



# Oregon

Kate Brown, Governor

## Oregon Hanford Cleanup Board

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March 4, 2022

To: Principal Deputy Assistant Secretary for the Office of Nuclear Energy, US Department of Energy

Subject: Request for Information; Consent-Based Siting and Federal Interim Storage

The Oregon Hanford Cleanup Board, on behalf of the State of Oregon, appreciates the opportunity to respond to the US Department of Energy's Request for Information regarding a consent-based siting approach to federal interim storage of nuclear waste. The search for a solution to the nation's nuclear waste disposal problem affects us all, in Oregon and across our nation. It is an important determinant not only of the long-term risk to individual communities that host such waste currently at disbursed locations across the country, including in Oregon, as well as to the potential future host locations of consolidated waste storage repositories.

Oregon retains an interest in the process for a establishing a repository for two main reasons:

1. Oregon still hosts the spent fuel from the Trojan nuclear plant nearly three decades after its final shutdown; and
2. The Hanford site along the Columbia River just north of our border in Washington is host to a large quantity of both spent nuclear fuel and defense high-level waste that for decades was intended to share space at a future deep geologic repository.

We recognize that the scope of the RFI is focused on the siting of an interim spent fuel storage facility only. Oregon would welcome the success of any spent fuel storage solution – interim or permanent – that results in the permanent removal of the spent fuel from the Trojan nuclear power plant out of its current Independent Spent Fuel Storage Installation to a safe, centralized repository.

In response to the RFI, we wish first to make you aware of Oregon's statutory and administrative structure as it pertains to the siting of a nuclear waste repository. In 1979, Oregon passed Oregon Revised Statute 469.525, which prohibited the establishment or operation of any facility for the disposal of radioactive waste within the state. In 1987, Oregon passed a series of statutes to address the national process that culminated in the amended Nuclear Waste Policy Act. The Oregon statutes, which are included as an attachment to this letter for reference, were predicated on a sense of disappointment and distrust associated with the process that led to the selection of a single western location for a repository, as opposed to two repository locations, one in the western US and one in the eastern US, as was intended by the process. In response, the Oregon legislature directed the state government to use all legal

means necessary to oppose the US Department of Energy's siting efforts until certain requirements were met. These requirements include compliance with the intent of the Nuclear Waste Policy Act and ensuring that any site selected "considers all acceptable geologic media and results in safe, scientifically justified and regionally and geographically equitable high-level nuclear waste disposal" (Oregon Revised Statute 469.585).

In addition to the broad direction on this subject, the Oregon legislature in 1987 also established the Oregon Hanford Cleanup Board to be a body that, "serves as the focal point for all policy discussions within the state government concerning the disposal of high-level radioactive waste in the northwest region" (ORS 469.573). In this capacity, the Board is to act as the initial agency in the state to be contacted by any federal agency on any matter related to the long-term disposal of high-level radioactive waste. The Board is also responsible for reviewing any associated plans or applications and making policy recommendations to the Governor, the Legislative Assembly, and the state's designated lead negotiating agency on any matter related to the long-term disposal of high-level radioactive waste. If the US Department of Energy selects the Hanford Nuclear Reservation as the site for the construction of a repository for the long-term disposal of high-level radioactive waste (HLW), the Oregon Hanford Cleanup Board is empowered by the Oregon legislature to review the selected site and the site plan according to a series of criteria. Together, these statutes reflect Oregon's continued interest in the disposition of spent nuclear fuel and high-level defense waste.

Oregon continues to have reasons to be wary regarding USDOE's actions regarding HLW – most recently DOE's unilateral actions to reinterpret the definition of HLW in ways that ignore the prior advice of the National Academy of Sciences (NAS) and conflate the comments of the Nuclear Regulatory Commission (NRC) and others as support for their interpretation. DOE has repeatedly ignored requests to engage in frank discussions with stakeholders including state governments, Native American tribal governments, local communities, or seemingly any other interested party, regarding the intention and expectations for utilizing the reinterpretation of the HLW definition. DOE has also not provided a clear delineation of which wastes across the complex would be expected to still qualify as HLW under its new interpretation, leaving many stakeholders at defense waste sites more uncertain of the future than ever. USDOE's actions surrounding this issue and its stakeholders undermine the ability to trust subsequent processes such as siting of a waste repository. These fundamental relationships need to be renewed and bolstered if DOE is to succeed in its objectives.

