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Remarks by

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at the

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LLRW Management Decisionmakers' Forum

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**"THE REGIONAL COMPACT APPROACH FOR LLRW MANAGEMENT --  
IS IT STILL THE ANSWER OR IS A NEW APPROACH NEEDED?"**

Good morning, ladies and gentlemen. It is a pleasure to be here at this Ninth Annual Low-Level Radioactive Waste Management Decisionmakers' Forum, and a special honor to have been invited to speak to you at this Opening Plenary Session.

In addition, it is good to see and renew acquaintances with many of you whom I have come to know as a result of our mutual interest over the past several years in the nation's low-level waste disposal program. It is gratifying to know that so many of you have devoted so much of your time, going back for many of you to the late 1970s and early 1980s, to addressing what I consider to be one of the nation's preeminent challenges in the civilian nuclear field.

#### INTRODUCTION

This year's Decisionmakers' Forum comes at a time of considerable activity in the low-level waste disposal arena, with several

notable developments in individual compact regions or states having occurred over the course of the past year.

More importantly, however, this year's Forum comes at what I consider to be a crucial juncture in the overall program called for in the 1980 and '85 statutes, a program intended to lead to the development of a national system of region-based low-level waste disposal facilities for this country's commercially-generated low-level radioactive waste.

Of particular note in this regard, we have now passed the last remaining milestone in the 1985 Act, the January 1, 1993 milestone, a date which marks the conclusion of the 7-year transition period established in the Act, by which all states were to have provided for the storage, disposal, or management of all commercially-generated low-level radioactive waste within their respective states.

Beyond that, we are also roughly a year away from the time when, after June 30th of next year, a substantial number of the nation's generators of low-level radioactive waste may well face the prospect that they will have no access to any facility for the disposal of their waste, forcing those generators to rely to an increasing degree on storage at the point of generation as the only available alternative.

With the passage of the 1-1-93 milestone, and with the possible closure of the Barnwell site to out-of-region waste just around the corner, this year's Forum provides a most timely opportunity, in my view, to take stock of what has been accomplished as a result of the efforts of the past seven years, as well as to assess what lies ahead for the program in the coming years.

Indeed, this year's Forum presents an opportunity to address a more fundamental question: Whether the low-level radioactive waste compacting process is achieving its intended objective -- that is to say, to bring about the development of a nationwide system of regional disposal facilities for all of the nation's commercially-generated low-level radioactive waste -- and doing so in a reasonably efficient and timely manner?

#### **PROGRESS TO DATE**

The obvious first question, of course, is how does one assess the progress to date -- and more importantly, what are the prospects that, by staying the course that we're on, we will achieve our objective of having in place a nationwide system of regional disposal facilities?

We now have 42 States organized in 9 compacts, accounting for just over 80% of the nation's low-level waste. With Texas moving in the direction of forming a compact with Maine and Vermont, that would bring the total number of states covered by compacts to 45, accounting for approximately 90% of the nation's waste. To be sure, that, alone, represents considerable progress, when one contrasts the situation today with where we were in 1980.

At the same time, however, the objective here isn't simply to enter into regional compacts, but rather to develop regional disposal facilities. And here, the experience to date, in my view, has been quite mixed.

On the positive side, we have seen good progress, particularly of late, in both Texas and California, as both of these States appear to be moving forward successfully with their respective siting efforts. Indeed, having visited Texas earlier this year, I came away quite impressed with what I heard and saw. And California, of course, has seen what appears to be a major breakthrough with the successful resolution of the lawsuit concerning the need to conduct adjudicatory proceedings. In both cases, there appears to be reason for a good deal of optimism about the prospects for new disposal facilities.

North Carolina may likewise offer reason for optimism, although it appears that we're approximately one to two years away from knowing whether the siting process in North Carolina will lead to the successful development of a disposal facility.

Beyond those three states (and the regions that they represent), however, which, together with the Northwest and Rocky Mountain regions, account for just over half of the nation's low-level waste shipped for disposal in 1992, the situation in the rest of the country is much less encouraging -- indeed, in my view, it is downright discouraging.

