

*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 1988**



**U.S. Department of Energy
Assistant Secretary for Nuclear Energy
Washington, D.C. 20545**

June 1989

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The Secretary of Energy

Washington, DC 20585

August 7, 1989

DOE/NE--0097

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The Honorable Dan Quayle
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

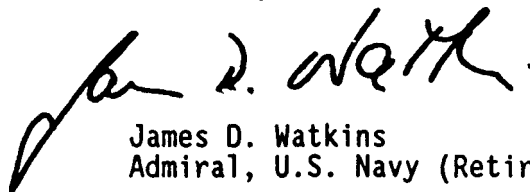
It is my pleasure to submit the enclosed "Report to Congress in Response to Public Law 99-240: Summary of Expenditures of Rebates from the Low-Level Radioactive Waste Surcharge Escrow Account for Calendar Year 1988." This is the third report in this series prepared in response to section 5(d)(2)(E) of Public Law 99-240, "The Low-Level Radioactive Waste Policy Amendments Act of 1985."

In accordance with the Act, the Department of Energy maintains an escrow account in which is deposited a portion of disposal surcharges paid by waste generators to the States with low-level waste disposal sites. As States and compacts meet milestones specified in the Act for development of new disposal sites, the Department issues rebates of funds held for them in the account. The Act requires that the States and compacts use the surcharge rebates for certain purposes related to development and operation of low-level waste disposal facilities, and requires them to report annually to the Department of Energy on how these funds were expended.

This report summarizes those expenditures for calendar year 1988. The Department disbursed a total of \$5,324,370.11 in surcharge rebates to States and compacts developing new disposal sites following the July 1, 1986, and January 1, 1988, milestones. According to reports submitted to the Department of Energy, the States and compacts spent \$615.95 in 1986; \$271,556.68 in 1987; and \$656,976.07 in 1988, leaving a balance of \$4,395,221.41 for their future use. The Department of Energy has evaluated the use of these expenditures and determined that they are consistent with the spending limitations contained in the Act.

Preparation of this report is one of several responsibilities assigned to the Department by the Act. The Department pledges continued support to the States and compacts in their efforts to develop new low-level radioactive waste disposal facilities.

Sincerely,



James D. Watkins
Admiral, U.S. Navy (Retired)

Enclosure

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EXECUTIVE SUMMARY

This is the third report submitted to Congress under section 5(d)(2)(E) of Public Law 99-240, "The Low-Level Radioactive Waste Policy Amendments Act of 1985" (the Act). This section of the Act requires the Department of Energy to summarize the annual expenditures made by States and compacts of funds disbursed from the Department's Surcharge Escrow Account, and to assess the compliance of these expenditures with the specified limitations.

This report covers expenditures made during calendar year 1988 from funds disbursed to States and compacts following the July 1, 1986, and January 1, 1988, milestones. The next milestone in the Act is January 1, 1990, following which the accumulated surcharge deposits in the Department's Surcharge Escrow Account will again be disbursed.

The Act authorizes States with operating low-level radioactive waste disposal sites (sited States) to collect surcharges on disposal of waste from generators located in compact regions currently without disposal sites (non-sited compacts) and in States that do not have disposal sites and that are not members of compacts (nonmember states). The Act requires the sited States to make a monthly deposit to the Department of Energy's Surcharge Escrow Account of 25 percent of the surcharges they collect. Following each milestone date, the Department is required to disburse these funds, with accrued interest, back to those non-sited compacts and nonmember States found in compliance with the milestone requirements for new disposal site development.

The Act also places limitations on the use of these rebates and requires the non-sited compacts and nonmember States to provide the Department 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 Department is required to provide Congress with a summary of the reported expenditures and an assessment of the compliance with the limitations on the uses of the rebated funds. This report fulfills that requirement.

Following the first milestone (July 1, 1986), the Department of Energy found that 28 States were in compliance. Of the remaining 24 States (including the District of Columbia and the Commonwealth of Puerto Rico), 19 were exempt from milestone requirements because they belonged to sited compacts, two were found in noncompliance, and three were not evaluated because they had no funds attributable to them in the Department of Energy's Surcharge Escrow Account.