The nation's nuclear waste problem will be solved at the speed of trust. The site selection process should establish both technical site selection criteria (such as dose/risk limits, geology, environmental setting, land use patterns, natural hazard risk, etc.) as well as a "social license to operate" criteria. It also must be accepted that the process will be lengthy and will be expensive, and a potential host community has a right to expect much more investment from the federal government than just the waste repository alone. The organization and the process should establish its legitimacy and seriousness at the outset.

Too many times this nation has started but never finished tackling the problems of establishing a waste repository, and the people of Oregon and the nation are ready for a solution. The

Oregon Hanford Cleanup Board, on behalf of the State of Oregon is hopeful that a safe, suitable, and acceptable repository location can be sited and successfully placed in operation.

Sincerely,

**Jeff Wyatt**

Chair, Oregon Hanford Cleanup Board

*Note: The Oregon Department of Energy acts as staff to the Oregon Hanford Cleanup Board, and in this capacity, they solicited feedback from Board members at our January 2022 meeting in response to this RFI. Responses to the individual RFI questions are included below as Attachment 1. There was a range of opinions.*

## Attachment 1: Specific Responses from Members of the Oregon Hanford Cleanup Board to Questions Posed in the RFI

### Area 1: Consent-Based Siting Process

1. How should the Department build considerations of social equity and environmental justice into a consent-based siting process?

*The Blue Ribbon Commission on America's Nuclear Future explored two areas of social equity:*

- A. *Intra-regionally. Consider more than one site and disperse regionally. This may also reduce transportation concerns.*
- B. *Intergenerationally. Simply get it done while the folks who enjoyed the electricity are still alive. As for Environmental Justice, do it right, and have the performance analysis to prove it. A preliminary step should be to gather a consensus-based group of subject matter experts and interested members of the general population at many diverse locations throughout the country, without a site in mind, to consent on siting criteria specific to social equity and environmental justice. A dry run could begin soon, as site characteristics would not be needed, and the outcome might have a useful influence on site characterization and selection of potential candidate sites.*

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*I'm writing this on 3/4/22 as 15 nuclear reactors at Zaporizhzhia in Ukraine are at risk of nuclear attack and destabilization, where war has taken the world to the brink of a major nuclear disaster, unlike any we have ever seen. This development should act as a warning to agencies like DOE, and to all of us, of how fragile are nuclear plants and their wastes. As one journalist called nuclear power plants—"pre-deployed nuclear weapons." An "Interim" storage site is not a solution. We already have these all over the country where there are aging or decommissioned power plants, spent uranium mines. etc. These sites should be made safer until a deep geologic repository is found. Then and only then should wastes be moved. Moving wastes to "interim" storage sites, at great risk and expense, which may in the end have to be returned to site of origin seems very dangerous and impractical. Social equity and environmental justice cannot be "built into" the siting process. Social equity and environmental justice should inform and determine the siting process. And if this land ethic is absent from a locale, then this needs to be addressed along with a thorough education about nuclear wastes. This includes health impacts and security issues as part of living with these wastes.*

2. What role should Tribal, State, and local governments and officials play in determining consent for a community to host a federal interim storage facility?

*Most people, including many local government leaders are either not well-versed in—and may be too busy to learn about—a subject as complex as nuclear waste storage. Their opinions should not necessarily hold more weight than some citizens they represent, who clearly have taken the time to learn about the subject*

*More than such a problematic lack of knowledge, local politicians are often influenced by parties hoping for short-term economic gains, fearful-of-waste-site real estate interests and campaign contributors.*

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*If it's a consensus, input from various publics needs to be equal. Question 2 should be the first order of business at the first meeting: "What role should Tribal, State, and local officials and governments play in consenting to siting". Get consensus on this first. Also, all parties need to feel assured the site is sound, that the state is up to the regulatory demands of such a facility, that they all will not be unfairly burdened, and that it is truly interim. A "hot cell" co-located to deal with ageing Spent Fuel management issues would offer some assurance, particularly for high burn up fuel. Onsite support infrastructure could also ensure that re-casking for final disposal, should it be necessary, can be done expeditiously.*

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*Tribal, state and local governments have a critical role in consensus-based siting of a permanent nuclear waste site, as well as the "interim" sites already located all over the country. These stakeholders, along with other public institutions like schools, churches, non-governmental organizations, etc. should be included in any decision for the siting of nuclear wastes. This is a steep educational curve as U.S. citizens have not been educated for the most part about the nuclear narrative they inhabit.*

3. What benefits or opportunities could encourage local, State, and Tribal governments to consider engaging with the Department as it works to identify federal interim storage sites?

