwest Interstate Compact.
- Status of low-level waste compacts in other parts of the United States.
- The consequences of not joining a compact.

Since Governor Dixy Lee Ray closed and later reopened Washington's low-level waste disposal site at Richland in 1979 there has been a steadily increasing sentiment expressed by the citizens of the state of Washington that the volume of waste coming to Washington for disposal should be significantly decreased. The legislature in 1980 adopted two separate compact documents, one in the Senate and one in the House. As a result of the two chambers not being able to agree on a single version, an initiative was presented to the voters which would have banned the importation for disposal of all radioactive waste except medical wastes. The initiative was approved by 75 percent of those voting in the 1980 general election. Because of supremacy and commerce clause problems with the constitution of the United States, the initiative was subsequently held unconstitutional. The 1981 session of the Washington legislature adopted the compact which you are now considering.

There are eight Northwest states eligible for membership. Washington, Oregon and Idaho adopted the compact language at essentially the same time in early 1981. Utah joined by Executive Order in 1981 and obtained legislative approval in February 1982. Montana joined by Executive Order in November 1981 and the 1983 session of the Montana legislature has ratified the compact. Hawaii introduced legislation to join the compact in 1982 and Hawaii's governor signed the authorization in June of 1982. Wyoming has determined that it will join the Rocky Mountain Compact and not the Northwest Compact, although it remains eligible to join the Northwest through June 30, 1983. Alaska remains eligible to join.

Washington's Senator Slade Gorton introduced consent language in Congress in the fall of 1982 and has reintroduced it in the new session in January of this year. A field hearing was conducted by the Judiciary Committee in Seattle in November 1982 and the full Judiciary Committee heard testimony on the Northwest Interstate Compact consent language in March 1983. Congress has expressed specific interest in the circumstances under which Federal agency wastes generated at any point in the country would be accepted by any compact in the United States; and the conditions under which waste generated in states which are not members of a compact region would continue to be disposed in existing commercial disposal sites after the exclusion date in the Low-Level Waste Policy Act. It is my understanding that Congress is not likely to permit any compacting region to exclude waste generated in other regions until there is a nationwide mechanism with disposal sites available for all of the nation's waste.

From the perspective of the state of Washington the progress made by other regions in negotiating compacts and in states joining those compacts was painfully slow until late in 1982. Almost all states are now members of at least one prospective compact region. After the Northwest with its functioning compact committee, the Southeast region, centered around South Carolina's disposal site, is the best developed. The Rocky Mountain states had a prospective site in Colorado, think they have another site which might work, and are continuing to struggle with their problems. Probably the least developed is the Northeast. California and Texas are not aligned with any compact region; Texas has indicated it will attempt to go it alone and California is unhappy because neither the Northwest nor the Southwest invited it to join. The "go it alone" idea is not consistent with the Low-Level Waste Policy Act but Congress has not indicated what it will do in this situation.

The consequences of Alaska not joining the Northwest Compact or some other existing compact group probably boils down to whether or not Alaskans want a low-level radioactive waste disposal site of their own. The cost of shipping the almost insignificant amount of waste you produce to Richland versus the cost of finding, siting, licensing, operating and maintaining in perpetuity a site of your own would seem to me to make your choice clear.

This concludes my formal remarks. I would be happy to try to answer questions you might have.

U.S. Senate Judiciary Committee Hearing

March 2, 1983

TESTIMONY OF

David W. Stevens  
Assistant to the Governor  
State of Washington

Chairman, Northwest Interstate Compact on  
Low-Level Radioactive Waste Management

We appreciate the opportunity to appear and present testimony supporting the consent of the Congress for regional compacts dealing with low-level radioactive wastes. As a representative of a region with a compact which has been ratified by five states (Oregon, Idaho, Washington, Utah, Hawaii) through legislative action, and one (Montana) by Executive Order, we can attest to the strong cooperative efforts by the states in our region to forge an alliance which we feel fulfills both the spirit and the substance of the national Low-Level Policy Act of 1980. Montana has enabling legislation that has passed one House of its legislature. Alaska's legislation is scheduled for introduction within the next few days. If those measures are adopted, seven of the eight eligible states would have become parties to the Northwest Compact within two years of its initial introduction.

