AIM

Association for Information and Image Management

1100 Wayne Avenue, Suite 1100
Silver Spring, Maryland 20910
301/587-8202

Centimeter

Inches

MANUFACTURED TO AIM STANDARDS
BY APPLIED IMAGE, INC.

1 of 1

*Report to Congress in
Response to Public Law 99-240*

**Summary of Expenditures of
Rebates from the Low-Level
Radioactive Waste Surcharge
Escrow Account for Calendar
Year 1992**

**U.S. Department of Energy
Office of Environmental Restoration
and Waste Management
Washington, D.C. 20585**

June 1993

The Secretary of Energy
Washington, DC 20585

June 30, 1993

The Honorable Al Gore, Jr.
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

Enclosed is the seventh in a series of annual reports prepared for the Congress entitled "Summary of Expenditures of Rebates from the Low-Level Radioactive Waste Surcharge Escrow Account for Calendar Year 1992."

The Department of Energy (DOE) submits this report in compliance with section 5(d)(2)(E)(ii)(II) of Title I--Low-Level Radioactive Waste Policy Amendments Act of 1985 (the Act). Section 5(d)(2)(E) specifies how rebates from the surcharge escrow account may be used by States and compact regions in developing new low-level radioactive waste disposal capacity. Following these specifications, States and compact regions use the surcharge rebates to aid in funding some of their current and planned activities.

To date, approximately \$15 million has been disbursed under this program to the States and compact regions following the 1986, 1988, and 1990 milestones. About \$1.5 million of these funds were expended by the States and compact regions during calendar year 1992 for work on low-level radioactive waste management activities.

The Act requires recipients of the rebates to provide the DOE with an expenditure report at the end of each calendar year in which any of the rebated funds are expended. The Department of Energy analyzes these reports in terms of the expenditure requirements that are defined in the Act. After reviewing the reported expenditures by the States and compact regions in 1992, DOE concludes that they comply with the spending limitations in the Act.

The Department pledges to continue its support of States and compact regions as they endeavor to develop new low-level radioactive waste disposal facilities.

Sincerely,

A handwritten signature in cursive script, reading "Hazel R. O'Leary", is written over the typed name.

Hazel R. O'Leary

Enclosure

MASTER

Handwritten initials, possibly "EP", are located in the bottom right corner of the page.

ADDRESS LIST

The Honorable Al Gore, Jr.
President of the Senate
Washington, D.C. 20510

The Honorable J. Bennett Johnston
Chairman
Committee on Energy
and Natural Resources
United States Senate
Washington, D.C. 20510

The Honorable Malcolm Wallop
Ranking Minority Member
Committee on Energy
and Natural Resources
United States Senate
Washington, D.C. 20510

The Honorable Max Baucus
Chairman
Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

The Honorable John H. Chafee
Ranking Minority Member
Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

The Honorable Joseph R. Biden, Jr.
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Jack Brooks
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

The Honorable J. Bennett Johnston
Chairman
Subcommittee on Energy and
Water Development
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable Tom Bevill
Chairman
Subcommittee on Energy and
Water Development
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Thomas S. Foley
Speaker of the
House of Representatives
Washington, D.C. 20515

The Honorable John D. Dingell
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Carlos J. Moorhead
Ranking Minority Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable George Miller
Chairman
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Don Young
Ranking Minority Member
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Orrin G. Hatch
Ranking Minority Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Hamilton Fish, Jr.
Ranking Minority Member
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Mark O. Hatfield
Ranking Minority Member
Subcommittee on Energy and
Water Development
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable John T. Myers
Ranking Minority Member
Subcommittee on Energy and
Water Development
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

EXECUTIVE SUMMARY

This is the seventh report submitted to Congress in accordance with section 5(d)(2)(E)(ii)(II) of Title I--Low-Level Radioactive Waste Policy Amendments Act of 1985 (the Act). This section of the Act directs the Department of Energy (DOE) to summarize the annual expenditures of funds disbursed from the DOE surcharge escrow account and to assess compliance of these expenditures with the limitations specified in the Act.

In addition to placing limitations on the use of these funds, the Act also requires the nonsited compact regions and nonmember States to provide DOE with an itemized report of their expenditures on December 31 of each year in which funds are expended. Within 6 months after receiving the individual reports, the Act requires the Secretary to furnish Congress with a summary of the reported expenditures and an assessment of compliance with the specified usage limitations. This report fulfills that requirement.

DOE disbursed funds totaling \$15,037,778.91 to the States and compact regions following the July 1, 1986, January 1, 1988, and January 1, 1990, milestones specified in the Act. Of this amount, \$1,445,701.61 was expended during calendar year 1992 and \$10,026,763.87 was expended during the prior 6 years. At the end of December 1992, \$3,565,313.43 was unexpended.