*That it is interim is the key. It may not be enough to point to the success of Finland and Sweden on the road to deep geologic disposal. USDOE should make it a condition as part of the plan that if after a certain amount of time, say fifty years, a deep geologic repository is not available, the spent fuel will be returned to the generator.*

*Once geologically suitable candidate sites have been identified, a suite of sites that are geographically dispersed, and ideally in the same region as the reactors, should be publicized nationally to the relevant Tribes and local government*

officials simultaneously. Then the relevant Tribes and government officials should be asked what they need to take this on.

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*As mentioned in the OHCB letter re: Consensus-based siting, transparency is key. The public's trust in DOE has been severely eroded over the years. The first consensus siting decision should be whether "interim" storage is the best solution for remediating our nuclear wastes. Answering questions such as: Why are we continuing to create more waste when we have no way of disposing of it? will need to be addressed. Agencies like DOE must recognize that ignoring catastrophes like climate change and the bombardment of the Zaporizhizha nuclear power plant in the Ukraine manifest because these agencies are so insulated from what's happening on the ground, in people's lives, what we know, what we are learning as citizen scientists, etc. DOE must learn how to collaborate and accept that we know and understand things about nuclearism that agencies like DOE itself do not know.*

4. What are barriers or impediments to successful siting of federal interim storage facilities using a consent-based process and how could they be addressed?

*The most potent barrier is the lack of the existence of a permanent long-term storage facility and **the fear that an "interim" site may become a de facto permanent or very long-term site.***

*This problem might be resolved as follows:*

- A. Require the entities sending the waste, to continue to have ownership of the waste, and liability for damages incurred until the waste is fully under the management of the receiving site.*
- B. Require a legally binding financial instrument, as described in RCRA, to provide funding for eventual removal of the waste and reclamation of the site. Because private companies may cease to exist before such funds are needed, such assurance funds should be independent and appreciate with inflation or with other known changes in the current-day costs of removal.*
- C. If, after a certain period of time (e.g., 25 years) the receiving community asks for removal or when a long-term storage repository becomes operational, the original owner of the waste or the above fund would pay for its secure repackaging, removal, and transportation out of the community.*
- D. The DOE should prioritize above other major projects, the efforts to establish a permanent repository for these wastes.*

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*Barriers: Lack of transparency, credibility, responsibility. Does DOE or better an independent siting agency as proposed in the OHCB letter, know what it's doing? For instance: Is the climate crisis factored into storage sites such as wildfires,*

*flooding, war? What kind of Emergency Response is in place? What will security for this site look like?*

*Addressing these barriers: Working with communities, developing trust and encouraging us to take ownership of these sacrificial landscapes we live in.*

*Taking responsibility to educate and support impacted communities living near these sites to make decisions about this nuclear legacy.*

*DOE must be willing and able to learn and understand the indigenous wisdom of place. Working with local knowledge is crucial. Factoring in climate change is crucial. When we don't see this happening DOE loses its credibility.*

5. How should the Department work with local communities to establish reasonable expectations and plans concerning the duration of storage at federal interim storage facilities?

*At some point mid-process, a sizeable budget should be spent educating candidate communities regarding the costs and benefits of being a disposal site, before their input is considered final. That is, the public has a right not just to an opinion, but to an informed opinion on this highly complex and potentially long-term matter.*

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*Make sure everyone is at the table when plans are created and implemented to monitor storage of wastes-- in perpetuity. This begins with deciding whether "interim" storage is reality-based. By sharing the true risks and challenges of dealing with these wastes, a way forward can open up. It's not a quick or clean process. Many issues will emerge, which must not be excluded from the process initially. Everyone who wants to be heard must be heard.*

6. What organizations or communities should the Department consider partnering with to develop a consent-based approach to siting?

