



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

MAY 23 1980

MEMORANDUM FOR: The File

FROM: P.A. Comella, Chief
Site Designation Standards Branch

SUBJECT: TRIP REPORT: RESOLVE MEETING, APRIL 7-9, 1980, WYE, MARYLAND

I attended the third meeting of the Nuclear Waste Management Process Review Forum on April 7-9, 1980, at Wye, Maryland, as an NRC official designated to discuss for Forum participants¹ the proposed procedural requirements of 10 CFR Part 60 for disposing of high-level radioactive wastes in geologic repositories. The Forum was sponsored by RESOLVE, an organization for environmental conflict resolution. The purpose of the Forum has been to examine the process by which a national waste management policy is being developed and to make specific recommendations for process improvement to deal with difficult political and social institutional concerns blocking development of effective national policy.² In this context Forum participants were to examine how implementation of the 10 CFR Part 60 procedural requirements might contribute to process improvement.³

The discussion surrounding 10 CFR Part 60 occurred in two parts. On Tuesday afternoon, April 8, I discussed the proposed procedural requirements in terms of how and when they offered opportunities for public and State participation. I emphasized that the implementation of the proposed requirements--should they be adopted in final form--would determine ultimately how well the opportunities for participation would be realized. I went over the four phases of the decision process set out in the proposed rule--the site characterization, construction authorization, waste emplacement, and closure phases--emphasizing the site characterization phase, not only because of the extensive opportunity for participation there, but also because of its being the earliest point for participation. I discussed the provisions for State participation and provided some background on the evolution of the proposed rule from the proposed General Statement of Policy through consideration of comments received on the policy statement.

¹A list of participants in this third Forum meeting is found at Enclosure 1.

²The agenda for the third Forum meeting is found at Enclosure 2.

³Specifically, participants were asked to consider the following questions:

1. How can State/federal/local relationships be improved?
2. How can decisions be made so that the public will believe decisions have been made well?
3. What kind of regulatory process can we expect?
4. What kind of system will work to represent the public? What should agencies do? (mechanics)
5. How do you get facts on the table?
6. How can we develop a comprehensive federal program for radioactive

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waste (roles, responsibilities, authorities of all agencies)?
For further details, see Statement of Work provided to RESOLVE by NRC (Enclosure 3).

During and following my presentation a number of comments were made concerning the lack of provision for financial assistance for the public, lack of correspondence to the IRG with respect to step-wise progression, lack of definition of precise roles for the public and States, lack of discussion of "consultation and concurrence" role for States, need for technical criteria to deal with alternative sites, and lack of language in the proposed rule concerning intercomparison of sites. Questions were raised concerning the relationship of the proposed rule to regulatory reform legislation dealing with public participation funding, and a need for an EIS to sink an exploratory shaft for site characterization. Neither the comments nor questions differed from written comments received on the proposed procedural rule. Brubaker of CEQ offered that his agency might seek to have the public comment period on the proposed rule re-opened given the President's Policy Statement of February 12, 1980 concerning the National radioactive waste management program (copy attached). Riley of the Sierra Club commented that the proposed rule offered nothing new in the way of public participation: the same old words were there and he assumed the NRC would continue its same old relationship to the public. (Riley believed the NRC lacked the credibility and competence to license geologic disposal).

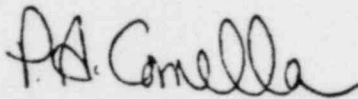
The second session took place the evening of April 8, 1980, with a workshop concerning how NRC's proposed licensing procedures might be implemented should the proposed rule be adopted. In my opinion, the workshop did not achieve its objectives. Although the group attempted to grapple with the problem of implementation, especially with the question of how to reach the ordinary citizen as opposed to the citizen group or the State, a major stumbling block appeared to be an inadequate understanding on the part of a good number of the participants of the distribution of authorities and responsibilities among the various Federal actors, including the NRC, DOE, EPA, DOI, and the Congress. Therefore, the group concentrated its attention on achieving these understandings.