We are gratified by the response shown by the states in our region that feel strongly that a cooperative regional venture dealing with radioactive wastes is the proper approach in coming to terms with this national problem. Initial interest was demonstrated in Washington State in November, 1980, when our citizens, by a 75 percent approving vote, decided they favored severe restrictions on the importing of out-of-state waste for disposal at the Hanford site. The significant level of interest of our citizens in dealing with the uncontrolled importation of wastes from nearly every state in the country has continued unabated, even though the initiative that they approved in 1980 was later declared to be unconstitutional by the federal courts.

That initiative also recognized the validity of regional compacts, in that one of its provisions held that other restrictions would not apply if a state were part of an interstate compact. Fortified by that background and by the high interest on the part of Washington's Governor and Legislature, the compact was ratified in April, 1981, Idaho having approved the same compact a few days earlier. During that period of ratification, efforts in our region were reinforced by the then recent passage of the federal Low-Level Radioactive Waste Policy Act of 1980 (Public Law 96-573). It was most encouraging and helpful to have such a firm expression of federal policy support for the kind of efforts underway in the Northwest.

It was the intent of those involved in the negotiation effort, and, I am certain, of most of the legislators who have been involved in that process, that the compact deal with low-level radioactive wastes in conformance with federal laws and regulations. While the state of Washington and others have had a significant experience with interstate compacts over the years, negotiating compacts regarding low-level radioactive wastes has been unique. In the case at hand, not just one but a series of compacts will cover the entire nation, will deal with the same issue, will have reasonable compatibility (if not uniformity), and will be constructed with enough authority to achieve the objective of better systemizing the disposal of wastes through a more equitable system of shared responsibility.

Mr. Chairman, as the result of our work in the Northwest in fashioning the country's first compact, we have provided the opportunity and the

focus for considerable review and comment regarding whether or not the compact:

- is compatible with the federal act;
- is compatible with existing federal regulatory structures;
- interferes with or involves other areas not contemplated by the federal acts;
- provides an opportunity for dealing with unusual wastes or waste forms;
- provides a means for the region to work with other regions toward a unified national program which will encompass all facets of the issue.

We feel that, on all counts, the Northwest Compact meets the test that underlies Congressional intent in entrusting states with and in encouraging them to take the leadership in dealing with this significant national issue. The driving force in our progress to date has been to carry out the charge in the Low-Level Waste Policy Act and to do that responsibly and as quickly as possible. We are well on our way in the Northwest, and we hope that the Congress will, during this session, give early consideration and approval not only to our particular compact but to others which I am certain will shortly be before it.

I would like to dwell briefly on a few of the questions that have been raised concerning the Northwest Compact in order to dispel whatever hesitation or reservation there might be regarding either the language or the intent of its provisions. We have confidence that those questions are resolvable within the context of the compact and that no delay in the consent process is needed in order to deal with them.

#### Date of Exclusivity

As you have noted from the text of our compact, the desire of the northwest states is to be able to exclude out-of-region wastes at the earliest possible time. Given the strong desire of our citizens for an exclusionary date of July 1, 1983, the compact reflects a date that was reasonable at the time of its ratification by the initial party states. It is clear that, in order for that date to have been met, almost immediate action by the Congress would have been necessary. It would have also been essential to have temporary sites or storage capability available or arranged. That date, July 1, 1983, also assumed that the negotiations that were being initiated in other regions would be carried to fruition more quickly than has actually occurred.

What appeared to be feasible two years ago, at the time of ratification, would be difficult to achieve now. As host state, we feel that reliance on January 1, 1986, as the initial date upon which a region could exercise exclusivity would be compatible with the regional efforts now underway. Any delay in the implementation date of January 1, 1986,

would not be appropriate, and any shifting of that date to a later time would be strongly resisted.