After determining rebate eligibility following the first milestone, the Department distributed \$910,544.78 to the eligible States or to the compacts of which they are members. Of this amount, \$272,172.63 was expended prior to the January 1, 1988, milestone (\$615.95 and \$271,556.68 during calendar years 1986 and 1987 respectively). During these 2 years, expenditures were reported in only two of the four categories permitted under the Act:

Establish a disposal facility	\$230,233.08
Mitigate host State impacts	\$ 41,939.55

Following the second milestone (January 1, 1988), the Department found that six compacts (comprised of 22 States) and seven nonmember States had complied with the milestone and were eligible to receive rebate disbursements. Of the remaining 23 States, 19 were exempt from milestone requirements because they belonged to sited compacts, three were found in noncompliance, and one State was not evaluated because it had no funds attributable to it in the Surcharge Escrow Account.

Following the second milestone, the Department distributed \$4,413,825.33 to the 29 eligible States or the compacts of which they are members. Of this amount, the recipients expended \$656,976.07 during 1988 (almost two and one half times the amount expended during the 2 previous years). The following list shows the amounts expended in each allowable expenditure category specified in the Act:

Establish a disposal facility	\$436,518.07
Mitigate host State impacts	200,000.00
Regulate the disposal facility	20,458.00
Ensure D&D closure and care	0.00

At the end of 1988, records show that the States and compacts had retained rebate funds totaling \$4,395,221.41 for their future use.

The Department of Energy has reviewed each of the expenditures reported during the past 3 years and found all were in compliance with the limitations specified in the Act.

CONTENTS

EXECUTIVE SUMMARY i

1. INTRODUCTION 1

2. 1986 MILESTONE REBATES 3

 2.1 Rebate Eligibility 3

 2.2 Rebate Disbursements 3

 2.3 Rebate Expenditures 5

3. 1988 MILESTONE REBATES 7

 3.1 Rebate Eligibility 7

 3.2 Rebate Disbursements 9

4. SUMMARY OF REBATE EXPENDITURES DURING 1988 11

APPENDIX--1988 REBATE EXPENDITURES BY NON-SITED
COMPACTS AND NONMEMBER STATES 13

TABLES

1. 1986 Milestone Rebate Eligibility Determinations 4

2. 1986 Milestone Rebate Summary 6

3. 1988 Milestone Rebate Eligibility Determinations 8

4. 1988 Milestone Deposits, Interest Earned,
and Disbursements 10

5. 1988 Expenditures by Expense Category 12

SUMMARY OF EXPENDITURES OF REBATES
FROM THE LOW-LEVEL RADIOACTIVE WASTE
SURCHARGE ESCROW ACCOUNT FOR CALENDAR YEAR 1988

1. INTRODUCTION

Title I of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (the Act), Public Law 99-240, requires the Department of Energy to administer a Surcharge Escrow Account which consists of a portion of surcharge fees paid by generators of low-level radioactive waste in non-sited regions (compact regions currently without disposal sites) and nonmember States (States without disposal sites and who are not members of compacts) to sited States for using their disposal facilities. The Act requires the Department of Energy to:

- o Invest the funds in interest-bearing United States Government securities
- o Determine eligibility for rebates of the funds by evaluating State and regional progress toward developing new disposal sites against milestones set forth in the Act
- o Disburse the rebates
- o Submit a report annually to Congress which summarizes rebate usage by States and regions and assesses their compliance with the rebate usage limitations prescribed in the Act.

This report summarizes expenditures made during calendar year 1988 of surcharge rebates from the July 1, 1986 and January 1, 1988, milestones, and is submitted in response to these requirements.

Section 5(d) of the Act authorizes the three States with operating commercial low-level radioactive waste disposal sites (Nevada, South Carolina, and Washington) to collect surcharges on waste generated in the non-sited compact regions and nonmember States which is disposed of at these sites. Low-level 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 non-sited compact regions and nonmember States is transferred monthly to the Department of Energy's Surcharge Escrow Account.

The Department is required to disburse the deposited funds with accrued interest to each non-sited compact region and nonmember State that has been found to be in compliance with the milestone requirements of the Act. If the Department determines that a non-sited compact region or nonmember State is not in compliance with the milestone requirements, its funds are returned to the sited State(s) from which the funds were collected.