DOE has reviewed each of the reported expenditures and concluded that all reported expenditures comply with the spending limitations stated in section 5(d)(2)(E)(i) of the Act.

CONTENTS

EXECUTIVE SUMMARY	i
1. INTRODUCTION	1
2. 1986, 1988, AND 1990 MILESTONE DISBURSEMENTS	3
2.1 Eligibility	3
2.2 Disbursements	5
3. 1992 EXPENDITURES	8
3.1 1992 Expenditures By Nonsited Compact Regions	8
3.2 1992 Expenditures By Nonmember States	12
APPENDIX: SUMMARY OF DISBURSEMENTS AND EXPENDITURES (1986-1992)	14

TABLES

1. DISBURSEMENT ELIGIBILITY DETERMINATIONS	4
2. 1986, 1988, AND 1990 MILESTONE DISBURSEMENTS	6
3. 1992 EXPENDITURES BY EXPENSE CATEGORY	9
A-1. EXPENDITURES BY YEAR (1986-1992)	16
A-2. EXPENDITURES BY EXPENSE CATEGORY (1986-1992)	18

FIGURES

A-1. TOTAL REBATES AVAILABLE AND EXPENDITURES BY YEAR	15
---	----

SUMMARY OF EXPENDITURES OF REBATES FROM
THE LOW-LEVEL RADIOACTIVE WASTE SURCHARGE ESCROW ACCOUNT FOR
CALENDAR YEAR 1992

1. INTRODUCTION

This report is submitted in response to Title I--Low-Level Radioactive Waste Policy Amendments Act of 1985 (the Act). The report summarizes expenditures made during calendar year 1992 of surcharge rebates from the July 1, 1986, January 1, 1988, and January 1, 1990, milestones.

The Act requires the Department of Energy (DOE) to administer a surcharge escrow account. This account consists of a portion of the surcharge fees paid by generators of low-level radioactive waste in nonsited compact regions (compact regions currently without disposal sites) and nonmember States (States without disposal sites that are not members of compacts) to the three States with operating disposal facilities (Nevada, South Carolina, and Washington--sited States) for using their disposal facilities. In administering the surcharge escrow account, the Act requires DOE to:

- Invest the funds in interest-bearing United States Government securities;
- Determine eligibility for rebates of the funds by evaluating compact region and State progress toward developing new disposal sites against the milestone requirements set forth in the Act;
- Disburse the collected rebates and accrued interest to eligible compact regions, States, or generators;
- Assess compliance of rebate expenditures with the limitations prescribed in the Act; and
- Submit a report annually to Congress summarizing rebate expenditures by State and compact region.

Section 5(d) of the Act authorized the three sited States to collect surcharges on waste received at their facilities that was generated in nonsited compact regions and nonmember States. Low-level radioactive waste generators in sited regions are exempt from these surcharges. Twenty-five percent of the surcharges collected by the sited States from waste generators in the nonsited compact regions and nonmember States is transferred monthly to the DOE surcharge escrow account.

As an incentive established in the Act, DOE returns the surcharge funds, and interest earned, in the form of rebates to those nonsited compact regions and nonmember States when requirements of a milestone have been met. When such requirements have not been met, rebates are returned to the generators who paid the surcharges. In the event that neither the State nor the generator is eligible, those funds are rebated to the sited State in which they were collected.

Section 5(d)(2)(E)(i) of the Act specifies that any funds paid from the DOE surcharge escrow account may only be used to:

- "(I) establish low-level radioactive waste disposal facilities;
- (II) mitigate the impact of low-level radioactive waste disposal facilities on the host State;
- (III) regulate low-level radioactive waste disposal facilities; or
- (IV) ensure the decommissioning, closure, and care during the period of institutional control of low-level radioactive waste disposal facilities."

Section 5(d)(2)(E)(ii)(I) states that nonsited compact regions and nonmember States receiving rebates:

". . . shall, on December 31 of each year in which any such funds are expended, submit a report to the Department of Energy itemizing any such expenditures."

Section 5(d)(2)(E)(ii)(II) states that:

"Not later than six months after receiving the reports [submitted by nonsited compact regions and nonmember States]...the Secretary shall submit to the Congress a summary of all such reports that shall include an assessment of the compliance of each such State or compact commission with the requirements of clause (i)."

On June 24, 1986, DOE issued a Federal Register Notice entitled "Implementation of Procedures for DOE's Management of the Low-Level Radioactive Waste Surcharge Escrow Account" (51 FR 23030). This Notice described procedures for the following actions:

- Transfer of surcharge funds from the sited States to the DOE surcharge escrow account;
- Disbursement of rebates from the DOE surcharge escrow account to nonsited compact regions and nonmember States; and
- Submission of the rebate expenditure reports by the nonsited compact regions and nonmember States to DOE.