#### Definition of Low-Level Waste

Basically, there is no incompatibility between the definitions of low-level waste contained in the Northwest Compact and the federal act. There is, however, an obvious difference. The federal definition states what low-level radioactive waste is not. It is not high-level waste, transuranic waste (i.e., waste with less radioactivity than would qualify it for disposal elsewhere), spent nuclear fuel, or uranium mill tailings. The Northwest compact, on the other hand, attempts to describe what low-level radioactive waste is, i.e., radioactive materials that exceed applicable federal or state standards for unrestricted release, and transuranic materials in concentrations less than ten nanocuries per gram.

Given the difference in approach in these definitions, it could be anticipated that some potential inconsistency would arise. In the construction of the Northwest Compact, it was felt that there was merit in stating the definition of low-level waste in specific terms rather than in accepting the unusual and unclear method of simply defining it in terms of what low-level waste is not. From a practical standpoint, those differences in definition may result in unacceptable conflict, for they encompass uranium mill tailings, "unsuitable waste," transuranic wastes, waste whose radioactivity is below federal and state standards, or some federally-generated wastes. If we look at the technical issues only, the intent of the definitions appears to be the same. In general, there is only a minor amount of waste involved where conflicts could arise between the federal and the Northwest Compact definitions. In order that those differences, as they exist, do not cloud the achievement of our common objective of dealing with low-level waste disposal on a regional, more systemized basis, we could support Congressional attention to a definition specifically describing low-level wastes, which could thereby establish uniformity with all compacts and therefore guarantee the consistency that some feel is now missing from proposed regional compact language.

#### "Management" versus "Disposal"

Some concerns have been expressed over compacts that go beyond the authority prescribed in the federal act and that propose, in fact, to deal with management rather than disposal. We do not think that there is a conflict between "management" and "disposal." Those who have been working on compact development have focused on the disposal of wastes. There are, however, related impacts, because of considerations such as the life of the site, the economics of treatment, volume reduction, or other aspects of the disposal process, broadly construed. Treated wastes may become more or less hazardous, thus changing their suitability to a particular disposal site. Because waste form changes through treatment, the various compact committees can and must be concerned about both the hazard to and the economic impact on their disposal sites. Waste classification, on-site storage, and other

aspects of the waste cycle after generation do have a direct impact upon the operation of a regional site.

Unfortunately, some concerns have been expressed that the "management" of wastes implies assessment and regulation of health and safety issues currently exercised by federal agencies. We do not and have not questioned existing federal authority and jurisdiction over various health and safety issues. But we do feel that the inter-relationships that exist between disposal and treatment relate to economics, to waste flows, and to disposal-volume impacts, including the life of the site, none of which is in conflict with existing law and regulation. The focus is disposal, and the characterization of the term "management" relates to those factors that deal directly or indirectly with ultimate disposal. Our efforts to "manage" the problem do not include going beyond, or making basic changes to, the in-place regulatory system.

#### Transpor tation of Low-Level Radioactive Waste

The Northwest Compact requires that the party states authorize containers for low-level radioactive waste and that only authorized containers be used. While the compact drafters intended that existing U.S. Department of Transportation requirements be followed, the language is not precise. We maintain that nothing in existing regulation would preclude the compact states from dealing with necessary container authorization for site disposal purposes, as contrasted with containerization for transportation. But conflict between the federal system and the compact system could occur if the host state were not a "U.S. NRC Agreement State."

Specifically, the compact implies that the host state would have regulatory (i.e., health and safety) authority over the low-level waste facility. Only Agreement States have such authority. As long as the host state is an Agreement State, compatibility with existing federal requirements, particularly with regard to transportation, does not appear to be a significant problem.

In short, on this issue, we do not anticipate conflict; nor is conflict with the existing federal regulatory system at all desirable. Compact development is being accomplished within the existing regulatory framework. Any proposed changes in existing federal authority over the health and safety issues concerning low-level radioactive wastes should be made directly in the authorizing legislation, not in a regional compact. In other words, the intent of the Northwest Compact requirement that we are considering is not that states should set their own standards in relation to transportation, but instead that party states should enforce existing federal standards.