During the Wednesday, April 9, session the question of these understandings again came up--albeit indirectly--with the discussion of what recommendations should be made to decision-makers at the Federal level, who those decision-makers might be, and how the message should be delivered. While the group was able to identify the decision-makers, a lively debate ensued concerning the extent--if any--to which the message needed to be tailored in order to reflect the roles and functions of the decision maker. There appeared to be some lack of appreciation as to how the effectiveness of the group's communications with officials might be enhanced if the messages to these officials conveyed an understanding of their roles and functions in the Federal high-level waste disposal program; for example, if messages to Congressmen were cast in the form of recommendations for legislation. Again, I believed this lack stemmed from inadequate understanding of the various Federal roles and the limitations to effect solutions imposed by these roles.

In sum, my strongest impressions from this Forum concerned the following:

- The distribution of authorities and responsibilities at the Federal level for HLW disposal is not well understood; in particular, the authority and responsibility of the NRC are not understood, as well as the various regulatory functions of the NRC.

- This lack of understanding contributes to frustrations on the part of the public, even the well-informed public, over their seemingly limited ability or inability to participate meaningfully in the HLW disposal problem. This frustration appears to be compounded further by attitudes that place the burden for effective participation largely with the Federal government.
- If the NRC is to involve the public in a meaningful manner in its activities related to HLW disposal--e.g. in its 10 CFR Part 60 rulemaking, in the review of DOE's site characterization report and in the other decision phases--NRC must take steps to inform the public of its own role and the relationship of this role to the roles of the other Federal activities; and to educate the public concerning its various regulatory functions, the objectives of these functions with respect to HLW disposal and, where relevant, the mechanisms for and purpose of public participation in these functions. For example, in promulgating the effective procedural requirements, I believe it is important to lay out in the Statement of Considerations a discussion of the various Federal roles in HLW disposal.



P. A. Comella, Chief
Site Designation Standards Branch
Office of Standards Development

Enclosures:
As stated

cc: I.C. Roberts
M.J. Bell
R. MacDougall

PARTICIPANT*AFFILIATION

Gerald Brubaker	CEQ
John Busterud	RESOLVE
William Butler	Env. Defense Fund
William Colglazier	Harvard
Patricia Comella	NRC
Thomas Cotton	OTA
James Graham	General Atomic
Ted Greenwood	M.I.T., formerly OSTP
Robert MacDougall	NRC
David Metlay	Indiana University
James Muckerheide	Boston Edison
Francis X. Murray	Georgetown University
Stanley Nealey	Battelle Pacific Northwest Laboratory
Francis X. Quinn	Moderator
Jesse Riley	Sierra Club
Leonard Slosky	Office of the Governor, CO
John Stucker	Acting Exec. Director State Planning Council
Barbara Vaughn	RESOLVE
Robert Williams	EPRI
Susan Wiltshire	Mass. League of Women Voters

Agenda
Plenary Session
Nuclear Waste Management Process Review Forum
April 7, 8, 9 1980
Aspen Institute - Wye Plantation, Maryland
Father Frank Quinn, Moderator

Monday, April 7

5:00 P.M. Reception and Cocktails

6:00 . Dinner and Welcome.
John Busterud, President, RESOLVE

SESSION I: DISSEMINATING THE NWM PROCESS REVIEW
FORUM RECOMMENDATIONS

- 7:30 1. The Political Climate: A Brief Assessment
Gerald Brubaker, Council on Environmental Quality
- 7:45 2. Final Written Report
- a) Who should be its audience?
 - b) How should it be announced?
 - c) How should it be distributed?
3. Immediate Dissemination of Agreements and Recommendations of this Group
- a) Should specific agreements reached in this group over the next two days be announced before a final written report is available?
 - b) If yes, under what general guidelines?
4. Organizational Tasks
- Should the following groups be formed?
If so, a sign-up sheet will be circulated throughout the course of the workshop.
- a) Review Group. This group would review the draft report of this meeting.
 - b) Official Spokesmen. These individuals would take responsibility for-explaining, presenting, and otherwise informing the Congress, the media, and other groups of the Forum's results.
- 9:30 5. ADJOURN