This report and the six prior rebate expenditure reports are based on information provided to DOE by States and compact regions in response to the reporting procedures in the Notice. The appendix provides a summary of this information from 1986 through 1992.

2. 1986, 1988, AND 1990 MILESTONE DISBURSEMENTS

2.1 Eligibility

The first milestone, section 5(e)(1)(A) of the Act, required that:

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

Following the first milestone, DOE found 6 compact regions (22 member States) and 6 nonmember States eligible to receive surcharge rebates and 2 States ineligible; DOE did not evaluate 3 States because no funds attributed to their low-level radioactive waste generators had been deposited in the surcharge escrow account as shown in Table 1.

The second milestone, section 5(e)(1)(B) of the Act, required that by January 1, 1988, each nonmember State would develop a siting plan and delegate authority to implement the plan. In addition, "...each non-sited compact region shall identify the State in which its low-level radioactive waste disposal facility is to be located, or shall have selected the developer for such facility and the site to be developed...."

Following the second milestone, DOE found 6 compact regions (22 member States) and 7 nonmember States eligible to receive surcharge rebates and 3 States ineligible; DOE did not evaluate 1 State because no funds attributed to their generators had been deposited in the surcharge escrow account as shown in Table 1.

The third milestone, section 5(e)(1)(C) of the Act, required each host State to submit by January 1, 1990, a complete disposal facility license application. As an alternative, the Act allowed the Governor of each State not in a sited compact region to provide a written certification to the Nuclear Regulatory Commission stating "that such State will be capable of providing for, and will provide for, the storage, disposal, or management of any low-level radioactive waste generated within such State and requiring disposal after December 31, 1992, and include a description of the actions that will be taken to ensure that such capacity exists."

Following the third milestone, DOE found 6 compact regions (24 member States) and 6 nonmember States eligible to receive surcharge rebates and 3 States not subject to evaluations by DOE because no funds attributed to their low-level radioactive waste generators had been deposited in the surcharge escrow account. No State was found ineligible to receive surcharge rebates following the third milestone. These determinations are shown in Table 1.

The 19 member States of the three sited compact regions (Northwest, Rocky Mountain, Southeast) are not subject to the requirements of any milestone. All funds attributable to States found ineligible to receive rebates were disbursed back to the sited States in which they were collected.

TABLE 1. DISBURSEMENT ELIGIBILITY DETERMINATIONS

<u>Nonsited Compact Regions and States</u>	<u>1986 Milestone</u>	<u>1988 Milestone</u>	<u>1990 Milestone</u>
Appalachian (DE, MD, PA, WV)	E	E	E
Central (AR, KS, LA, NE, OK)	E	E	E
Central Midwest (IL, KY)	E	E	E
Midwest (IN, IA, MI, ^a MN, MO, OH, WI)	E	E	E
Northeast (CT, NJ)	E	E	E
Western (AZ, SD)	E	E	b/
Southwestern (AZ, CA, ND, SD)	b/	b/	E
California	E	E	b/
District of Columbia	I	E	E
Maine	E	E	E
Massachusetts	E	E	E
New Hampshire	N	I	N
New York	E	E	E
North Dakota	N	I	b/
Puerto Rico	N	N	N
Rhode Island	I	E	E
Texas	E	E	E
Vermont	E	I	N

E = Eligible for milestone disbursement

I = Ineligible for milestone disbursement

N = Not Evaluated by DOE (no surcharge funds to rebate)

a. On July 24, 1991, the Midwest Compact Commission voted to revoke Michigan's membership in the compact.

b. The Western Compact was dissolved when Arizona and California formed the Southwestern Compact in July 1988. In February 1989 and July 1989, South Dakota and North Dakota, respectively, joined the Southwestern Compact.

2.2 Disbursements

A total of \$15,037,778.91 has been disbursed to the nonsited compact regions and nonmember States as shown on Table 2. Of this amount, \$912,043.78 was attributable to the July 1, 1986, milestone; \$4,423,204.77 was attributable to the January 1, 1988, milestone; and \$9,702,530.36 was attributable to the January 1, 1990, milestone. An additional \$70,080.88 was returned to the sited States either because the money was collected from sited compact region generators and deposited in the surcharge escrow account in error, or the State that originally paid the surcharge was determined to be ineligible to receive rebates.

Because the Appalachian Compact Commission had not yet convened at the time disbursements were made following each of the milestones, rebates were made to the individual member States having funds attributed to them except for the States of Delaware and West Virginia. These States requested that their funds continue to be held in the DOE surcharge escrow account. Additional funds attributable to Maryland and Pennsylvania that were deposited in the escrow account after disbursement of the January 1, 1990, rebates were also held in the escrow account at the request of the Appalachian Compact Commission. In 1991, at the request of the Appalachian Compact Commission, DOE disbursed all funds being held for the member States to the compact commission.