#### Interim Regulations

The Northwest Compact has drawn particular attention to the period between Congressional consent and the date on which the Compact may exercise exclusivity. While preliminary drafts of proposed regulations have been drawn and circulated, no action has been taken to start the formal rule-making process. Governor Spellman has indicated that,

because of the existing regulatory program and indemnification system, which are working well, implementation of that part of the compact should await the Congressional consent process. Such an approach minimizes what some states have indicated is at least a statutory, and perhaps a constitutional, problem. It should also be noted that that compact provision would be relevant only until the party states can exercise Congressionally-derived authority to exclude out-of-region generated wastes. Assurances of adequate ongoing inspection and indemnification and other evidence of dealing with the needs of the host state by substantially complying with the intent of this provision would tend to minimize any need for its rapid implementation.

#### Impact of the 1986 Exclusion Date

The party states of the Northwest Compact are ready to initiate the full range of regional responsibility outlined in the Low-Level Waste Policy Act. At the same time, we understand the complexity of the issue and the amount of work that needs to be accomplished in other regions before we have in place a system of regional compacts covering the whole nation. It is likely that not all regions will have operating sites by January 1, 1986, and we feel strongly that that date, established by federal law, should continue to be the point of departure for the exercise of exclusionary authority. Therefore, any delay or change in that date would be inconsistent with the overall objective established by the Congress.

Moreover, we feel that it is important to provide assurances that there will be no sharp disruption of the existing system as long as regions are making good-faith efforts to develop regional capacity to deal with low-level radioactive wastes. In other words, the abrupt implementation of exclusionary authority by one or two regional compacts, without regard for the impact of such action on other regions, would not be appropriate.

In short, our party states pledge their support for the efforts now underway and for the development of alternatives that will enable generators to deal with their wastes. We think that it is necessary for regions without operating sites to begin now to develop a plan for interim storage, use of other sites within a particular region on a temporary basis, or, where necessary, for a temporary agreement with a compact that is already operating a disposal site. Our region continues to be willing to help those regions where measurable progress has been made.

It is entirely possible to have compacts adopted by all regional areas by 1986, to have such compacts consented to by the Congress, to have a host state selected, and to have actual site work, which could include the submittal of a license application, begun. Insofar as we can determine, there is no circumstance that would prevent the good-faith efforts now underway throughout the country from achieving near-operational status in several regions.

To summarize our position, the realization of our common national objective regarding the disposal of low-level radioactive nuclear waste

is served by cooperative action. Such is the desire of the state of Washington, the Northwest Regional Compact's host state, and of our party states.

Mr. Chairman, these appear to be the principal issues before us. We think that all are resolvable without adversely effecting the consent process.

Thank you.

# STATE OF ALASKA

## DEPT. OF ENVIRONMENTAL CONSERVATION

465-2600

rec 4-21-83  
BILL SHEFFIELD, GOVERNOR

POUCH D - JUNEAU 99811

April 20, 1983

The Honorable Bettye Fahrenkamp  
Senator  
Chairman, Senate Resources  
Committee  
Pouch V  
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

I am pleased your committee will soon be reviewing Senate Bill 233 concerning the NW Low-Level Radioactive Compact. I consider favorable action on it during the current legislative session essential. The following information should help you understand the implications of your actions on this matter.

Low-level radioactive waste is generated by analytical, medical, and research laboratories, as well as by oil exploration and other industrial activities which use radioisotopes. Each user and potential generator of low-level waste is required to have a license from the Nuclear Regulatory Commission. Most radioactive source material used in Alaska is eventually returned by the user to the manufacturer. The federal government has strict standards for transport and disposal of such wastes. They prohibit interstate transportation of low-level radioactive waste after 1985.

The University of Alaska annually generates about one cubic meter of waste and contaminated protective clothing that requires disposal. Two methods are available to accomplish this. The first would be for the state to join the Northwest Interstate Compact so that wastes can be shipped to the Hanford Washington disposal site. To join, the compact language must be incorporated into state statutes by legislative action during the 1982-83 session.

The second choice is to provide for in-state disposal of low-level radioactive waste. Senate Bill 29 (June 1981), amending AS 46.03.25J-260, gives the department authority to establish standards, safeguards, and procedures, and to issue permits for discharge and disposal of low-level radioactive wastes in the state. However, no standards and procedures which conform to federal requirements have been developed.