Tuesday, April 8

- 7:30 A.M. Breakfast
- 8:30 Opening Remarks and Introductions: John Busterud
- SESSION II: REVIEW OF WORK TO DATE
- 8:45 Results of the December 6-7 Workshop
- Barbara Vaughn
- 9:00 Group Affirmation of the Objective for a Radioactive Waste
Management Decisionmaking Process
- 9:15 Group Review of the Criteria for Evaluating Alternatives
- 10:15 Break
- 10:30 Restatement of the Criteria
- 11:00 Summary: Fr. Frank Quinn
- SESSION III: FEDERAL/STATE/LOCAL RELATIONS IN
NWM DECISIONMAKING
- 11:15 President Carter's Policy Statement:
Overview, Implications, Current Status -Gerald Brubaker
- 12:00 Noon Lunch
- 1:00 P.M. Nuclear Regulatory Commission Proposed Procedural
Regulations for Licensing High-Level Waste Repositories
in Geologic Media - NRC official T.B.A.
- 1:30 The ATF's Recommendations re: Federal/State/Local Relations
- John Busterud
- 1:45 Question and Answer Period
- 2:15 Discussion and Evaluation of ATF Recommendations
- 3:15 Break
- 3:30 Continuation of Evaluation
- 5:30 Summary of Session III - Fr. Quinn
- 5:45 Adjourn
- 6:00 Cocktails
- 6:45 Dinner
- 8:00 Concurrent Evening Programs
1. SEMINAR: Institutional Mechanisms for Federal/State
Relations.
Introduction: John Busterud
Discussion of papers by James B. Muckerheide
and Kai N. Lee.
 - 2) WORKSHOP: Improving the NRC Proposed Licensing Procedures.
Moderator, Fr. Frank Quinn

Wednesday, April 9

7:30 A.M. Breakfast

SESSION IV: RECOMMENDATIONS ON FEDERAL/STATE/LOCAL RELATIONS

8:30 Report from the Workshop on NRC's Proposed Regulations

8:45 Discussion and Evaluation of Recommendations

10:15 Break

10:30 Finalization of Recommendations

11:30 Summary of Recommendations: Fr. Quinn
- to Department of Energy
- to Nuclear Regulatory Commission
- to State Planning Council

SESSION V: OPTIONS FOR IMPROVING PUBLIC PARTICIPATION

12:00 Noon Lunch Speaker: Stanley Nealey,
Battelle Pacific Northwest Laboratory,
"Why Public Participation?"
Informal Discussion of Dr. Nealey's talk.