Because the Southwestern Compact Commission had not convened before the January 1, 1990, milestone disbursements were made, rebates were made to the individual member States (Arizona, California, North Dakota, and South Dakota) having funds attributed to them except for the State of South Dakota. South Dakota requested that its funds continue to be held in the DOE surcharge escrow account. The Southwestern Compact Commission was established during the fall of 1990, but has not yet requested the funds being held for South Dakota.

TABLE 2. 1986, 1988, 1990 MILESTONE DISBURSEMENTS

<u>Compact Regions and States</u>	<u>1986 Milestone</u>	<u>1988 Milestone</u>	<u>1990 Milestone</u>	<u>Total Disbursements</u>
Appalachian	\$ 1,499.00 ^a	\$ 9,379.44 ^a	\$ 20,312.71 ^a	\$ 31,191.15
Delaware	0.00	0.00	0.00	0.00
Maryland	16,915.95	92,846.61	377,040.34	486,802.90
Pennsylvania	156,572.29	691,516.91	1,519,047.26	2,367,136.46
West Virginia	0.00	0.00	0.00	0.00
Central	77,839.70	574,143.49	848,365.95	1,500,349.14
Central Midwest	159,010.35	798,734.73	1,397,076.64	2,354,821.72
Midwest	106,952.25	547,873.41	1,356,453.07	2,011,278.73
Northeast	104,300.92	480,026.66	1,032,121.30	1,616,448.88
Northwest	0.00	5.00 ^b	0.00	0.00
Rocky Mountain	230.73 ^c	706.22 ^c	0.00	0.00
Southeast	9,115.49 ^c	10,875.16 ^d	0.00	0.00
Southwestern ^e				
Arizona	678.10	52,643.19	325,775.01	379,096.30
California	89,180.75	397,597.72	1,018,921.95	1,505,700.42
North Dakota	0.00	391.93 ^f	546.31	546.31
South Dakota	0.00	0.00 ^g	0.00 ^g	0.00
District of Columbia	256.37 ^h	1,910.47	9,850.45	11,760.92
Maine	6,312.29	25,899.14	109,478.97 ⁱ	141,690.40
Massachusetts	81,897.34	249,317.06	578,542.99	909,757.39
New Hampshire	0.00	6,993.58 ^j	142.76 ^k	0.00
New York	94,467.47	322,837.23	912,025.29	1,329,329.99
Puerto Rico	0.00	0.00	0.00	0.00
Rhode Island	677.49 ^l	5,711.39	13,654.56	19,365.95
Texas	245.98	172,767.32	183,317.56	356,330.86
Vermont	<u>16,171.39</u>	<u>26,681.09^j</u>	<u>7,975.82^m</u>	<u>16,171.39</u>
TOTAL	\$912,043.78 ⁿ	\$4,423,204.77 ⁿ	\$9,702,530.36 ⁿ	\$15,037,778.91 ⁿ

TABLE 2. (continued)

-
- a. At the request of the Appalachian Compact Commission, DOE disbursed surcharge funds in September 1991 to the compact commission totaling \$31,191.15. Of this amount, \$26,605.75 was attributable to Delaware, \$80.53 to Maryland, \$236.85 to Pennsylvania, and \$4,268.02 to West Virginia.
 - b. Refunded to the sited State of Nevada because surcharge funds were collected from generators in other sited compact regions.
 - c. Refunded to the sited State of Washington because surcharge funds were collected from generators in other sited compact regions.
 - d. Disbursed \$10,491.13 to the sited State of Washington and \$384.03 to the sited State of Nevada to refund surcharges collected from generators in other sited compact regions.
 - e. The Western Compact was dissolved when the States of California and Arizona formed the Southwestern Compact in July 1988. In February 1989 and July 1989, South Dakota and North Dakota, respectively, joined the Southwestern Compact. At the end of 1990, the Southwestern Compact Commission was not ready to receive rebate disbursements for its member States.
 - f. Disbursed \$384.37 to the sited State of Washington and \$7.56 to the sited State of South Carolina following the Department of Energy determination of ineligibility.
 - g. All deposits are being held in the interest-bearing Department of Energy surcharge escrow account at the request of the State.
 - h. Disbursed to sited State of Washington following the Department of Energy determination of ineligibility.
 - i. Refunded an additional \$6,029.24 to the sited State of South Carolina for surcharge funds collected during a period of noncompliance as determined by the sited States.
 - j. Disbursed \$6,847.38 to the sited State of Washington, \$6.71 to the sited State of Nevada, and \$139.49 to the sited State of South Carolina following the Department of Energy determination of ineligibility.
 - k. Refunded to sited State of Nevada because surcharge funds were collected during a period of noncompliance as determined by the sited States.
 - l. Disbursed \$1,213.21 to the sited State of Washington, \$231.72 to the sited State of Nevada, and \$25,236.16 to the sited State of South Carolina following the Department of Energy determination of ineligibility.
 - m. Refunded to the sited State of South Carolina because surcharge funds were collected during a period of noncompliance as determined by the sited States.
 - n. Does not include disbursements to the States of Washington, Nevada, or South Carolina because they are sited States.
-