A portion of the waste material generated in Alaska may be incinerated, but the ash and other wastes would have to be landfilled. At present, there is no suitable landfill in the state; the federal requirements for building and operating such a landfill site are extremely rigid. In-state landfilling of radioactive wastes would require a staffing increase of one to three persons

in each of three different departments, identification and development of a suitable site, and a state budget increase of 1.5 to 2 million dollars per year.

The Department of Environmental Conservation urges passage of the proposed legislation so that Alaska can be a party to the Northwest Compact. This alternative is the least costly and can be accomplished in the least amount of time. It would, however, require an increase of \$8-10 thousand in travel expenses to allow DEC representation on the Northwest Compact Committee.

Questions regarding this matter should be directed to Mr. Stan Hungerford, Section Chief for Air and Solid Waste Management (phone 465-2666).

Sincerely,



Richard A. Neve  
Commissioner



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

April 6, 1983

The Honorable Jalmar Kauttula  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Mr. President:

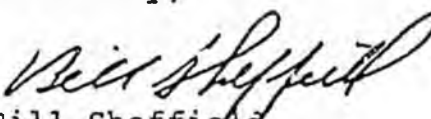
Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill ratifying the Northwest Regional Low-Level Radioactive Waste Compact.

Low-level radioactive waste is generated by medical, research, and industrial activities which use radioisotopes. Low-level waste generated in Alaska is now disposed of at a facility in Hanford, Washington, the only such repository in the Pacific Northwest. Under the Federal Low-Level Radioactive Waste Policy Act of 1980 (P.L. 96-573), a compact for joint disposal of these wastes was negotiated by Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington, and Wyoming, all of which rely on the Hanford facility.

Under the terms of that compact and P.L. 96-573, the member states will be authorized to prohibit importation of low-level radioactive wastes from non-member states after July 1, 1983. In short, if Alaska does not become a member of the compact by July 1, 1983, we will be forced to turn to the only alternative -- development of a radioactive waste disposal facility within Alaska.

This compact represents a wise and economical solution to what would otherwise be a major problem for Alaska. I urge its swift ratification by enactment of this bill.

Sincerely,

  
Bill Sheffield  
Governor

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: SB 233  
 Title: Compact on Low-Level Radioactive Waste  
 Sponsor: \_\_\_\_\_  
 Requestor: \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected: Environ. Conservation  
 Program Category Affected: Envir. Cons.  
 BRU, Program of Subprogram(s) Affected: \_\_\_\_\_  
 Div. of Envir. Qual. Mgt., Air & Solid Waste  
 Section

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL		8.0	8.0	8.0	8.0	8.0
300 CONTRACTUAL		10.0				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>		18.0	8.0	8.0	8.0	8.0
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND		18.0	8.0	8.0	8.0	8.0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Note

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Glenn Miller *SPM*  
 Division: Environmental Quality Mgmt.

Phone: 462-2666  
 Date: 4-13-83

Approved by Commissioner: Richard A. Neve  
 Department: Environmental Conservation

Date: 4-14-83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

## ANALYSIS

It is necessary and cost effective to join the Northwest Compact to avoid the extravagant costs of providing in-state disposal of the small quantity of low-level radioactive waste produced by University of Alaska.

- 1) The department has no staff to assign to this project; thus regulations will be prepared, the inventory, inspection, shipping container specifications and enforcement. \$55/hr x 180 hrs = \$10,000
- 2) Participation in the Compact will be by the Air and Solid Waste Management Supervisor (see attached letter). Travel to meetings in each member state (ID, OR, WA, MT, UT, HI):  
6-10 meetings per year at \$800 per trip = \$6,000 to \$8,000 per year
- 3) Routine in-state work will be accomplished by existing staff with existing funds.

This statement has been reviewed by the OMB in the Office of the Governor. It may be considered to represent the policy of the Sheffield Administration and the final estimate of fiscal impact.

SB 233 - "An act enacting the Northwest Interstate Compact on Low-level Radioactive Waste Management; and providing for an effective date."