1:00 P.M. Review of ATF Suggestions
- Barbara Vaughn

1:20 Discussion and Evaluation of ATF Recommendations

3:15 Break

SESSION VI: CLOSURE

3:30 Final organization for disseminating Recommendations

4:15 Closing: John Busterud

4:30 ADJOURN

STATEMENT OF WORKRESOLVE HIGH-LEVEL WASTE POLICY WORKSHOP

FIN: B6948-0

B&R: 50-19-03-01

1.0 Background

The U.S. Nuclear Regulatory Commission (NRC) is currently considering comments on its proposed 10 CFR Part 60 procedural regulation on the licensing of high-level radioactive waste. This proposed regulation was published in the Federal Register on December 6, 1979, about a week after the first meeting of the group convened under the auspices of RESOLVE, the Center for Environmental Conflict Resolution, to discuss the high-level waste management decision-making process. This group, composed of leading thinkers and spokesmen from the nuclear industry, utilities, intervenor groups, academia, state government, and federal agencies (see Enclosure 3), identified several questions concerning the high-level waste management decision-making process, and RESOLVE is planning to follow-up efforts to produce a consensus from the group on recommendations for resolving the policy questions identified. As part of that effort, RESOLVE has agreed to consider how implementation of the proposed procedural requirements might serve as a vehicle for resolving some of the issues identified at the December meeting. Such consideration would be extremely useful to the NRC staff as it deliberates further on achieving best effective and meaningful participation by state/local government, the public, and other parties interested in HLW repositories. In the statement of consideration accompanying the proposed rule, the Commission stated that it intended to provide further guidance to assist the states in planning for such participation.

On February 21 and 22, 1980, RESOLVE hosted a second, smaller workshop to develop a set of response options for the original plenary group's consideration at a final meeting to be held April 7-9, 1980. RESOLVE staff are willing to include the proposed Part 60 rule as one of these options, and NRC will provide an appropriate official to familiarize plenary group members with 10CFR60's policy implications in light of the questions identified at the December meeting. Following discussion and the development of recommendations from the options presented, RESOLVE intends to publish these recommendations for general distribution as a consensus of the diverse interests affected. Included among these recommendations would be a discussion of how implementation of 10 CFR Part 60 would affect these options.

2.0 Work Required

Task 1: Document Dissemination. The contractor shall mail copies of the NRC 10CFR60 proposed high-level waste management procedural rule as published in the Federal Register December 6, 1979, to all attending members of the plenary group sufficiently in advance of the April 7-9 meeting to provide an opportunity for review and the development of comments for discussion at the meeting.

The contractor shall also furnish to the same members copies of the questions listed below to be considered for their consideration during the review and development of comments prior to the meeting. Such questions shall guide the discussion of the proposed Part 60 regulation.

Task 2: Plenary Group Meeting. The contractor shall arrange for a meeting in April 1980, inviting at a minimum the persons listed in Enclosure 3. The meeting shall include a discussion of the proposed Part 60 procedural rule to provide recommendations on how to best implement the procedural opportunities for addressing state and local concerns and involving interested members of the public. The contractor shall also focus the group's discussion of the proposed rule specifically on the following questions selected from those developed at the December meeting:

1. How can state/federal/local relationships be improved?
2. How can decisions be made so that the public will believe decisions have been made well?
3. What kind of regulatory process can we expect?
4. What kind of system will work to represent the public? What should agencies do? (mechanisms)
5. How do you get facts on the table?
6. How can we develop a comprehensive federal program for radioactive waste (roles, responsibilities, authorities of all agencies)?

In guiding the group's discussion of these questions in relation to proposed 10CFR60 as a response to each of these questions, the contractor shall ask the group to consider to what extent would implementation of the licensing procedures of 10CFR60 resolve this issue.

Task 3: Discussion Documentation. The contractor shall document the proceedings of the plenary group meeting with respect to the proposed 10CFR60 through the use of a tape recorder or stenographer, to assure an accurate, factual record of the proceedings. A tape or written transcript of the portion or portions concerning 10CFR60 or NRC licensing policy shall be delivered to the Project Manager within 40 working days of the meeting.

Task 4: Draft Report. Within 40 working days after the conclusion of the plenary group meeting, the contractor shall provide draft copies of the comprehensive report on the plenary group recommendations to the following persons:

- Robert D. MacDougall, NRC Project Manager, Licensing Process and Integration Branch, Office of Nuclear Material Safety and Safeguards (1 copy)
- Michael J. Bell, Chief, High-Level Waste Technical Development Branch, Office of Nuclear Material Safety and Safeguards (1 copy)
- I. Craig Roberts, Assistant Director for Siting Standards, Office of Standards Development (1 copy)
- Office Director, Office of Nuclear Material Safety and Safeguards (ATTN: Program Support Branch) (1 copy)
- Mary Jo Mattia, Chief, Administrative Contracts Branch, Office of Administration (1 copy)

These draft copies shall note portions relevant to proposed 10CFR60 and NRC high-level waste licensing policy. The NRC Project Manager shall review the draft report and provide the contractor with written NRC staff comments within 10 working days of receipt of the draft report.