3. 1992 EXPENDITURES

The nonsited compact regions and nonmember States receiving rebates for the 1986, 1988, or 1990 milestones submitted reports covering expenditures of these funds during calendar year 1992. Expenditures were reported by the following States and compact regions:

- Appalachian
- Central
- Central Midwest
- Midwest
- Northeast
- Southwestern
- District of Columbia
- Massachusetts
- Texas

A total of \$1,445,701.61 was expended by the compact regions and States during 1992. Detailed information concerning expenditures made by each State and compact region during 1992 is presented in Table 3 and Sections 3.1 and 3.2.

Three States have placed special restrictions on the availability of their funds. In Massachusetts, some of its funds are held in an account reserved to fund development of site selection criteria. In New York, funds are held in a special account administered by the New York State Energy Research and Development Authority that requires legislative action to reimburse authorized expenditures of designated State agencies. The first year that this legislative action was taken by the New York State legislature was 1991. In Texas, the remaining funds will not be used until preliminary construction of the disposal facility begins.

3.1 1992 Expenditures By Nonsited Compact Regions

Appalachian

Because the Appalachian Compact Commission had not yet convened at the time disbursements were made following each of the milestones, rebates were made to the individual member States having funds attributed to them except for the States of Delaware and West Virginia. These States requested that their funds continue to be held in the DOE surcharge escrow account. Additional funds attributable to Maryland and Pennsylvania that were deposited in the escrow account after disbursement of the January 1, 1990, rebates were also held in the escrow account at the request of the Appalachian Compact Commission. In 1991, at the request of the Appalachian Compact Commission, DOE disbursed all funds (\$31,191.15) being held for the member States to the compact commission.

TABLE 3. 1992 EXPENDITURES BY EXPENSE CATEGORY

<u>Nonsited Compact Regions and States</u>	<u>Establish Disposal Facility</u>	<u>Mitigate Host State Impacts</u>	<u>Regulate Disposal Facility</u>	<u>Ensure D&D Closure and Care</u>	<u>Total 1992 Expenditures</u>
Appalachian	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Delaware	0.00	0.00	0.00	0.00	0.00
Maryland	0.00	55,645.23	0.00	0.00	55,645.23
Pennsylvania	0.00	0.00	0.00	0.00	0.00
West Virginia	0.00	0.00	0.00	0.00	0.00
Central	46,828.00	0.00	0.00	0.00	46,828.00
Central Midwest	673,838.27	62,647.08	0.00	0.00	736,485.35
Midwest	277,732.12	0.00	0.00	0.00	277,732.12
Northeast	16,672.00	0.00	0.00	0.00	16,672.00
Southwestern ^a					
Arizona	23,533.09	0.00	0.00	0.00	23,533.09
California	0.00	0.00	0.00	0.00	0.00
North Dakota	0.00	0.00	0.00	0.00	0.00
South Dakota ^b	0.00	0.00	0.00	0.00	0.00
District of Columbia	1,729.40	0.00	0.00	0.00	1,729.40
Maine	0.00	0.00	0.00	0.00	0.00
Massachusetts	19,402.92	0.00	0.00	0.00	19,402.92
New York	0.00	0.00	0.00	0.00	0.00
Rhode Island	0.00	0.00	0.00	0.00	0.00
Texas	267,673.50	0.00	0.00	0.00	267,673.50
Vermont	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL	\$1,327,409.30	\$118,292.31	\$ 0.00	\$ 0.00	\$1,445,701.61

- a. The Western Compact was dissolved when the States of California and Arizona formed the Southwestern Compact in July 1988. In February 1989 and July 1989, South Dakota and North Dakota, respectively, joined the Southwestern Compact. At the end of 1990, the Southwestern Compact Commission had not made the necessary provisions to receive rebate disbursements for its member States.
- b. All deposits are being held in the interest-bearing Department of Energy surcharge escrow account at the request of the State.

Compact Commission - No rebate funds were expended in 1992. The remaining funds are being invested by the Appalachian States Low-Level Radioactive Waste Commission until expenditure criteria are developed.

Maryland - Maryland expended \$55,645.23 for activities that mitigate impacts on Pennsylvania, the host State in the Appalachian compact region. These activities include developing needed disposal facility planning information for Pennsylvania and waste reduction/minimization programs for generators in Maryland. The remaining funds are being held in a special account by the Maryland Department of Environment.

Pennsylvania - Pennsylvania expended all of its rebate funds during 1990.

