

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of )  
 )  
 ) PR-50,51  
PROPOSED RULEMAKING ON THE STORAGE ) (44 FR 61371)  
AND DISPOSAL OF NUCLEAR WASTE )  
 )  
(Waste Confidence Rulemaking) ) October 3, 1980

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SUGGESTIONS AS TO FURTHER PROCEEDINGS

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Procedure

Introduction

The record presently before the Nuclear Regulatory Commission (NRC) is more than adequate to justify a finding of confidence that nuclear waste can be stored and disposed of safely. A finding of confidence should be made on this record as soon as possible. Such action will go far to overcome the public's apprehension which is, to a large degree, due to previous delay and indecisiveness by the federal government in addressing the question of storage and disposal of nuclear waste.

I

PROLONGING THIS RULEMAKING PROCEEDING  
WILL ONLY RESULT IN A REPETITION OF  
MATTERS ALREADY IN THE RECORD AND  
NEEDLESSLY DELAY A FINDING OF CONFIDENCE

The record is now sufficient to justify an expeditious resolution of the questions raised in this rulemaking proceeding. The issues have been identified. The scientific evidence necessary for resolution of the questions has been presented in detail, and is of a quantity and quality to justify NRC's finding of confidence.

Those opposed to a finding of confidence have introduced nothing new, but have only reheated old fears and speculation. They promise to add nothing new in any further proceedings. The record is so complete that nothing new and meaningful can be added at this time.

We therefore respectfully submit that the following procedure be followed:

1. NRC should review the statements and cross-statements to determine if any questions need more detailed discussion. If such problem areas exist, NRC should advise the participants, and allow them to present relevant written responses limited to answering those questions.

2. NRC may find it to be of assistance to have the participants present their proposed conclusions, supported by reference to the record in this proceeding.

II

THE NUMEROUS ALLEGED INSTITUTIONAL ISSUES  
ARE LEGISLATIVE MATTERS BEYOND THE AUTHORITY  
OF THE NUCLEAR REGULATORY COMMISSION, AND  
CONSIDERATION OF THEM IS NOT NECESSARY  
FOR A FINDING OF CONFIDENCE

This rulemaking proceeding must focus on the technical feasibility of waste storage and disposal. It must not get side-tracked into consideration of social, political, and institutional issues which are not germane to the question of safety and which are not within the authority of NRC.

Numerous participants have raised issues characterized as social, governmental, or institutional. They express concern with governmental organization and responsibility, with states' rights, and with citizen participation. NRC's finding of confidence should not be contingent upon the resolution of these matters because, as important as they are, NRC has no jurisdiction and no authority to resolve them. These questions must be resolved by the legislative branch of government. Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc., 435 U.S. 519, 558, (1978), Natural Resources Defense Council v. U.S. Nuclear Regulatory Commission, 582 F.2d 166, 175 (2d Cir. 1978).

The institutional issues by their very nature are political and emotional, and cannot be resolved by rational presentation of evidentiary proof. Rather, they invite the expression of personal feelings. This is neither the time nor the place for such emotional propagandizing,

and to consider such issues would be a waste of time and energy.

It should be noted that these institutional problems will be resolved, for they must be resolved. We now have a significant quantity of nuclear waste. It must be stored and disposed of safely. Thus, any institutional problems which may exist will of necessity be resolved.

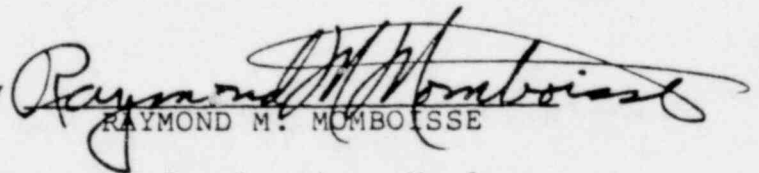
This rulemaking proceeding should be confined to dealing with the true issues, the technical feasibility of safe storage and disposal of nuclear wastes. These issues can and must be resolved based on the abundant scientific evidence that nuclear waste can be stored and disposed of safely.

DATED: October 3, 1980.

Respectfully submitted,

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