



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

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MAY 12 1980

Mr. H. E. Whatley, President
Alloy Rods Division
Chemetron Corporation
Wilson Avenue
Hanover, Pennsylvania 17331

Dear Mr. Whatley:

This is in reply to your letter of August 16, 1979, to then Chairman Hendrie about nuclear power plants. I am sorry for the delay in responding, but we have been very busy with the aftermath of the Three Mile Island accident.

The Nuclear Regulatory Commission is committed to protect the public health and safety. The TMI accident resulted in a need for changes in the approach to safety. The Nuclear Regulatory Commission has found that actions recommended by its own staff and by the President's Commission on the Accident at Three Mile Island in the areas of human factors, operational safety, emergency planning, nuclear power plant design and siting, health effects, and public information are necessary and feasible. Interim measures have been taken, and under review is an Action Plan that will include new or improved safety objectives, detailed criteria for their implementation, and various implementation deadlines.

Meanwhile, in order to avoid unnecessary delays, the Commissioners have approved the issuance of NRC licenses for three nuclear power units to load fuel and, under specified conditions, to operate at low power levels for testing.

With regard to your comments on the disposal of radioactive wastes, you may be interested in the enclosed message to the Congress by President Carter on February 12, 1980, in which he announced the establishment of a comprehensive radioactive waste management program.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harold R. Denton".

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosure:
As stated

February 12, 1980

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 unreprocessed 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 national 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,