Task 5: Final Report. Within 10 days after receiving NRC staff comments on the draft report, but no later than 60 days after the conclusion of the plenary group meeting, the contractor shall provide five copies of the revised final report according to the same distribution specified in Task 4 above. Pursuant to staff comments provided by the Project Manager on the draft report, and according to the aforementioned tape or transcript, the final report shall contain revisions to correct factual inaccuracies and/or incorporate plenary group discussions and recommendations omitted from the draft report. Prior to publication of the final report, such revisions shall be verified with the Project Manager as consistent with the tape or written transcript, and shall be approved by the appropriate plenary group members charged by the group to review and approve the final version of the report.

3.0 NRC Furnished Material

Within 24 hours of contract award, the NRC Project Manager shall furnish the contractor copies of proposed 10CFR60. NRC shall also provide an appropriate official to discuss NRC high-level waste management licensing policy and brief group members on the proposed rule. NRC staff shall provide comments on the draft report according to the provisions of Task 4 above in sufficient time to permit the drafting, review, and approval of revisions without additional delay in the contractor's projected timetable for publication of the final report.

4.0 Level of Effort

During the period of performance, the contractor shall spend not less than 9.5 person-days on the tasks set forth above. Of the total effort, not less than 3.3 person-days shall be devoted to this project by the project coordinator, and not less than 1 person-day by the President of RESOLVE.

5.0 Key Personnel

The following contractor staff are considered essential to the performance of the work described above:

John Busterud, President, RESOLVE

Barbara Vaughn, Project Coordinator

6.0 Period of Performance

The work described above shall be performed from the date of contract award through Monday, June 9, 1980, and shall be completed no later than such date.

JUSTIFICATION FOR NON-COMPETITIVE PROCUREMENT
FOR RESOLVE HIGH-LEVEL WASTE POLICY WORKSHOP
FIN: B-6948-0 B&R: 50-19-03-01

The nature of the RESOLVE group and the timing of its efforts offer unique benefits to the NRC. The group represents a broad spectrum of insights from the nuclear reactor industry, utilities, public interest groups, academics of various disciplines, and the principal government agencies involved in the high-level waste management program. The thoughts of such a diversity of interests on implementation of the public participation aspects of the proposed Part 60 procedural regulation would be singularly valuable to the NRC, since such thoughts would help to improve substantially the quality of the public participation process in licensing a HLW repository.

Such guidance would also come at a time when NRC staff would be in the best position to use it. The staff is currently preparing its plans for implementing effective procedural requirements. As has been mentioned in the background section of the SOW, RESOLVE has already completed much of the work toward bringing this group to produce a consensus on the major issues related to conflict resolution and public participation. The first meeting of the group, at which NRC participated, identified the major public policy issues, and the smaller follow-up workshop has begun to develop a set of options for response to these issues. The group will choose from among these responses options in formulating recommendations at its final meeting. The proposed

RESOLVE contract is thus a unique opportunity for NRC to have the group consider how its options might be carried out in the implementation of its procedural requirements. This opportunity would probably be lost if such a project were to be bid competitively, since it would be difficult if not impossible to negotiate an offer, award a contract, and convene a group of this kind soon enough after the RESOLVE seminar to be usable.

Two other features of this proposal also underpin the case for its uniqueness. First, RESOLVE itself is willing to contribute a significant portion of the budget for this project from its own funds. This attests to the priority RESOLVE attaches to this project; the contractor is willing to incur a loss in order to enhance the quality of the product. A second and related feature is that the project will be funded from a variety of diverse sources, including the Department of Energy, the Environmental Protection Agency, and the utility-supported Electric Power Research Institute. This diversity of interest should help to assure that the recommendations issuing from the project are not tailored to the policy preferences of a single funding source, which in turn should promote the credibility of the findings.