Section 5(d)(2)(E)(i) of the Act specifies that non-sited compact regions and nonmember States may use funds from the Department of Energy's Surcharge Escrow Account only 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) requires that non-sited 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) further requires 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) (Limitations on uses of rebate payments)."

On June 24, 1986, the Department of Energy issued a Federal Register Notice entitled "Implementation of Procedures for DOE's Management of the Low-Level Radioactive Waste Surcharge Escrow Account." This notice described the following:

- o Procedures used by the sited States to transfer surcharge funds to the Department of Energy for deposit into the surcharge escrow account;
- o Procedures that apply to the Department's determination to disburse money from the surcharge escrow account;
- o Procedures used by nonmember states and non-sited compact regions to report to the Department of Energy their expenditures of funds from the surcharge escrow account.

2. 1986 MILESTONE REBATES

2.1 Rebate Eligibility

The first milestone, Section 5(e)(1)(A) of the Act, requires 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 this first milestone, the Department of Energy found:

- 28 States were eligible to receive surcharge rebates;
- 2 States were not eligible to receive surcharge rebates;
- 3 States were not subject to evaluations by the Department of Energy because no funds attributable to their generators had been deposited in the Department's Surcharge Escrow Account;
- 19 States were not subject to the milestone because they were members of sited compact regions.

Of the 28 States eligible to receive surcharge rebates, 22 accomplished the milestone by ratifying compact legislation. Six became eligible by issuing a governor's certification or by enacting legislation indicating the state's intent to develop a disposal facility. Table 1 summarizes these findings.

2.2 Rebate Disbursements

The three sited States deposited a total of \$915,076.75 into the Department of Energy's Surcharge Escrow Account representing 25 percent of the surcharges collected for low-level radioactive waste disposal applicable to the July 1, 1986, milestone. With \$6,910.47 accrued interest earned on those deposits, a total of \$921,987.22 was available for disbursement.

A total of \$910,544.78 was disbursed to eligible non-sited compacts and nonmember States. Of the remaining \$11,442.44, \$1,162.36 was kept in escrow at the request of the State of Delaware, \$933.86 was disbursed to the State of Washington because two nonmember States were found ineligible (District of Columbia - \$256.37 and Rhode Island - \$677.49), and \$9,346.22 collected from generators in other sited regions (Rocky Mountain - \$230.73 and Southeast - \$9,115.49) was returned to the State of Washington because provisions in the Act pertaining to surcharge rebates are not applicable to any surcharges collected from generators in sited States.

TABLE 1. 1986 MILESTONE REBATE ELIGIBILITY DETERMINATIONS

States Eligible for Rebate:

Ratified Compact Legislation:

Appalachian: Delaware, Maryland, Pennsylvania, West Virginia
Central: Arkansas, Kansas, Louisiana, Nebraska, Oklahoma
Central Midwest: Illinois, Kentucky
Midwest: Indiana, Iowa, Michigan, Minnesota, Missouri,
Ohio, Wisconsin
Northeast: Connecticut, New Jersey
Western: Arizona, South Dakota

State Certification or Legislation to Develop a Site:

California	Massachusetts	Texas
Maine	New York	Vermont

States Not Eligible for Rebate:

District of Columbia
Rhode Island

States Not Evaluated:

New Hampshire
North Dakota
Puerto Rico

States in Sited Compacts Not Subject to Milestones:

Northwest: Alaska, Hawaii, Idaho, Montana, Oregon,
Utah, Washington
Rocky Mountain: Colorado, Nevada, New Mexico, Wyoming
Southeast: Alabama, Florida, Georgia, Mississippi,
North Carolina, South Carolina, Tennessee,
Virginia

Pending the organization of a commission or authority to receive the funds for the Appalachian and Western Compacts, rebates were made to those individual member States which had funds attributed to them, except for the State of Delaware as noted above.

Table 2 identifies July 1, 1986, milestone surcharge deposits and interest earned, disbursements from the Department of Energy's Surcharge Escrow Account through calendar year 1987, expenditures made during 1986 and 1987, and the balances available for use at the end of 1987.