*Some organizations that are regional or local may have good outreach and a history of defending the civil liberties of minority communities in the proposed areas and should be given priority.*

*But some civilian organizations that may appear to be non-partisan may also have leadership with less-than-obvious ties to vested interests. E.g., in a field as complex as nuclear energy, people associated with for-profit entities, such as nuclear power companies, are often looked to, in their communities, for information. The DOE should inspect the credentials of such leaders and avoid working with organizations with influencers that have even the appearance of a conflict of interest.*

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*Educate and train community educators to inform community members about “interim” storage of wastes. These educators can be drawn from diverse community stakeholders: state, county, and local governments, Tribal governments, civil associations, health centers, schools, churches, neighborhood and home owners associations, basically any group that can be included. Educators should be compensated.*

## **Area 2: Removing Barriers to Meaningful Participation**

1. What barriers might prevent meaningful participation in a consent-based siting process and how could those barriers be mitigated or removed?

*A rushed schedule for the process might well prevent meaningful participation. DOE needs to be thinking in terms of years, not months, for this effort.*

*Lack of high-speed internet access in many rural areas is a major barrier that could prevent real outreach to the communities involved. It could also hamper education needed for having informed consent. This would reduce the likelihood of litigation down the road.*

*The lack of knowledge of such a complex subject as the risks to public health of stored nuclear waste is a barrier that can be removed only by spending a lot of time and resources doing outreach and science-based education.*

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*In 2017, the Government Accountability Office (GAO) observed that “In summarizing the public comments DOE had received as part of its public solicitation on consent-based siting, DOE reported in September 2016 that a lack of trust and credibility—particularly, lack of trust in DOE—were recurring themes and major impediments to the success of a consent-based siting process.”<sup>1</sup> Time and again, expert panels and even DOE officials have stated that an independent waste management organization would be more effective in gaining stakeholder trust and completing a repository siting process. DOE should strongly consider whether the repository siting process would be more successful if led by a new, wholly independent organization of the federal government, which is disconnected from the history of prior waste repository siting attempts. Such an organization would need a sole focus – establishing a clear, transparent, and comprehensive site selection process before ever targeting any particular location. In establishing such a process, the organization would need to build its credibility with the entire country, including potential host communities, host states, neighboring states and communities, Native American tribes, and the general public.*

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<sup>1</sup> <https://www.gao.gov/assets/gao-17-174.pdf>



2. What resources might be needed to ensure potentially interested communities have adequate opportunities for information sharing, expert assistance, and meaningful participation in the consent-based siting process?

*A large outreach budget for advertising and education will be needed.*

*DOE should work with the other federal agencies to prioritize high-speed internet development that may arise from other federal spending (e.g., the Infrastructure Investment and Jobs Act) in candidate communities.*

3. How might the Department more effectively engage with local, State, and Tribal governments on consent-based siting of federal interim storage facilities?

*We do not believe it is possible to trust the assurances of a long-term performance model if the process of developing that model is not trusted and if the developing agency can rubber stamp the results without external consent. This is not a novel idea. It has been repeated time and again by the GAO, the National Academy of Sciences, the Blue Ribbon Commission, and countless others who recognize that the siting of a nuclear waste repository is a fundamentally human decision. Thus, the siting process must balance not only technical parameters and uncertainty, but truth, perceived risk, perceived benefits, and trust.*

*In recent remarks made to the San Onofre Community Engagement Panel, attended by the acting Deputy Assistant Secretary of Spent Fuel and Waste Disposition, one of the presenters (not affiliated with DOE) offered the following perspective on the selection process for a spent fuel and high-level waste repository.<sup>2</sup>*

*“Nations that have been able to find homes for the waste did three simple things that the U.S. has not done, Issacs said: They understood if someone is going to trust you, they must believe you’re competent, and that you have their best interests at heart, and that they’ll be better off for being part of the process.”*

*The presenter also reflected on the value of trust in the process and the effect the attitude of the lead agency can have on the ability to earn trust:*

*“You listen, and respond,” Issacs said. “It doesn’t mean, ‘I understand this better than you, listen to me, I’m a scientist.’ It’s, ‘If you’re concerned, I’m concerned.’ That’s the key in a nutshell to why things work in Sweden and Finland and hopefully in Canada,”*

*In our opinion, these perspectives are on the right track.*

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<sup>2</sup> <https://www.ocregister.com/2022/02/10/3-magic-keys-to-unlock-a-permanent-home-for-nuclear-waste/>

4. What information do communities, governments, or other stakeholders need to engage with the Department on consent-based siting of federal interim storage facilities?