Illinois, which was at one time hailed as a model siting process and widely believed to be the frontrunner in developing a site, is virtually back to square one after the Martinsville decision -- and after spending nearly \$90 million on its effort to date. In Nebraska, the "community consent" issue and the wetlands issue continue to be potentially significant points of contention, with a contested hearing on the license application coming up, I presume, some time later this year and with the Southeast Compact having voted earlier this year to deny generators in the Central Compact access to the Barnwell site come July 1st, as a result of Nebraska's proposed denial of the license.

Elsewhere, the Midwest Compact, the Northeast Compact, and the Appalachian Compact, as well as the states of New York and Massachusetts -- states and compacts which, taken together

represent approximately 20% of the nation's low-level waste -- are even further back in the siting process.

#### **WHERE DO WE GO FROM HERE?**

That obviously leads to the question "What are the prospects that these various programs will achieve their objectives -- and are there alternatives to the current process that should be considered at this point that would move us more swiftly in that direction?"

As many of you know, I have spent a good deal of time over the past several months exploring this very question. Indeed, I've talked with several of you in this room at length about the situation. I've had an opportunity to visit and talk with officials in several states, including California, Nebraska, Texas, and Illinois, to discuss the situation in these and other states. I've visited generators in virtually every field in the nuclear arena, from power plants, to fuel cycle facilities, to hospitals, to universities, to small industrial generators. Finally, I've had an opportunity to visit several countries that have in recent years successfully developed low-level waste disposal facilities, including Sweden, France, and Finland.

I should say that I came away from these discussions and visits generally quite impressed with the sincerity and dedication of the people involved in the site development process here in this country.

But I also came away deeply concerned that, after twelve years in this effort, we have spent a substantial amount of money -- our own estimates at the NRC are in the range of \$350 million, and those are probably on the low side -- with not a single site yet in operation. Indeed, we have yet to see a license granted authorizing construction of a facility anywhere in the country.

At the same time, and largely because of this lack of progress, we see generators relying -- or planning to rely -- increasingly on storage at the point of generation as an operational necessity -- an alternative that the Commission, in turn, views with considerable disfavor, given the potential health and safety concerns associated with on-site storage.

It is because of the foregoing concerns that I began several months ago to consider -- and discuss with some of you -- an approach which would seek to ensure that those states moving forward in a responsible manner with site development efforts would be encouraged to continue to do so, while at the same time focusing increased attention on those states making little or no progress.

Indeed, I have come to believe that it is possible to fashion an approach which strikes this delicate balance, consistent with the fundamental framework established in the 1985 Act. In this regard, let me be clear about one point over which there has been some confusion: Any compact that moves forward in a timely manner with the development of a site should be able to close that site, if it so desires, to out-of-region waste, as is currently permitted under the 1985 Act. I have not proposed and would not support an approach which calls for federalizing any such site. This should be clear.

As I indicated, I have discussed with many of you in a very general way the conceptual outlines of an approach and I have found the comments and suggestions that I have received from many of you most illuminating.

But of particular note were the comments that emphasized the potentially disruptive effect that such a proposal would have on the ongoing siting efforts in several key states, if raised at this delicate point in the process. Indeed, on balance, the prevailing sentiment seems to be that discussions of this nature at this point in time would prove more disruptive than helpful.

It is for this reason, in large part, and specifically because the siting efforts in California, North Carolina, and Texas are at a most sensitive stage, that I have come to believe that discussion of any such alternative should await the outcome of these siting efforts. If, as many have maintained, the successful licensing of a facility in one or more of these states serves to catalyze progress in other states and compacts, such an alternative would largely become moot, as the nation moves toward achieving the objectives set out in the 1985 Act. Indeed, as one who was intimately involved in Congress' consideration and enactment of that Act, there is nothing I'd like to see more than to have this program succeed.

#### **CONCLUSION**

I will say in conclusion that I view the next two and one-half years -- between now and January 1, 1996 -- as crucial for the low-level waste program. If, two and one-half years from now, we have yet to see a construction authorization issued or a facility in operation; if denial of access fails to achieve its intended purpose and instead leads to the result that we have seen so far in Michigan over the past three years -- I do believe at that point that a fundamental reevaluation of the program would be called for.

I thank you for your attention.