2.3 Rebate Expenditures

All expenditures made prior to the January 1, 1988, milestone are attributable to the July 1, 1986, milestone rebates. Of the \$910,544.78 disbursed to non-sited compacts and nonmember States during this period, \$272,172.63 was expended in compliance with the limitations of Section 5(d)(2)(E)(i) of the Act, leaving a balance of \$638,372.15 at the end of 1987. \$615.95 was used in 1986 and \$271,556.68 was used in 1987 in the following manner:

Central Compact - \$14.00 was used in 1986 for the wire transfer charges of the rebate disbursement. During 1987, the compact expended \$20,000 for an exclusionary screening study of the State and \$41,939.55 for the development and distribution of a low-level waste videotape.

Central Midwest Compact - No expenditures were made during 1986. During 1987, the compact expended a total of \$131,954.06. Of this amount, \$119,290.29 was used to prepare the Regional Low-Level Waste Management Plan, \$4,487.34 for commission meetings and hearings, \$4,008.53 to participate in Low-Level Waste Forum meetings (a Department of Energy-sponsored coordination group), and \$4,167.90 on administrative expenses.

Northeast Compact - No expenditures were made during 1986. During 1987, the compact spent \$44,379.20 for the preparation of a regional management plan; developing the host State siting plans required by the January 1, 1988, milestone; and on host State selection activities.

Western Compact - No expenditures were made during 1986. During 1987, Arizona (a member of the Western Compact until November 1988) spent \$350.50 to attend a Department of Energy workshop on alternative disposal technologies.

Massachusetts - \$601.95 was used in 1986 for general consultation services. During 1987, \$32,933.37 was spent for technical assistance, reviewing data and developing legislation.

TABLE 2. 1986 MILESTONE REBATE SUMMARY

Compact Region or State	Deposits and Interest (\$)	Disbursements (\$)	1986 Expenditures (\$)	1987 Expenditures (\$)	Balance 12/31/87 (\$)
Appalachian					
Delaware	1,162.36	0.00 ^a	0.00	0.00	0.00
Maryland	16,915.95	16,915.95	0.00	0.00	16,915.95
Pennsylvania	156,572.29	156,572.29	0.00	0.00	156,572.29
West Virginia	0.00	0.00	0.00	0.00	0.00
Central	77,839.70	77,839.70	14.00	61,939.55	15,886.15
Central Midwest	159,010.35	159,010.35	0.00	131,954.06	27,056.29
Midwest	106,952.25	106,952.25	0.00	0.00	106,952.25
Northeast	104,300.92	104,300.92	0.00	44,379.20	59,921.72
Rocky Mountain	230.73	230.73 ^b	0.00	0.00	0.00
Southeast	9,115.49	9,115.49 ^b	0.00	0.00	0.00
Western ^c					
Arizona	678.10	678.10	0.00	350.50	327.60
South Dakota ^d	0.00	0.00	0.00	0.00	0.00
California	89,180.75	89,180.75	0.00	0.00	89,180.75
District of Columbia	256.37	256.37 ^e	0.00	0.00	0.00
Maine	6,312.29	6,312.29	0.00	0.00	6,312.29
Massachusetts	81,897.34	81,897.34	601.95	32,933.37	48,362.02
New Hampshire	0.00	0.00	0.00	0.00	0.00
New York	94,467.47	94,467.47	0.00	0.00	94,467.47
North Dakota	0.00	0.00	0.00	0.00	0.00
Puerto Rico	0.00	0.00	0.00	0.00	0.00
Rhode Island	677.49	677.49 ^e	0.00	0.00	0.00
Texas	245.98	245.98	0.00	0.00	245.98
Vermont	16,171.39	16,171.39	0.00	0.00	16,171.39
TOTAL	921,987.22	910,544.78 ^f	615.95	271,556.68	638,372.15

a. All deposits are being held in the interest-bearing Department of Energy Surcharge Escrow account at the request of the state.

b. Disbursed to sited State of Washington to refund surcharges collected from generators in other sited compact regions.

c. The Western Compact was dissolved when the States of Arizona and California joined to form the Southwestern Compact.

d. South Dakota was eligible for rebate but had no funds in the Escrow Account.

e. Disbursed to sited State of Washington due to the Department of Energy's determination of ineligibility.

f. Total does not include disbursements to the State of Washington because it is a sited state.

3. 1988 MILESTONE REBATES

3.1 Rebate Eligibility

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 January 1, 1988, milestone, the Department of Energy determined that six compacts (comprised of 22 States) and seven nonmember States met the requirements of the second milestone and were eligible to receive surcharge rebates. Two States and the District of Columbia were found ineligible to receive surcharge rebates and the rebates attributed to them were returned to the sited States in which the funds were collected in accordance with the provisions of the Act. One State was not evaluated for compliance with the milestone because no funds attributable to generators in that State had been deposited into the Department of Energy's Surcharge Escrow Account. The remaining 19 States were exempt from the milestone requirements in the Act because of their membership in sited compacts.

The six compacts and five of the seven nonmember States eligible to receive surcharge rebates complied with the milestone by submitting siting plans and delegating appropriate authority for implementation of each plan. In addition, each non-sited compact designated the member State that would host the disposal facility and outlined the schedule each host State would follow in establishing its facility and preparing a facility license application. The remaining two nonmember States, the State of Rhode Island, and the District of Columbia, submitted disposal contracts in lieu of the siting plans and other specific documentation required by the 1988 milestone, becoming the first to use that provision of the Act for milestone compliance.

Legislation was signed by the President on November 23, 1988, granting congressional consent to the Southwestern Compact. The initial member States were California (host State) and Arizona. The other eligible States are North Dakota and South Dakota. Formation of the Southwestern Compact dissolved the former Western Compact, which consisted of Arizona and South Dakota.

Table 3 summarizes these findings.

TABLE 3. 1988 MILESTONE REBATE ELIGIBILITY DETERMINATIONS

States Eligible for Rebate:

Non-sited Compacts:

Appalachian:	Delaware, Maryland, Pennsylvania, West Virginia
Central:	Arkansas, Kansas, Louisiana, Nebraska, Oklahoma
Central Midwest:	Illinois, Kentucky
Midwest:	Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Wisconsin
Northeast:	Connecticut, New Jersey
Western:	Arizona, South Dakota

Nonmember States:

California	New York
District of Columbia	Rhode Island
Maine	Texas
Massachusetts	

States Not Eligible for Rebate:

New Hampshire
North Dakota
Vermont

States Not Evaluated:

Puerto Rico

States in Sited Compacts Not Subject to Milestones:

Northwest:	Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington
Rocky Mountain:	Colorado, Nevada, New Mexico, Wyoming
Southeast:	Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia

3.2 Rebate Disbursements

The three sited States deposited a total of \$4,268,290.35 into the Department of Energy's Surcharge Escrow Account, representing 25 percent of all surcharges collected for low-level radioactive waste disposal applicable to the January 1, 1988, milestone. With \$198,988.81 accrued interest earned on those deposits, a total of \$4,467,279.16 was available for disbursement.

A total of \$4,413,825.33 was disbursed to eligible non-sited compacts and nonmember States. Of the remaining \$53,453.83, \$7,800.85 was retained in the Surcharge Escrow Account at the request of the States of Delaware, West Virginia, and South Dakota; and \$45,652.98 was returned to the sited States that had collected the surcharges. (\$34,066.60 was returned to the sited States because the States of New Hampshire, North Dakota, and Vermont were found ineligible to receive rebates and \$11,586.38 was returned because the sited States had transferred surcharges from generators in sited compact regions to the Department of Energy's Surcharge Escrow Account.)

Pending the organization of a commission or authority to receive funds for the Appalachian and Western Compacts, rebates were made to individual member States which had funds attributed to them, except for the States of Delaware, West Virginia, and South Dakota as noted above.

Table 4 identifies January 1, 1988, milestone surcharge deposits, interest earned, amounts disbursed to each State or region, and the amounts retained in the Surcharge Escrow Account.

TABLE 4. 1988 MILESTONE DEPOSITS, INTEREST EARNED, AND DISBURSEMENTS

Compact Region or State	Available Rebates			Rebate Disbursements (December 31, 1988)		
	Deposits to Escrow Account (\$)	Interest Accrued (\$)	Total (\$)	To Nonsited Region or Nonmember State (\$)	To Sited State (\$)	Retained in Escrow Account (\$)
Appalachian						
Delaware	6,240.96	686.86	6,927.82	0.00	0.00	6,927.82 ^a
Maryland	88,021.19	4,825.42	92,846.61	92,846.61	0.00	0.00
Pennsylvania	653,262.68	38,254.23	691,516.91	691,516.91	0.00	0.00
West Virginia	758.02	91.84	849.86	0.00	0.00	849.86 ^a
Central	551,577.45	22,566.04	574,143.49	574,143.49	0.00	0.00
Central Midwest	761,014.11	37,720.62	798,734.73	798,734.73	0.00	0.00
Midwest	524,249.05	23,624.36	547,873.41	547,873.41	0.00	0.00
Northeast	462,823.33	17,203.33	480,026.66	480,026.66	0.00	0.00
Northwest	5.00	0.00	5.00	0.00	5.00 ^b	0.00
Rocky Mountain	671.50	34.72	706.22	0.00	706.22 ^c	0.00
Southeast	10,359.60	515.56	10,875.16	0.00	10,875.16 ^d	0.00
Western ^e						
Arizona	50,912.05	1,731.14	52,643.19	52,643.19	0.00	0.00
South Dakota	20.43	2.74	23.17	0.00	0.00	23.17 ^a
California	378,956.57	18,641.15	397,597.72	397,597.72	0.00	0.00
District of Columbia	1,824.80	85.67	1,910.47	1,910.47	0.00	0.00
Maine	24,624.01	1,275.13	25,899.14	25,899.14	0.00	0.00
Massachusetts	239,325.14	9,991.92	249,317.06	249,317.06	0.00	0.00
New Hampshire	6,520.20	473.38	6,993.58	0.00	6,993.58 ^f	0.00
New York	308,697.73	14,139.50	322,837.23	322,837.23	0.00	0.00
North Dakota	363.50	28.43	391.93	0.00	391.93 ^g	0.00
Puerto Rico	0.00	0.00	0.00	0.00	0.00	0.00
Rhode Island	5,441.39	270.00	5,711.39	5,711.39	0.00	0.00
Texas	166,749.22	6,018.10	172,767.32	172,767.32	0.00	0.00
Vermont	25,872.42	808.67	26,681.09	0.00	26,681.09 ^h	0.00
TOTAL	4,258,290.35	198,988.81	4,467,279.16	4,413,825.33	45,652.98	7,800.85

- a. All deposits are being held in the interest-bearing Department of Energy Surcharge Escrow Account at the request of the State.
- b. Disbursed to the sited State of Nevada to refund surcharges collected from generators in other sited compact regions.
- c. Disbursed to the sited State of Washington to refund surcharges 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 joined to form the Southwestern Compact.
- f. 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 due to the Department of Energy's determination of ineligibility.
- g. Disbursed \$384.37 to the sited State of Washington and \$7.56 to the sited State of South Carolina due to the Department of Energy's determination of ineligibility.
- h. 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 due to the Department of Energy's determination of ineligibility.

4. SUMMARY OF REBATE EXPENDITURES DURING 1988

The non-sited compacts and nonmember States receiving rebates for either of the 1986 or 1988 milestones submitted reports covering usage of these funds during calendar 1988. Expenditures were noted for the following compacts and states:

Appalachian (Pennsylvania)
Central
Central Midwest
Midwest
Northeast
Western (Arizona)
California
Massachusetts
Rhode Island

\$656,976.07 was expended by the compacts and States during 1988. This is almost two and one half times the amount expended during the 2 previous years. Expenditures will likely continue growing as the host States increase site development activities. The following shows the amounts expended by each allowable category specified in the Act:

Establish a disposal facility	\$436,518.07
Mitigate host state impacts	200,000.00
Regulate the disposal facility	20,458.00
Ensure D&D closure and care	0.00

Expenditures of each compact and State by allowable category are presented in Table 5. A balance of \$4,395,221.41 was unexpended as of December 31, 1988.

Funds expended to establish a disposal facility were used in several ways. These included developing plans for siting and regional management, site screening activities, attending meetings and workshops, and acquiring and reviewing low-level radioactive waste data.

Funds expended to mitigate host state impacts were used to mitigate impacts at potential host communities where sites have been designated for characterization.

Funds expended to regulate the disposal facility were used to establish the low-level radioactive waste program at the Nebraska Department of Environmental Control.

The Department of Energy reviewed each of the expenditures reported and concluded that all expenditures complied with the limitations stated in Section 5(d)(2)(E)(i) of the Act. The Appendix to this report provides a detailed explanation of the expenditures of each compact and State.

TABLE 5. 1988 EXPENDITURES BY EXPENSE CATEGORY

Compact Region or State	1988 Expenditures by Expense Category						
	Available for Expenditure ^a (\$)	Establish Disposal Facility (\$)	Mitigate Host State Impacts (\$)	Regulate Disposal Facility (\$)	Ensure D&D Closure and Care (\$)	Total Expenditures for 1988 (\$)	Balance as of 12/31/88 ^b (\$)
Appalachian							
Delaware ^c	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Maryland	109,762.56	0.00	0.00	0.00	0.00	0.00	109,762.56
Pennsylvania	848,089.20	15,819.76	0.00	0.00	0.00	15,819.76	832,269.44
West Virginia ^c	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Central	590,029.64	49,086.15	0.00	20,458.00	0.00	69,544.15	520,485.49
Central Midwest	825,791.02	49,027.34	200,000.00	0.00	0.00	249,027.34	576,763.68
Midwest	654,825.66	69,201.43	0.00	0.00	0.00	69,201.43	585,624.23
Northeast	539,948.38	110,083.29	0.00	0.00	0.00	110,083.29	429,865.09
Western ^d							
Arizona	52,970.79	22,499.19	0.00	0.00	0.00	22,499.19	30,471.60
South Dakota ^c	0.00	0.00	0.00	0.00	0.00	0.00	0.00
California	486,778.47	62,500.00	0.00	0.00	0.00	62,500.00	424,278.47
District of Columbia	1,910.47	0.00	0.00	0.00	0.00	0.00	1,910.47
Maine	32,211.43	0.00	0.00	0.00	0.00	0.00	32,211.43
Massachusetts	297,679.08	58,256.76	0.00	0.00	0.00	58,256.76	239,422.32
New Hampshire	0.00	0.00	0.00	0.00	0.00	0.00	0.00
New York	417,304.70	0.00	0.00	0.00	0.00	0.00	417,304.70
North Dakota	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Puerto Rico	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rhode Island	5,711.39	44.15	0.00	0.00	0.00	44.15	5,667.24
Texas	173,013.30	0.00	0.00	0.00	0.00	0.00	173,013.30
Vermont	<u>16,171.39</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>16,171.39</u>
TOTAL	5,052,197.48	436,518.07	200,000.00	20,458.00	0.00	656,976.07	4,395,221.41

a. Sum of 1986 Milestone Rebate Balance as of 12/31/87 and 1988 Milestone Rebate disbursements to nonsited regions and nonmember states.

b. Total left of all monies rebated to eligible nonsited compact regions and nonsited states after deducting all expenditures.

c. All deposits are being held in the interest-bearing Department of Energy Surcharge Escrow Account at the request of the State.

d. The Western Compact was dissolved when California and Arizona joined to form the Southwestern Compact.

APPENDIX

**1988 REBATE EXPENDITURES
BY
NON-SITED COMPACTS AND NONMEMBER STATES**

APPENDIX

1988 REBATE EXPENDITURES BY NON-SITED COMPACTS AND NONMEMBER STATES

Non-sited compacts and nonmember States that received rebates from the Surcharge Escrow Account have provided the Department of Energy expenditure reports describing expenditures of these funds during calendar year 1988. This appendix summarizes information contained in those reports.

Non-sited Compacts

Rebate expenditure reports were received from the following Compacts:

Appalachian	Midwest
Central	Northeast
Central Midwest	Western

Because the Appalachian and Western Compacts did not have established compact commissions, rebates were made to the individual member states having funds attributed to them except for the States of Delaware, West Virginia, and South Dakota, which requested that their funds continue to be held in the Surcharge Escrow Account. Each member State of the Appalachian and Western Compacts that received rebates submitted an individual expenditure report.

Nonmember States

Rebate expenditure reports were received from the following nonmember States:

California	New York
District of Columbia	Rhode Island
Maine	Texas
Massachusetts	Vermont

Non-sited Compacts

Appalachian

The member States of Maryland and Pennsylvania submitted individual expenditure reports. Because funds for the States of Delaware and West Virginia continue to be held in the Surcharge Escrow Account, these States did not submit expenditure reports to the Department of Energy.

Maryland - No rebate funds were expended in 1988. The funds are being held in a special account established by the State of Maryland.

Pennsylvania - \$15,819.76 was expended during 1988 in preparation for siting, design, licensing, and operations of its disposal facility.

Central

The Central Interstate Low-Level Radioactive Waste Compact expended \$69,544.15 during 1988 and submitted expenditure reports for both the Compact Commission and the host State of Nebraska.

Compact Commission - The Commission expended \$15,886.15 to develop and distribute a videotape presentation on low-level waste management and disposal. The Commission transferred the remainder of the Compact's funds to the host State of Nebraska.

Nebraska - The host State of Nebraska expended \$20,458.00 to establish the low-level waste program within the Nebraska Department of Environmental Control and \$33,200 for a program review and public participation meetings. The balance of the transferred money is being held in a State general account for use in licensing and regulating the new disposal facility.

Central Midwest

A total of \$249,027.34 was expended by the Central Midwest Compact Commission. \$49,027.34 was used to prepare a regional management plan, conduct commission meetings and hearings, participate in Low-Level Waste Forum meetings, and cover administrative expenses related to establishing the new disposal facility. Additionally, \$200,000.00 was used as grants to mitigate impacts at potential host communities where sites have been designated for characterization. Remaining rebate funds are invested in federally insured certificates of deposit and the Commission's bank accounts.

Midwest

\$69,201.43 was expended by the Midwest Compact Commission to purchase computer equipment and software. The equipment is currently on loan to the Michigan Low-Level Radioactive Waste Authority which is responsible for developing the Compact's new disposal facility. The remaining rebate funds are invested in federally insured certificates of deposit.

Northeast

The Northeast Interstate Low-Level Radioactive Waste Management Compact expended \$110,083.29 during 1988 and submitted individual expenditure reports for the Compact Commission, each member State, and the Compact as a whole.

Compact Commission - The Commission expended \$59,992.00 for assistance in preparing the regional management plan and the State siting plans, required by the 1988 milestone, and for expenses of the host State selection process. The Commission transferred \$20,000 of the funds attributed to the State of New Jersey to the State and is holding the State's remaining funds in an interest bearing account.

New Jersey - \$10,371.79 of the \$20,000 transferred to the State of New Jersey by the Compact Commission was used for administrative and management expenses of the New Jersey Siting Board and Advisory Committee, and in developing a siting plan for its disposal facility. The remaining rebate funds held by New Jersey are invested in a money market account.

Connecticut - \$39,719.50 was expended for developing its Management Plan and exclusionary criteria screening maps. The balance of the rebate funds attributed to the State of Connecticut is being held in a non-interest-bearing account administered by the Energy Division of the Office of Policy and Management.

Western

The member State of Arizona submitted an individual expenditure report. Because funds for the State of South Dakota continue to be held in the Surcharge Escrow Account, this State did not submit an expenditure report to the Department of Energy.

Arizona - \$22,499.19 was used to attend meetings and workshops, attend in-state meetings, visit with generators, purchase data processing and communication equipment, and to fund compact support activities. The remaining funds are in a dedicated account.

Nonmember States

California

\$62,500 was used for potential host county overview and evaluation of potential disposal facility impacts. Of this amount, \$50,000 was provided to San Bernadino County and \$12,500 was provided to Inyo County. The balance of California's funds are being held in a Federal trust fund account.

District of Columbia

No rebate funds were expended in 1988. The funds are held in a specially designated revenue account.

Maine

No rebate funds were expended in 1988. The funds are held in a State-operated account.

Massachusetts

\$58,256.76 was expended by the State of Massachusetts in developing siting criteria, reviewing data, and implementing State legislation. The remainder of the funds are held in a special account for low-level waste activities.

New York

No rebate funds were expended in 1988. The New York State Energy Research and Development Authority has transferred its rebate funds to the State Treasury in accordance with the New York Public Authorities Law.

Rhode Island

\$44.15 was used by the State of Rhode Island for work on contracting and compacting with other States. The remaining rebate funds are being held in the State General Fund.

Texas

No rebate funds were expended in 1988. The funds have been deposited in a holding account for the State of Texas pending authorization from the Texas legislature to spend the funds.

Vermont

No rebate funds were expended in 1988. The funds are being held in the Low-Level Radioactive Waste Management Fund pursuant to State regulations.