*At a minimum, these publics need to know:*

- A. *What materials would be stored, and how much.*
- B. *What is the length of time the materials would be radioactive and potentially hazardous to human health and the environment, in the event of a mishap or incursion.*
- C. *What kind of maintenance and security would be needed, and for how long.*
- D. *Would there be an expectation of taking more in the future.*
- E. *What changes to the local infrastructure (e.g., rail lines) would be required.*
- F. *What the likely health outcomes are, in the event of accidents in various scenarios (close exposure with- and without shielding, ingestion through inhalation, etc.)*
- G. *What are the best- and worst-case peer-reviewed findings for public health concerns in communities within 50 miles of sites currently storing such waste.*
- H. *What kinds of jobs would construction of the site or changes to the infrastructure provide, whether filling those positions would necessarily occur locally, and how long each position would last.*
- I. *What kinds of positions and job requirements would be needed for ongoing maintenance of the site.*
- J. *What are the expected lifespans of the initially constructed buildings, pads, transportation structures and the likely costs of replacement, with natural ageing and in the event of a severe weather event. Such potential events should include those experienced in the past in the region, or likely to occur with climate change. These should be considered using current predictions of rising global temperatures and likely sea level rise, per the National Oceanic and Atmospheric Administration.*
- K. *The public also needs to know if and how the DOE is making a new effort to site a permanent repository.*
- L. *Whether these shipments would be first in line to be deposited in a permanent repository.*

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*The public needs to know why this waste is being moved around in the first place.*

### **Area 3: Interim Storage as Part of a Waste Management System**

3. To what extent should development of an interim storage facility relate to progress on establishing a permanent repository?

*Because Oregon's interest encompasses both spent fuel and defense HLW, we are similarly invested in siting efforts for both a permanent spent fuel repository and a separate defense HLW repository (DWR), as directed by President Obama*

*in 2015<sup>3</sup> and as had begun to be enacted by USDOE<sup>4</sup> until it seemingly stalled or stopped without notice. We note that the DWR page on the Energy.gov website referenced in the 2015 Federal Register notice (associated with the DWR plan<sup>5</sup>) is no longer available, nor do we hear any mention of a DWR in our work with DOE at Hanford. A DWR is not mentioned in this latest RFI either.<sup>6</sup> The most recent public reporting regarding this effort is from 2017.<sup>7</sup> While we recognize that consistency of direction across administrations is challenging, it is important for the sake of transparency and stakeholder trust that USDOE's intentions regarding the permanent disposal of defense HLW be clarified as part of any repository siting process. Oregon may support a separate repository for defense HLW, if it could lead to swifter action to safely and permanently disposing of such waste.*

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*Citizen oversight boards consisting of members representing diverse communities should be established to monitor the various aspects of these sites: safety, budget, contractors, long term planning-- all of the factors that seem to have been ignored and/or compromised over the years.*

4. What other issues should the Department consider in developing a waste management system?

- *The last question should be first and that is, "Should the fuel be moved twice?"*
- *Not sure it should be a public process but would like to see evidence of a study comparing the potential damage and recovery from sabotage to an Independent Spent Fuel Storage Installation versus a consolidated storage site. This question should have priority over land usage at former reactor sites. If an attack were to happen, how would the location and fuel storage configuration affect the recovery and damage to surrounding area and population?*
- *In order to understand and conduct consensus processes, the folks doing this should conduct their own business via consensus.*

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<sup>3</sup> <https://www.presidency.ucsb.edu/documents/memorandum-disposal-defense-high-level-radioactive-waste-separate-repository>

<sup>4</sup> <https://www.energy.gov/sites/prod/files/2015/03/f20/Defense%20Repository%20Fact%20Sheet.pdf>

<sup>5</sup> <https://www.govinfo.gov/content/pkg/FR-2016-12-19/html/2016-30366.htm>

<sup>6</sup> <https://www.energy.gov/sites/prod/files/2017/01/f34/Draft%20Consent-Based%20Siting%20Process%20and%20Siting%20Considerations.pdf>

<sup>7</sup> <https://www.exchangemonitor.com/gao-report-opens-door-for-doe-to-walk-away-from-defense-waste-repository/?printmode=1>

## **Appendix 2: Relevant Oregon Revised Statutes Concerning Permanent Spent Fuel Repository Selection**

**469.566 Legislative findings.** (1) The Legislative Assembly finds and declares that Oregon is not assured that the United States Department of Energy will:

(a) Consider the unique features of Oregon and the needs of the people of Oregon when assessing the Hanford Nuclear Reservation as a potentially suitable location for the long-term disposal of high-level radioactive waste; or

(b) Ensure adequate opportunity for public participation in the assessment process.