Alaska Department of Environmental Conservation  
Position Paper

Before the Senate Resources Committee

April 6, 1983

This department supports the addition of the proposed Chapter 45 (Interstate Compacts) to AS 46. The State of Alaska should enter into the compact based on the following:

1. Low-level radioactive waste is generated by medical research and industrial activities which use radioisotopes.
2. Safe disposal of low-level waste cannot be accomplished at any existing or planned site in the State of Alaska.
3. Development of a site would be a vast undertaking, requiring at least one year for construction alone. A suitable location for such a project would be difficult to find.
4. The best present disposal method is shipment to a facility in Hanford, Washington. If the State of Washington enters the compact and the State of Alaska does not, the compact members will have the option of refusing to accept waste from Alaska.

The highly controversial disposal of low-level radioactive waste is an increasingly difficult problem across the country. The low-level waste disposal alternatives are already limited. Entering this compact will ensure a good disposal method for Alaska without the need for a disposal site in the state.



Richard A. Nevé  
Commissioner



# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

APR 20 1983

Bill Sheffield, Governor

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

April 20, 1983

Hon. Bettye Fahrenkamp  
Chairman, Senate Resources Committee  
Senator  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Re: SB 233 (Northwest Inter-state Compact on  
low-level radioactive waste)

Dear Senator Fahrenkamp:


Your committee has asked us why, in the drafting of SB 233, we located its provisions in Title 46 (Environmental Conservation) rather than Title 41 (Public Resources).

The answer is simple: SB 233 concerns methods for protecting the public against environmental and health hazards of low-level radioactive waste, which is principally generated by private industry, health facilities, and universities; it does not concern regulation of any "public resource." Further, the bill assigns regulatory functions to the Department of Environmental Conservation, whose major statutes are collected in Title 46; most of the statutes in Title 41 pertain to functions of the Department of Natural Resources.

The bottom line is that the law would still be law no matter when the Committee chose to put it, but for the sake of consistency with the divisions of the Alaska Statutes, it would be preferable to put it with the other D.E.C. statutes in Title 46.

Sincerely,

NORMAN C. GORSUCH  
ATTORNEY GENERAL

By:   
Douglas K. Mertz  
Assistant Attorney General

DKM/jb

cc: Art Peterson  
Assistant Attorney General  
and Regulations Attorney  
Juneau

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ROBERT H. ZIEGLER, SR., Vice Chairman  
DICK ELIASON  
PAUL FISCHER  
VIC FISCHER  
BOB MULCAHY  
ARLISS STURGULEWSKI



POUCH V  
STATE CAPITAL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

## Senate

### Committee on Resources

#### MINUTES

April 22, 1983  
3:10 p.m.

Beltz Room  
Room 211, Capitol

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#### MEMBERS PRESENT

Senator Fahrenkamp, Chair	Senator V. Fischer
Senator Ziegler, Vice Chair	Senator Mulcahy
Senator Eliason	Senator Sturgulewski
Senator P. Fischer	

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#### CALENDAR

- HJR 38 Relating to marketing and transporting Alaska's natural gas
- SJR 12 Opposing the extension of the provisions of the Export Administration Act of 1979 that effectively bans the export of Alaska North Slope Oil.
- HB 151 An Act making a special appropriation to the Department of Natural Resources, division of parks, for acquisition and development of the House of Wickersham in Juneau; and providing for an effective date.
- SB 222 An Act relating to the organization of the Department of Natural Resources, substituting references in the Alaska Statutes to the department and the commissioner for references to the division of lands and the director of the division of lands.
- SB 181 An Act making supplemental appropriation to the Department of Natural Resources for land deficiency entitlements; and providing for an effective date.
- SB 233 An Act enacting the Northwest Interstate Compact on Low-level Radioactive Waste Management; and providing for an effective date.

SB 168 An Act relating to the Alaska Power Authority; and providing for an effective date.

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HJR 38

Representative Cowdery, sponsor of the measure, felt the measure was needed to back the Reagan administration's efforts to establish a free market.

Harold Moles, Vice President for Alaskan Operations, Northwest Alaskan Pipeline Company, felt the resolution should not be passed at the risk of delaying or harming the gas pipeline project.

Jerry McCutcheon supported passing the resolution, but felt it was not in Alaska's best interest.

Senator V. Fischer asked if the Administration had a position on the resolution. Senator Fahrenkamp said they had been invited to speak, but had expressed no interest.