John B. Martin, Director
Division of Waste Management

Office of the White House Press Secretary

THE WHITE HOUSE

TO THE CONGRESS OF THE UNITED STATES:

Today I am establishing this Nation's first comprehensive radioactive waste management program. My paramount objective in managing nuclear wastes is to protect the health and safety of all Americans, both now and in the future. I share this responsibility with elected officials at all levels of our government. Our citizens have a deep concern that the beneficial uses of nuclear technology, including the generation of electricity, not be allowed to imperil public health or safety now or in the future.

For more than 30 years, radioactive wastes have been generated by programs for national defense, by the commercial nuclear power program, and by a variety of medical, industrial and research activities. Yet past governmental efforts to manage radioactive wastes have not been technically adequate. Moreover, they have failed to involve successfully the States, local governments, and the public in policy or program decisions. My actions today lay the foundation for both a technically superior program and a full cooperative Federal-State partnership to ensure public confidence in a waste management program.

My program is consistent with the broad consensus that has evolved from the efforts of the Interagency Review Group on Radioactive Waste Management (IRG) which I established. The IRG findings and analysis were comprehensive, thorough and widely reviewed by public, industry and citizen groups, State and local governments, and members of the Congress. Evaluations of the scientific and technical analyses were obtained through a broad and rigorous peer review by the scientific community. The final recommendations benefited from and reflect this input.

My objective is to establish a comprehensive program for the management of all types of radioactive wastes. My policies and programs establish mechanisms to ensure that elected officials and the public fully participate in waste decisions, and direct Federal departments and agencies to implement a waste management strategy which is safe, technically sound, conservative, and open to continuous public review. This approach will help ensure that we will reach our objective -- the safe storage and disposal of all forms of nuclear waste.

Our primary objective is to isolate existing and future radioactive waste from military and civilian activities from the biosphere and pose no significant threat to public health and safety. The responsibility for resolving military and civilian waste management problems shall not be deferred to future generations. The technical program must meet all relevant radiological protection criteria as well as all other applicable regulatory requirements. This effort must proceed regardless of future developments within the nuclear industry -- its future size, and resolution of specific fuel cycle and reactor design issues. The specific steps outlined below are each aimed at accomplishing this overall objective.

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First, my Administration is committed to providing an effective role for State and local governments in the development and implementation of our nuclear waste management program. I am therefore taking the following actions:

- o By Executive Order, I am establishing a State Planning Council which will strengthen our intergovernmental relationships and help fulfill our joint responsibility to protect public health and safety in radioactive waste matters. I have asked Governor Riley of South Carolina to serve as Chairman of the Council. The Council will have a total of 19 members: 15 who are Governors or other elected officials, and 4 from the Executive departments and agencies. It will advise the Executive Branch and work with the Congress to address radioactive waste management issues, such as planning and siting, construction, and operation of facilities. I will submit legislation during this session to make the Council permanent.
- o In the past, States have not played an adequate part in the waste management planning process -- for example, in the evaluation and location of potential waste disposal sites. The States need better access to information and expanded opportunity to guide waste management planning. Our relationship with the States will be based on the principle of consultation and concurrence in the siting of high level waste repositories. Under the framework of consultation and concurrence, a host State will have a continuing role in Federal decisionmaking on the siting, design and construction of a high level waste repository. State consultation and concurrence, however, will lead to an acceptable solution to our waste disposal problem only if all the States participate as partners in the program I am putting forth. The safe disposal of radioactive waste, defense and commercial, is a national, not just a Federal, responsibility.
- o I am directing the Secretary of Energy to provide financial and technical assistance to States and other jurisdictions to facilitate the full participation of State and local government in review and licensing proceedings.