(2) Over the past 45 years, the United States has developed and produced nuclear weapons at the Hanford Nuclear Reservation and during this period large quantities of radioactive hazardous and chemical wastes have accumulated at the Hanford Nuclear Reservation, and the waste sites pose an immediate and serious long-term threat to the environment and to public health and safety.

(3) Therefore, the Legislative Assembly declares that it is in the best interests of the State of Oregon to establish an Oregon Hanford Cleanup Board to serve as a focus for the State of Oregon in the development of a state policy to be presented to the federal government, to ensure a maximum of public participation in the assessment and cleanup process. [1987 c.514 §1; 1991 c.562 §3; 2001 c.104 §204; 2003 c.186 §33]

**Note:** 469.566 to 469.583 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 469 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**469.573 Purpose of Oregon Hanford Cleanup Board.** The Oregon Hanford Cleanup Board:

(1) Shall serve as the focal point for all policy discussions within the state government concerning the disposal of high-level radioactive waste in the northwest region.

(2) Shall recommend a state policy to the Governor and to the Legislative Assembly.

(3) After consultation with the Governor, may make policy recommendations on other issues related to the Hanford Nuclear Reservation at Richland, Washington, including but not limited to defense wastes, disposal and treatment of chemical waste and plutonium production. [1987 c.514 §6; 2001 c.104 §206]

**Note:** See note under 469.566.

**469.574 Duties of Oregon Hanford Cleanup Board; coordination with Washington.** In carrying out its purpose as set forth in ORS 469.573, the Oregon Hanford Cleanup Board shall:

(1) Serve as the initial agency in this state to be contacted by the United States Department of Energy or any other federal agency on any matter related to the long-term disposal of high-level radioactive waste and other issues related to the Hanford Nuclear Reservation.

(2) Serve as the initial agency in this state to receive any report, study, document, information, or notification of proposed plans from the federal government on any matter related to the long-term disposal of high-level radioactive waste or other issues related to the Hanford Nuclear Reservation. Notification of proposed plans includes notification of proposals to conduct field work, on-site evaluation, or on-site testing.

(3) Disseminate or arrange with the United States Department of Energy or other federal agency to disseminate the information received under subsection (2) of this section to

appropriate state agencies, local governments, regional planning commissions, American Indian tribal governing bodies, the general public and interested citizen groups who have requested in writing to receive this information.

(4) Recommend to the Governor and Legislative Assembly appropriate responses to contacts under subsection (1) of this section and information received under subsection (2) of this section if a response is appropriate. The board shall consult with the appropriate state agency, local government, regional planning commission, American Indian tribal governing body, the general public and interested citizen groups in preparing this response.

(5) Promote and coordinate educational programs which provide information on the nature of high-level radioactive waste, the long-term disposal of this waste, the activities of the board, the activities of the United States Department of Energy and any other federal agency related to the long-term disposal of high-level radioactive waste or other issues related to the Hanford Nuclear Reservation and the opportunities of the public to participate in procedures and decisions related to this waste.

(6) Review any application to the United States Department of Energy or other federal agency by a state agency, local government, or regional planning commission for funds for any program related to the long-term disposal of high-level radioactive waste or other issues related to the Hanford Nuclear Reservation. If the board finds that the application is not consistent with the state's policy related to such issue or that the application is not in the best interest of the state, the board shall forward its findings to the Governor and the appropriate legislative committee. If the board finds that the application of a state agency is not consistent with the state's policy related to long-term disposal of high-level radioactive waste or that the application of a state agency is not in the best interest of the state, the findings forwarded to the Governor and legislative committee shall include a recommendation that the Governor act to stipulate conditions for the acceptance of the funds which are necessary to safeguard the interests of the state.

(7) Monitor activity in Congress and the federal government related to the long-term disposal of high-level radioactive waste and other issues related to the Hanford Nuclear Reservation.

(8) If appropriate, advise the Governor and the Legislative Assembly to request the Attorney General to intervene in federal proceedings to protect the state's interests and present the state's point of view on matters related to the long-term disposal of high-level radioactive waste or other issues related to the Hanford Nuclear Reservation.