Central

The Central Interstate Low-Level Radioactive Waste Compact Commission provides all funds to Nebraska, the host State, that are received from DOE.

During 1992, Nebraska expended a total of \$46,828.00 to establish a disposal facility. These funds were used to pay expenses related to the review of the facility license application.

Remaining funds are being held in the Nebraska State Cash Fund General Account by the Nebraska Department of Treasury for use by the Nebraska Department of Environmental Control in licensing and regulating the proposed disposal facility.

Central Midwest

The Central Midwest Interstate Low-Level Radioactive Waste Commission expended \$736,485.35 in 1992, \$673,838.27 of which was used to establish a disposal facility and \$62,647.08 to mitigate host State impacts.

Of the \$673,838.27 used to establish a disposal facility, the Commission spent \$6,155.26 for expenses associated with conducting Commission meetings and hearings. Illinois spent \$9,107.74 to support participation in various meetings and conferences, including the Technical Coordinating Committee Meetings, LLW Forum Meetings, and the DOE Annual Low-Level Radioactive Waste Management Conference; \$594,514.30 to develop a tracking system for low-level radioactive waste; \$59,194.31 as grants to intervenors of site selection hearings; and \$4,866.66 for various administrative expenses. The \$62,647.08 was used to mitigate host State impacts through grants to the potential host community where a site was designated for characterization and to owners of land at the potential site to purchase replacement land options.

The Commission invests some unexpended funds in Federally-insured certificates of deposit and U.S. Government securities and deposits the remaining funds in the Commission's bank accounts.

Midwest

In 1992, the Midwest Interstate Low-Level Radioactive Waste Commission expended \$277,732.12 to establish a disposal facility. Of this amount, \$204,170.07 was used for the administrative expenses of the Commission including salaries, benefits, office operations, accounting services, attending meetings and conferences, printing, etc.; \$3,145.54 for the services of an on-call technical assistance contractor; and \$70,416.51 for legal counsel.

All remaining funds are held by the Midwest Interstate Low-Level Radioactive Waste Commission in an investment account of Federally-insured certificates of deposit, Federal notes, or mutual funds consisting entirely of government-backed securities.

Northeast

The Northeast Interstate Low-Level Radioactive Waste Commission report shows that a total of \$16,672.00 was expended during 1992 to support the establishment of disposal facilities in each of its two host States. Of this amount, \$13,500.00 was used for various consulting services, and \$3,172.00 was used for several activities including development of siting criteria and a municipal interaction program to accompany Statewide screening, implementation of the compact region's public education program, and participation in education/outreach programs.

The unexpended funds are being held in an interest-bearing account administered by the Commission and in a special account for low-level radioactive waste disposal facility development administered by the New Jersey Office of Management and Budget.

Southwestern

Because the Southwestern Low-Level Radioactive Waste Commission had not convened before the January 1, 1990, milestone disbursements were made, rebates were made to the individual member States (Arizona, California, North Dakota, and South Dakota) having funds attributed to them except for the State of South Dakota. South Dakota requested that its funds continue to be held in the DOE surcharge escrow account. The Commission was established during the fall of 1990, but has not yet requested the funds being held for South Dakota.

In 1991, California, the Southwestern compact region's host State, made arrangements to receive \$234,375.00 from Arizona to partially offset the costs of supporting the Southwestern Compact Commission and its activities to establish a new disposal facility. California received no funds from North Dakota because the balance of its rebate monies was used to attend the first Southwestern Compact Commission meeting. California received no funds from South Dakota because it has requested that DOE hold its funds in the surcharge escrow account.

(NOTE: The Southwestern compact region was formed in July 1988 by Arizona and California. This action dissolved the Western compact region made up of Arizona and South Dakota. In February 1989 and July 1989, South Dakota and North Dakota, respectively, joined the Southwestern compact region.)

Arizona - Arizona used \$23,533.09 to establish a disposal facility. Of this amount, \$1,924.91 was spent to attend low-level radioactive waste meetings and workshops; \$277.58 was used for various operating expenses necessary to support compact region activities; and \$21,330.60 was spent for salaries and other employee-related expenses. All remaining funds are held in a special account controlled by the Arizona Radiation Regulatory Agency to support activities related to the Southwestern compact region in accordance with an agreement with California.

California - California expended all of its rebate funds during 1991.

North Dakota - North Dakota expended all of its rebate funds during 1991.

3.2 1992 Expenditures By Nonmember States

District of Columbia

The District of Columbia expended \$1,729.40 to attend various low-level radioactive waste meetings. The remaining funds are held in a general account administered by the Department of Consumer and Regulatory Affairs for regulating, monitoring, and administering the Low-Level Radioactive Waste Disposal Program.

Maine

No rebate funds were expended in 1992. The Maine Low-Level Radioactive Waste Authority has chosen to hold its remaining funds for future expenses in an interest-bearing account.