Second, for disposal of high level radioactive waste, I am adopting an interim planning strategy focused on the use of mined geologic repositories capable of accepting both waste from reprocessing and unprocessed commercial spent fuel. An interim strategy is needed since final decisions on many steps which need to be taken should be preceded by a full environmental review under the National Environmental Policy Act. In its search for suitable sites for high level waste repositories, the Department of Energy has mounted an expanded and diversified program of geologic investigations that recognizes the importance of the interaction among geologic setting, repository host rock, waste form and other engineered barriers on a site-specific basis. Immediate attention will focus on research and development, and on locating and characterizing a number of potential repository sites in a variety of different geologic environments with diverse rock types. When four to five sites have been evaluated and found potentially suitable, one or more will be selected for further development as a licensed full-scale repository.

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It is important to stress the following two points: First, because the suitability of a geologic disposal site can be verified only through detailed and time-consuming site specific evaluations, actual sites and their geologic environments must be carefully examined. Second, the development of a repository will proceed in a careful step-by-step manner. Experience and information gained at each phase will be reviewed and evaluated to determine if there is sufficient knowledge to proceed with the next stage of development. We should be ready to select the site for the first full-scale repository by about 1985 and have it operational by the mid-1990's. For reasons of economy, the first and subsequent repositories should accept both defense and commercial wastes.

Consistent with my decision to expand and diversify the Department of Energy's program of geologic investigation before selecting a specific site for repository development, I have decided that the Waste Isolation Pilot Plant project should be cancelled. This project is currently authorized for the unlicensed disposal of transuranic waste from our National defense program, and for research and development using high level defense waste. This project is inconsistent with my policy that all repositories for highly radioactive waste be licensed, and that they accept both defense and commercial wastes.

The site near Carlsbad, New Mexico, which was being considered for this project, will continue to be evaluated along with other sites in other parts of the country. If qualified, it will be reserved as one of several candidate sites for possible use as a licensed repository for defense and commercial high level wastes. My fiscal year 1981 budget contains funds in the commercial nuclear waste program for protection and continued investigation of the Carlsbad site. Finally, it is important that we take the time to compare the New Mexico site with other sites now under evaluation for the first waste repository.

Over the next five years, the Department of Energy will carry out an aggressive program of scientific and technical investigations to support waste solidification, packaging and repository design and construction including several experimental, retrievable emplacements in test facilities. This supporting research and development program will call upon the knowledge and experience of the Nation's very best people in science, engineering and other fields of learning and will include participation of universities, industry, and the government departments, agencies, and national laboratories.

Third, during the interim period before a disposal facility is available, waste must and will continue to be cared for safely. Management of defense waste is a Federal responsibility; the Department of Energy will ensure close and meticulous control over defense waste facilities which are vital to our national security. I am committed to maintaining safe interim storage of these wastes as long as necessary and to making adequate funding available for that purpose. We will also proceed with research and development at the various defense sites that will lead the processing, packaging, and ultimate transfer to a permanent repository of the high level and transuranic wastes from defense programs.

In contrast, storage of commercial spent fuel is primarily a responsibility of the utilities. I want to stress that interim spent fuel storage capacity is not an alternative to permanent disposal. However, adequate storage is necessary

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until repositories are available. I urge the utility industry to continue to take all actions necessary to store spent fuel in a manner that will protect the public and ensure efficient and safe operation of power reactors. However, a limited amount of government storage capacity would provide flexibility to our national waste disposal program and an alternative for those utilities which are unable to expand their storage capabilities.

I reiterate the need for early enactment of my proposed spent nuclear fuel legislation. This proposal would authorize the Department of Energy to: (1) design, acquire or construct, and operate one or more away-from-reactor storage facilities, and (2) accept for storage, until permanent disposal facilities are available, domestic spent fuel, and a limited amount of foreign spent fuel in cases when such action would further our non-proliferation policy objectives. All costs of storage, including the cost of locating, constructing and operating permanent geologic repositories, will be recovered through fees paid by utilities and other users of the services and will ultimately be borne by those who benefit from the activities generating the wastes.