(9) Coordinate with appropriate counterparts and agencies in the State of Washington. [1987 c.514 §7; 1991 c.562 §4; 2001 c.104 §207]

**469.576 Review of Hanford as site selected for long-term disposal of high-level radioactive waste.**

(1) If the United States Department of Energy selects the Hanford Nuclear Reservation as the site for the construction of a repository for the long-term disposal of high-level radioactive waste, the Oregon Hanford Cleanup Board shall review the selected site and the site plan prepared by the United States Department of Energy. In conducting its review, the board shall:

- (a) Include a full scientific review of the adequacy of the selected site and of the site plan;
- (b) Use recognized experts;
- (c) Conduct one or more public hearings on the site plan;
- (d) Make available to the public arguments and evidence for and against the site plan; and

(e) Solicit comments from appropriate state agencies, local governments, regional planning commissions, American Indian tribal governing bodies, the general public and interested citizen groups on the adequacy of the Hanford site and the site plan.

(2) After completing the review under subsection (1) of this section, the board shall submit a recommendation to the Speaker of the House of Representatives, the President of the Senate, and the Governor on whether the state should accept the Hanford site. [1987 c.514 §10; 2001 c.104 §208]

**469.577 Lead agency; agreements with federal agencies related to long-term disposal of high-level radioactive waste.** (1) In addition to any other duty prescribed by law and subject to the policy direction of the board, a lead agency designated by the Governor shall negotiate written agreements and modifications to those agreements, with the United States Department of Energy or any other federal agency or state on any matter related to the long-term disposal of high-level radioactive waste.

(2) Any agreement or modification to an agreement negotiated by the agency designated by the Governor under subsection (1) of this section shall be consistent with the policy expressed by the Governor and the Legislative Assembly as developed by the Oregon Hanford Cleanup Board.

(3) The Oregon Hanford Cleanup Board shall make recommendations to the agency designated by the Governor under subsection (1) of this section concerning the terms of agreements or modifications to agreements negotiated under subsection (1) of this section or other issues related to the Hanford Nuclear Reservation. [1987 c.514 §11; 1991 c.562 §5; 2001 c.104 §209]

**469.584 Findings.** The Legislative Assembly and the people of the State of Oregon find that:

(1) In order to solve the problem of high-level radioactive waste disposal, Congress established a process for selecting two sites for the safe, permanent, and regionally equitable disposal of such waste.

(2) The process of selecting three sites as final candidates, including the Hanford Nuclear Reservation in the State of Washington, for a first high-level nuclear waste repository by the United States Department of Energy violated the intent and the mandate of Congress.

(3) The United States Department of Energy has prematurely deferred consideration of numerous potential sites and disposal media that its own research indicates are more appropriate, safer, and less expensive.

(4) Placement of a repository at Hanford without methodical and independently verified scientific evaluation threatens the health and safety of the people and the environment of this state.

(5) The selection process is flawed and not credible because it did not include independent experts in the selection of the sites and in the review of the selected sites, as recommended by the National Academy of Sciences.

(6) By postponing indefinitely all site specific work for an eastern repository, the United States Department of Energy has not complied with the intent of Congress expressed in the Nuclear Waste Policy Act, Public Law 97-425, and the fundamental compromise which enabled its enactment. [1987 c.13 §1; 2001 c.104 §211]

**Note:** 469.584 and 469.585 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 469 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**469.585 Activities of state related to selection of high-level radioactive waste disposal site.** In order to achieve complete compliance with federal law and protect the health, safety, and welfare of the people of the State of Oregon, the Legislative Assembly, other statewide officials, and state agencies shall use all legal means necessary to:

(1) Suspend the preliminary site selection process for a high-level nuclear waste repository, including the process of site characterization, until there is compliance with the intent of the Nuclear Waste Policy Act;

(2) Reverse the Secretary of Energy's decision to postpone indefinitely all site specific work on locating and developing an eastern repository for high-level nuclear waste;

(3) Insist that the United States Department of Energy's site selection process, when resumed, considers all acceptable geologic media and results in safe, scientifically justified and regionally and geographically equitable high-level nuclear waste disposal;

(4) Demand that federal budget actions fully and completely follow the intent of the Nuclear Waste Policy Act;

(5) Continue to pursue alliances with other states and interested parties, particularly with Pacific Northwest Governors, legislatures, and other parties, affected by the site selection process and transportation of high-level nuclear waste; and

(6) Ensure that Oregon, because of its close geographic and geologic proximity to the proposed Hanford Nuclear Reservation site, be accorded the same status under federal law as a state in which a high-level nuclear repository is proposed to be located. [1987 c.13 §2; 2001 c.104 §212]

**Note:** See note under 469.584.