

Statement of Larry Weinstock
Director, Radiation Protection Division
Environmental Protection Agency
to the
Nuclear Waste Technical Review Board
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I would like to thank the Nuclear Waste Technical Review Board for inviting me to participate on this panel to discuss EPA's rulemaking to develop radioactive waste disposal standards for Yucca Mountain. The Yucca Mountain rulemaking represents one of the top priorities for my division. I am well aware of the importance of these standards and the need to move quickly. Our goal is not only to set a standard that is protective of public health and the environment for the long term, but also to set a standard that can be implemented by the Nuclear Regulatory Commission. We believe that only a standard that meets both of these tests will be acceptable to the public. This acceptance is crucial, without it this nation's program of nuclear waste disposal is ultimately doomed to failure. While Yucca Mountain is only one piece of that program, it is an important one, and its success or failure in the eyes of the public will impact all nuclear programs in the U.S..

How will we go about this task? First, we recognize the vital role played by the many stakeholders in the Yucca Mountain project. This includes DOE, the nuclear industry, the State of Nevada, local and tribal governments, environmental groups, as well the states and localities where the waste is currently being stored and generated. We want to get input from all of these stakeholders, they have many good ideas and they should be included in the process. To that end we have just completed a series of public meetings in Nye County and Las Vegas, Nevada, and Washington, D.C.. The purpose of these meetings was to explain our plans for completing this rulemaking and more importantly to listen to the stakeholders in this rulemaking express their concerns and tell us their ideas of how EPA should interpret the NAS report. These meetings have been very helpful to us as we start this process. In addition, we have asked the public to send us additional comments on how we should interpret the NAS study and turn its recommendations into regulations. We have requested comments by October 26th, but will still consider them if they arrive later. I would like to specifically take this opportunity to invite the Board to submit its comments and recommendations to EPA. In a task this difficult we need all the advice we can get. In addition, we are, to the extent time and resources permit, willing to meet with the different stakeholders in this rulemaking to discuss their ideas and hear their concerns.

As important as it is that we get input from the stakeholders, it is equally important that we work closely with our regulatory partner, the Nuclear Regulatory Commission, as we set these standards. No matter how good our standards are, if they cannot be implemented, we will have failed. It is crucial that we work with

the NRC to better understand their processes so we can ensure that the standards we set will help the nation move closer to, and not further from, a decision on whether or not to use Yucca Mountain for nuclear waste disposal. In addition, the NRC has a great deal of useful information and data on Yucca Mountain that will also help our rulemaking. We also believe that working closely with NRC will help them better understand our intentions as they move forward to set their implementing standards. That's why I am very pleased to announce that EPA and NRC have agreed to establish staff liaisons in each Agency to ensure continued and effective staff interaction and cooperation. I am also grateful that NRC has agreed to devote staff time and resources to work with EPA as we move forward in developing standards. I am confident that this interaction will build on the ever improving EPA-NRC relationship and serve as an example of interagency cooperation of which both organizations can be proud.

Our current plans are to incorporate comments from the public as we move forward to develop proposed standards. We recognize the strict time limits Congress has placed on us and are doing everything we can to ensure that the proposal will come out as quickly as possible. After the proposal we will take comments and hold hearings both in Washington and Nevada before developing a final rule.

Let me spend a few moments discussing the NAS report and EPA's reaction to it. We believe that the NAS has done an admirable job with the difficult task that it had. We appreciate the fact that the panel went out of their way to be clear in making the distinctions between scientific and policy advice. While they did leave a number of questions unanswered, I believe that they did answer the most important questions and left open those questions that are most appropriate for EPA to answer with input from the public. The depth of the analysis and discussion in the report will greatly aid EPA as we start the rulemaking process.

I know that many of you would like me to tell you which portions of the report EPA agrees with and which it disagrees with. While I'm at it, it would be nice if I could tell everyone what the form and specific requirements of the standard will be. Unfortunately, I can't, not only would it be improper for me to pick this forum to do so, I couldn't if I wanted to. I honestly don't know how the standard will ultimately come out. I really meant it when I said we are requesting comments from the public, these comments will greatly help us to make decisions. In addition, we are conducting a number of analyses, and hope to get additional information from NRC to further inform our decision making. So far we have organized our staff to address the many issues presented in this rulemaking such as: What should be the level and form of the standard, and how much of the licensing analysis should we define? In addition we have also begun our analyses of the many technical questions involved such as: What level of geological stability is required for purposes of standard setting and compliance demonstrations, and for how long does that level of stability exist?

Only after we get public comments and complete our analysis will we be able to decide how we want to resolve these and many other issues. Clearly our starting point is the NAS report as stated in the Energy Policy Act, but the report

itself gives EPA flexibility in standard setting. Our goal is to use that flexibility to set standards that will assure both that Yucca Mountain will not open unless it is safe, but that if Yucca Mountain is safe, than it will be able to open. We, as a nation, have created this waste, we must do something with it. While we cannot afford to let it be placed in a location that is not safe, prudent stewardship of the environment also means that we cannot afford to lose a safe place to dispose of this waste. With your help and the help of the many stakeholders I am confident that we can achieve that goal.