Senator Fahrenkamp felt that the Budget & Audit Committee hearings scheduled to be held over the weekend might provide useful information for the committee, and so held the bill over.

SJR 12

Jim Palmer, Joint Oil & Gas Committee Aide, explained that the resolution calls for our Congressional delegation to do everything possible to remove the ban on export of Alaskan oil when the Export Administration Act is considered later this year.

Senator Sturqulewski moved to report out SJR 12 with individual recommendations. Motion passed without objection.

CSHB 151

Representative Mike Miller of Juneau, co-sponsor of the legislation, explained the necessity to acquire the Wickersham collection before it is dispersed. There was discussion of exactly how the appropriation could be used.

Senator V. Fischer moved to adopt the committee substitute, including the letter of intent, and to report the bill out with individual recommendations. Motion passed without objection.

SB 222

Sharon Barton, special assistant to the Commissioner of the Department of Natural Resources, explained that the bill is a "housekeeping" measure and endorsed its passage.

Senator Sturgulewski moved that the bill be brought before the committee, and moved Barton's first recommended amendment. Motion passed without objection.

Barton continued to offer suggested amendments. Senator Fahrenkamp asked that the amendments be prepared in writing for the committee's consideration, and held the bill over until those could be received and until the statute revisor's opinion could be asked.

#### SB 181

Rav Mann, Property Management Officer for the Municipality of Anchorage, gave a history of the Municipality's efforts to obtain its land entitlement.

There was discussion of whether the Municipality would take a \$5 million settlement as provided in statutes, or if it would continue to approach the legislature for additional funds or land.

Jane Anvik, Municipality of Anchorage Assembly Member, felt it was not in Anchorage's best interest to accept a full cash settlement at this time if that would preclude any efforts to seek amendments to the entitlement provisions.

Bill was held over.

#### SB 233

Stan Hungerford, Air & Solid Waste Management Section, Department of Environmental Conservation, and T.R. Strong, Head of the Radiation Control Section for the State of Washington, spoke in support of SB 233 and explained how it would be beneficial to Alaska to become a member of the Northwest Interstate Compact.

Senator Mulcahy moved to report out the bill with individual recommendations. The motion passed without objection.

#### SB 168

Sterling Gallagher, Vice President of John Naveen & Co., supported SB 168, and the first three proposed amendments.

Commissioner Dick Lyon, Department of Commerce & Economic Development, supported the bill and the amendments and urged early passage of the measure.

There was discussion of the fourth amendment offered by Senator V. Fischer, who said he preferred not to move his amendment.

Dave Hutchens, Alaska Rural Electrical Cooperative Association, supported the bill and the three amendments.

Senator Mulcahy moved the amendments. Senator V. Fischer asked that the question be divided. On the question, each amendment passed without objection.

Senator Mulcahy moved that the Resources committee substitute for SB 168, including the three amendments, be reported out with individual recommendations. The motion passed without objection.

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

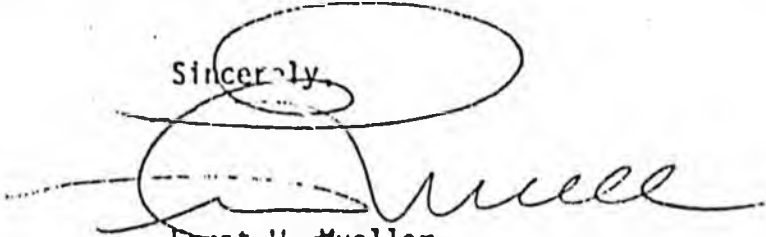
November 24, 1982

The Honorable John Spellman  
Governor  
State of Washington  
Olympia, WA 98504

Dear Governor Spellman:

With reference to Governor Hammond's November 9, 1982 letter concerning the Northwest Interstate Compact for Low-level Waste Management, I have designated Mr. Stanley W. Hungerford to represent the State of Alaska. He is the supervisor of the Air & Solid Waste Management Section, and will be developing the necessary legislation to enable Alaska to become party to the Compact.

Sincerely,



Ernst W. Mueller  
Commissioner

FILE #: