

**WASHINGTON STATE  
ENERGY FACILITY SITE EVALUATION COUNCIL (EFSEC)**

**COLUMBIA GENERATING STATION SITE CERTIFICATION AGREEMENT  
REMOVAL OF CONDITION VI.A.1, PROJECT VISITATION**

**RESOLUTION NO. 318**

**Nature of Action:** The Site Certification Agreement (SCA) issued for the Columbia Generating Station (Columbia) required Energy Northwest (ENW) to “provide visitor information facilities at the Project site subject to security regulations, and such limitations as the Supply System [Energy Northwest] deems reasonably necessary for the health, safety and welfare of the public and for protection of the facility.” Condition IV.A.1. In 1984, EFSEC approved Resolution No. 225 thereby recognizing that a Visitor Center being operated at the Columbia site, along with other associated outreach activities, satisfied ENW’s licensing commitments and SCA requirements for providing visitor information facilities and services.

Prompted by increased security restrictions placed on Columbia by the U.S. Nuclear Regulatory Commission (NRC) following the events of September 11, 2001, ENW advised the Council in April 2002 that it was necessary to close the on-site Visitor Center and limit public access to the Columbia site to meet escalating security requirements being imposed at nuclear power stations. ENW subsequently notified the Council that those requirements made it impractical to have a visitor’s center at the project site and by letter dated August 31, 2006, ENW requested that the Council remove Condition VI.A.1, Project Visitation, from the Columbia SCA.

**Background:** The Columbia SCA requires that ENW provide visitor information facilities at the project site, subject to security regulations and such limitations as are deemed reasonable for public safety and protection of the facility. EFSEC Resolution No. 225, dated December 10, 1984, recognized that the Visitor Center at the Columbia site and other information outreach services being offered by ENW were satisfactory in terms of being in compliance with the SCA conditions.

ENW operated a Visitor Center at the Columbia site from 1984 until September 11, 2001. In addition to maintaining the Visitor Center, ENW participated in a number of other public outreach activities, including open houses which allowed the public to tour the plant; having plant and company information available on a website; and making speakers and presenters available to selected audiences.

Following the events of September 11, 2001, ENW, along with every other utility operating nuclear power stations in the U.S., was required to significantly increase security requirements at their plants. At that point, ENW began implementing a number of security upgrades that included closing the Visitor Center, to generally limit the public’s ability to access the Columbia site to further protect the facility against a high-level threat environment.

In April 2004, ENW notified the Council that plans to relocate a visitor center near the plant's access checkpoint were no longer compatible with the increased security restrictions being imposed on nuclear power stations by the NRC, and requested that the SCA's requirement for a visitor center be eliminated. In October 2004, ENW provided additional details on their outreach activities to keep the public informed and renewed their request to have the SCA requirement closed out. The Council reviewed the outreach activities being conducted by ENW, and while recognizing that they utilized a number of methods to communicate with the public, expressed its interest in having ENW continue to explore other methods or alternative ways that the public would be able to gain information on the region's only operating nuclear power plant and their other energy-related activities.

During 2005 through mid-2006, ENW and EFSEC continued discussions on how the public could continue to have opportunities to learn about the Columbia Generating Station. During that time, the Council encouraged ENW to pursue a possible partnership with other organizations in the Tri-Cities region that were known to be promoting visitor information services.

In August 2006, ENW notified the Council that they were in the process of developing a Memorandum of Understanding with the Hanford Reach National Monument Interpretive Center (The Reach) to "take advantage of this future asset to present the Columbia Generating Station's story with the public." It was noted that the exhibits from the Columbia River Exhibition of History, Science and Technology (CREHST) Museum in Richland, where ENW currently maintains a display, will be replaced by exhibits at The Reach facility when it becomes operational, now planned for late 2008. At the same time, ENW renewed their request that the Columbia SCA be amended to remove the visitor center requirement and that Resolution No. 225 be closed.

ENW and The Reach subsequently advised the Council by letter dated August 21, 2006, that ENW was providing a \$100,000 contribution to The Reach to support this community asset. The Council is aware of The Reach project through its WNP-1/4 Offsite Environmental Mitigation program and has contributed \$250,000 for habitat protection or restoration of lands at the project site.

The Reach will be a 61,000 square foot interpretive center on a 50-acre site at Columbia Point in Richland, the confluence of the Yakima and Columbia Rivers. The Reach facility will be a multidisciplinary interpretive center, featuring geologic, natural and cultural history of the Columbia Basin. The center will feature a 13,000 square foot great hall; a 15,000 square foot permanent exhibit space; bicycle and walking trails; outdoor exhibits; indoor and outdoor theatre; classrooms; public art; a gift shop; and a café. The Reach will provide a gathering place for residents and visitors alike to learn about science, history, art, and conservation.

As noted above, the Council has expressed interest in ENW having a presence in an offsite facility where the public can gain information on Columbia and company activities. The partnership with The Reach, along with the other documented ENW public information activities, is considered to be sufficient to meet the intent of the Columbia

SCA project visitation requirement, and based on its review, the Council staff supports the request to amend the Columbia SCA to remove the visitor center requirement.

**Procedural Status:** EFSEC’s procedure for amending a SCA is set out in Chapter 80.50 RCW and Chapter 463-66 WAC. ENW and EFSEC have complied with the procedural requirements of WAC 463-66 as follows:

- Pursuant to WAC 463-66-030, the request for amendment of the SCA was submitted in writing on August 21, 2006.
- The Council considered the request at its September 12, 2006 Monthly Meeting and indicated it would act upon the request at either its October or November 2006 monthly meetings.
- Notice of this matter was mailed to approximately 207 people as part of the notice and agenda for EFSEC November 14, 2006 Monthly Meeting. The Notice stated that EFSEC would hold a public hearing on this matter at that meeting and that comments could be made orally at that time or in writing prior to the conclusion of the public comment portion of the hearing.

**Discussion:**

WAC 463-66-040 outlines the relevant factors that the Council shall consider prior to a decision to amend a SCA:

In reviewing any proposed amendment, the Council shall consider whether the proposal is consistent with:

1. The intention of the original SCA;
2. Applicable laws and rules; and
3. The public health, safety, and welfare.

WAC 463-66-050 explains that the Council’s consideration of public health, safety, and welfare includes environmental concerns, as follows:

In reviewing whether a proposed amendment is consistent with the public health, safety and welfare, the Council shall consider the short-term and long-term environmental impacts of the proposal.

The Council has considered these factors and has concluded that the proposed amendment would be consistent with each. Each of the Council’s conclusions is discussed below.

**A. Consistency with intentions of SCA**

Under WAC 463-66-040(1), the Council must consider whether the proposed amendment is consistent with the intention of the original SCA.

The original intent of the Columbia SCA was for ENW to provide “visitor information facilities at the Project site subject to security regulations, and such

limitations as the Supply System [ENW] deems reasonably necessary for the health, safety, and welfare of the public and for protection of the facility.”

From 1984, when the plant became operational, through 2001, ENW maintained a Visitor Center at the Columbia site. Because of increased security requirements resulting from the September 11, 2001 terrorist events, ENW determined that it was impractical to continue operation of the Visitor Center at the project site. Shutting down visitor information facilities for security reasons is allowed under the original SCA.

At the same time, the intent to provide information to the public will be met through ENW’s partnership with The Reach and other outreach activities that they have committed to. These activities include: limited tours of Columbia (must meet demonstrated business need); maintaining an ENW website with information on Columbia and other projects; and making speakers and presenters available to selected audiences.

The Council finds that they proposal to remove the project visitation condition is consistent with the original intent of the Columbia SCA.

**B. Consistency with applicable laws and rules.**

Under WAC 463-36-040(2), the Council must consider applicable laws and rules, including chapter 43.21C RCW and chapter 197-11 WAC (the State Environmental Policy Act and SEPA rules) and WAC 463-36-070 through –080.

1. Consistency with SEPA (chapter 43.21C RCW and chapter 197-11 WAC).

In general, SEPA requires an agency to perform a threshold determination to determine whether a proposed action will have a significant adverse effect on the environment. See, WAC 197-11-310. As authorized by statute, the SEPA rules provide categorical exemptions for specified agency actions that clearly have no significant effect on the environment. See, WAC 197-11-305. If an agency action is categorically exempt, no environmental review is required. See WAC 197-11-720. Among the actions specified as categorically exempt are procedural actions of an agency, including the “. . . adoption of . . . resolutions . . . containing no substantive standards respecting use or modification of the environment . . .” WAC 197-11-800(20).

The Council finds that this amendment to remove the project visitation condition from the Columbia SCA affects “no substantive standards respecting use or modification of the environment.” Thus, the Council concludes that its action here is categorically exempt from environmental review under SEPA.

2. Consistency with WAC 463-36-070 and -080.

WAC 463-36-080 provides that

. . . [a]n [SCA] amendment which substantially alters the substance of any provision of the SCA or which is determined to have a significant detrimental effect upon the environment shall be effective upon the signed approval of the governor . . . .

On the other hand, WAC 463-36-070 provides that

. . . [a]n amendment which changes a technical provision or requirement within the terms of the SCA, and constitutes no substantial alteration of any provisions of the SCA, and is determined to have no detrimental effect upon the environment, shall be effective upon adoption of a council resolution. [Emphasis added.]

Based on its findings that the (i) the proposed amendment has no environmental impact and meets current public health, safety, and welfare regulations; and (ii) the removal of this particular requirement is allowable under the terms of the Columbia SCA, the Council finds that this amendment is “technical” in nature; it can and will be effective upon adoption of this resolution.

**C. Consistency with the public health, safety, and welfare.**

Under WAC 463-36-040(3) and -050, the Council must consider whether the proposed amendment is consistent with public health, safety, and welfare, including environmental aspects of the public welfare.

The Council finds that this amendment is consistent with current federal regulations regarding the health and safety of the public for nuclear power plants operating in the United States. As noted above, closing of the Columbia Visitors Center is aimed at protecting the public by limiting access and being in the immediate proximity of an operating nuclear plant, pursuant to NRC security requirements.

The Council further finds that this amendment will not affect the environment in any way. The substance of existing SCA conditions and environmental mitigation requirements are not altered in any manner by the requested amendment.

**D. Conclusion.**

The Council concludes that removal of the on-site visitor center requirement from the Columbia SCA is consistent with current security regulations for nuclear power plants; and further concludes that Energy Northwest will be able to meet the intent of the project visitation condition by having a display at The Reach facility and conducting other outreach activities that will provide information about Columbia to the public.

The Council hereby determines that it is appropriate to approve a Technical Amendment to the Columbia SCA to reflect changes to the project visitation requirements.

**RESOLUTION**

The Council hereby removes Condition VI.A.1 – Project Visitation, from the Columbia Generating Station Site Certification Agreement and closes out Resolution No. 225.

In taking this action, the Council understands that Energy Northwest will continue to conduct public outreach activities that it determines appropriate to convey information about Columbia to the public. It is further understood that Energy Northwest will notify the Council when The Reach facility becomes operational and the terms of its agreement with The Reach for including a Columbia display or exhibit in that facility have been satisfactorily fulfilled.

DATED at Olympia, Washington and effective on November 14th, 2006.

**WASHINGTON ENERGY FACILITY SITE EVALUATION COUNCIL**

By: \_\_\_\_\_  
James O. Luce, Chair

Attest: \_\_\_\_\_  
Allen J. Fiksdal, EFSEC Manager