Massachusetts

The State of Massachusetts expended \$19,402.92 during 1992 on various administrative and office expenses related to establishing its disposal facility. Some of the remaining funds are held in an account administered by the Executive Office of Environmental Affairs to develop site selection criteria. The rest of the funds are in an account administered by the Low-Level Radioactive Waste Management Board.

New York

No rebate funds were expended in 1992. The remaining rebate funds are held in a special account invested in secured government obligations and administered by the New York State Energy Research and Development Authority. Legislative action is required to reimburse authorized expenditures of designated State agencies.

Rhode Island

No rebate funds were expended in 1992. The remaining rebate funds are held in a specified State General Account controlled by the Department of Environmental Management.

Texas

In 1992, the State Legislature appropriated all funds to the Texas Low-Level Radioactive Waste Disposal Authority (the Authority). During the past year, the Authority expended \$267,673.50 to establish a disposal facility by buying land for the proposed disposal facility. All remaining funds are on deposit in the State Treasury and will not be used until preliminary construction at the disposal facility begins.

Vermont

Vermont expended all of its rebate funds during 1990.

APPENDIX: SUMMARY OF DISBURSEMENTS AND EXPENDITURES (1986-1992)

From 1986 through 1992, expenditures totaling \$11,472,465.48 were reported by the following compact regions and States:

- Appalachian
- Central
- Central Midwest
- Midwest
- Northeast
- Southwestern
- District of Columbia
- Maine
- Massachusetts
- New York
- Rhode Island
- Texas
- Vermont

As illustrated by Figure A-1 and noted on Table A-1, expenditures totaled \$615.95 in 1986, \$271,556.68 in 1987, \$656,976.07 in 1988, \$1,310,057.10 in 1989, \$4,328,340.44 in 1990, \$3,459,217.63 in 1991, and \$1,445,701.61 in 1992. The total balance of all the States and compact regions at the end of 1992 was \$3,565,313.43. Table A-2 summarizes expenditures by expense category for the years 1986 through 1992.

FIGURE A-1. TOTAL REBATES AND EXPENDITURES BY YEAR

TABLE A-1. EXPENDITURES BY YEAR (1986-1992)

<u>Nonsited Compact Regions and States</u>	<u>Total Disbursements</u>	<u>1986 Expenditures</u>	<u>1987 Expenditures</u>	<u>1988 Expenditures</u>	<u>1989 Expenditures</u>
Appalachian ^a	\$ 31,191.15	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Delaware	0.00	0.00	0.00	0.00	0.00
Maryland	486,802.90	0.00	0.00	0.00	0.00
Pennsylvania	2,367,136.46	0.00	0.00	15,819.76	544,743.29
West Virginia	0.00	0.00	0.00	0.00	0.00
Central	1,500,349.14	14.00	61,939.55	69,544.15	219,872.00
Central Midwest	2,354,821.72	0.00	131,954.06	249,027.34	39,020.91
Midwest	2,011,278.73	0.00	0.00	69,201.43	0.00
Northeast	1,616,448.88	0.00	44,379.20	110,083.29	181,989.27
Southwestern ^b					
Arizona	379,096.30	0.00	350.50	22,499.19	4,182.06
California	1,505,700.42	0.00	0.00	62,500.00	192,922.25
North Dakota	546.31	0.00	0.00	0.00	0.00
South Dakota ^c	0.00	0.00	0.00	0.00	0.00
District of Columbia	11,760.92	0.00	0.00	0.00	1,631.88
Maine	141,690.40	0.00	0.00	0.00	32,211.43
Massachusetts	909,757.39	601.95	32,933.37	58,256.76	88,161.00
New Hampshire	0.00	0.00	0.00	0.00	0.00
New York	1,329,329.99	0.00	0.00	0.00	0.00
Puerto Rico	0.00	0.00	0.00	0.00	0.00
Rhode Island	19,365.95	0.00	0.00	44.15	5,323.01
Texas	356,330.86	0.00	0.00	0.00	0.00
Vermont	<u>16,171.39</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL	\$15,037,778.91	\$615.95	\$271,556.68	\$656,976.07	\$1,310,057.10

a. At the request of the Appalachian Compact Commission, DOE disbursed surcharge funds in September 1991 to the Compact totaling \$31,191.15. Of this amount, \$26,605.75 was attributable to Delaware, \$80.53 to Maryland, \$236.85 to Pennsylvania, and \$4,268.02 to West Virginia.