Fourth, I have directed the Department of Energy to work jointly with states, other government agencies, industry and other organizations, and the public, in developing regional plans to establish regional disposal sites for commercial low level waste. We must work together to resolve the serious near-term problem of low level waste disposal. While this task is not inherently difficult from the standpoint of safety, it requires better planning and coordination. I endorse the actions being taken by the Nation's governors to tackle this problem and direct the Secretary of Energy to work with them in support of their effort.

Fifth, the Federal programs for regulating radioactive waste storage, transportation and disposal are a crucial component of our efforts to ensure the health and safety of Americans. Although the existing authorities and structures are basically sound, improvements must be made in several areas. The current authority of the Nuclear Regulatory Commission to license the disposal of high level waste and low level waste in commercial facilities should be extended to include spent fuel storage, and disposal of transuranic waste and non-defense low level waste in any new government facilities. I am directing the Environmental Protection Agency to consult with the Nuclear Regulatory Commission to resolve issues of overlapping jurisdiction and phasing of regulatory actions. They should also seek ways to speed up the promulgation of their safety regulations. I am also directing the Department of Transportation and the Environmental Protection Agency to improve both the efficiency of their regulatory activities and their relationships with other Federal agencies and state and local governments.

Sixth, it is essential that all aspects of the waste management program be conducted with the fullest possible disclosure to and participation by the public and the technical community. I am directing the departments and agencies to develop and improve mechanisms to ensure such participation and public involvement consistent with the need to protect national security information. The waste management program will be carried out in full compliance with the National Environmental Policy Act.

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Seventh, because nuclear waste management is a problem shared by many other countries and decisions on waste management alternatives have nuclear proliferation implications, I will continue to encourage and support bilateral and multilateral efforts which advance both our technical capabilities and our understanding of spent fuel and waste management options, which are consistent with our non-proliferation policy.

In its role as lead agency for the management and disposal of radioactive wastes and with cooperation of the other relevant Federal agencies, the Department of Energy is preparing a detailed National Plan for Nuclear Waste Management to implement these policy guidelines and the other recommendations of the IRG. This Plan will provide a clear road map for all parties and will give the public an opportunity to review the entirety of our program. It will include specific program goals and milestones for all aspects of nuclear waste management. A draft of the comprehensive National Plan will be distributed by the Secretary of Energy later this year for public and Congressional review. The State Planning Council will be directly involved in the development of this plan.

The Nuclear Regulatory Commission now has underway an important proceeding to provide the Nation with its judgment on whether or not it has confidence that radioactive wastes produced by nuclear power reactors can and will be disposed of safely. I urge that the Nuclear Regulatory Commission do so in a thorough and timely manner and that it provide a full opportunity for public, technical and government agency participation.

Over the past two years as I have reviewed various aspects of the radioactive waste problem, the complexities and difficulties of the issues have become evident -- both from a technical and, more importantly, from an institutional and political perspective. However, based on the technical conclusions reached by the IRG, I am persuaded that the capability now exists to characterize and evaluate a number of geologic environments for use as repositories built with conventional mining technology. We have already made substantial progress and changes in our programs. With this comprehensive policy and its implementation through the FY 1981 budget and other actions, we will complete the task of reorienting our efforts in the right direction. Many citizens know and all must understand that this problem will be with us for many years. We must proceed steadily and with determination to resolve the remaining technical issues while ensuring full public participation and maintaining the full cooperation of all levels of government. We will act surely and without delay, but we will not compromise our technical or scientific standards out of haste. I look forward to working with the Congress and the states to implement this policy and build public confidence in the ability of the government to do what is required in this area to protect the health and safety of our citizens.

JIMMY CARTER

THE WHITE HOUSE,