<u>1990</u> <u>Expenditures</u>	<u>1991</u> <u>Expenditures</u>	<u>1992</u> <u>Expenditures</u>	<u>Total</u> <u>Expenditures</u>	<u>Balances on</u> <u>12/31/92</u>
\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$31,191.15
0.00	0.00	0.00	0.00	0.00
0.00	0.00	55,645.23	55,645.23	431,157.67
1,806,573.41	0.00	0.00	2,367,136.46	0.00
0.00	0.00	0.00	0.00	0.00
1,034,498.00	31,593.00	46,828.00	1,464,288.70	36,060.44
110,208.22	965,294.31	736,485.35	2,231,990.19	122,831.53
234,784.79	260,075.06	277,732.12	841,793.40	1,169,485.33
153,348.55	269,992.04	16,672.00	776,464.35	839,984.53
29,130.96	281,966.81	23,533.09	361,662.61	17,433.69
712,440.07	537,838.10	0.00	1,505,700.42	0.00
0.00	546.31	0.00	546.31	0.00
0.00	0.00	0.00	0.00	0.00
0.00	220.00	1,729.40	3,581.28	8,179.64
54,000.00	0.00	0.00	86,211.43	55,478.97
176,867.60	357,292.00	19,402.92	733,515.60	176,241.79
0.00	0.00	0.00	0.00	0.00
0.00	754,400.00	0.00	754,400.00	574,929.99
0.00	0.00	0.00	0.00	0.00
317.45	0.00	0.00	5,684.61	13,681.34
0.00	0.00	267,673.50	267,673.50	88,657.36
<u>16,171.39</u>	<u>0.00</u>	<u>0.00</u>	<u>16,171.39</u>	<u>0.00</u>
\$4,328,340.44	\$3,459,217.63	\$1,445,701.61	\$11,472,465.48	\$3,565,313.43

b. The Western Compact was dissolved when the States of California and Arizona formed the Southwestern Compact in July 1988. In February 1989 and July 1989, South Dakota and North Dakota, respectively, joined the Southwestern Compact. At the end of 1990, the Southwestern Compact Commission had not made the necessary provisions to receive rebate disbursements for its member States.

c. All deposits are being held in the interest-bearing Department of Energy surcharge escrow account at the request of the State.

TABLE A-2. EXPENDITURES BY EXPENSE CATEGORY (1986-1992)

<u>Nonsited Compact Regions and States</u>	<u>Establish Disposal Facility</u>	<u>Mitigate Host State Impacts</u>	<u>Regulate Disposal Facility</u>	<u>Ensure D&D Closure and Care</u>	<u>Total Expenditures 12/31/92</u>
Appalachian ^a	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Delaware	0.00	0.00	0.00	0.00	0.00
Maryland	0.00	55,645.23	0.00	0.00	55,645.23
Pennsylvania	2,367,136.46	0.00	0.00	0.00	2,367,136.46
West Virginia	0.00	0.00	0.00	0.00	0.00
Central	1,464,288.70	0.00	0.00	0.00	1,464,288.70
Central Midwest	1,803,475.11	428,515.08	0.00	0.00	2,231,990.19
Midwest	841,793.40	0.00	0.00	0.00	841,793.40
Northeast	741,464.35	35,000.00	0.00	0.00	776,464.35
Southwestern ^b					
Arizona	361,662.61	0.00	0.00	0.00	361,662.61
California	1,505,700.42	0.00	0.00	0.00	1,505,700.42
North Dakota	546.31	0.00	0.00	0.00	546.31
South Dakota ^c	0.00	0.00	0.00	0.00	0.00
District of Columbia	3,581.28	0.00	0.00	0.00	3,581.28
Maine	86,211.43	0.00	0.00	0.00	86,211.43
Massachusetts	733,515.60	0.00	0.00	0.00	733,515.60
New Hampshire	0.00	0.00	0.00	0.00	0.00
New York	754,400.00	0.00	0.00	0.00	754,400.00
Puerto Rico	0.00	0.00	0.00	0.00	0.00
Rhode Island	5,684.61	0.00	0.00	0.00	5,684.61
Texas	267,673.50	0.00	0.00	0.00	267,673.50
Vermont	16,171.39	0.00	0.00	0.00	16,171.39
TOTAL	\$10,953,305.17	\$519,160.31	\$ 0.00	\$ 0.00	\$11,472,465.48

- a. At the request of the Appalachian Compact Commission, DOE disbursed surcharge funds in September 1991 to the compact totaling \$31,191.15. Of this amount, \$26,605.75 was attributable to Delaware, \$80.53 to Maryland, \$236.85 to Pennsylvania, and \$4,268.02 to West Virginia.
- b. The Western Compact was dissolved when the States of California and Arizona formed the Southwestern Compact in July 1988. In February 1989 and July 1989, South Dakota and North Dakota, respectively, joined the Southwestern Compact. At the end of 1990, the Southwestern Compact Commission had not made the necessary provisions to receive rebate disbursements for its member States.
- c. All deposits are being held in the interest-bearing Department of Energy surcharge escrow account at the request of the State.

**DATE
FILMED**

9/23/93

END