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(ON LEAVE)

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July 7, 1995

Dr. John E. Cantlon
Chairman
Nuclear Waste Technical
Review Board
1100 Wilson Boulevard
Suite 910
Arlington, VA 22209

Dear Dr. Cantlon:

In conjunction with the June 28 and June 30,1995 oversight hearings held by the House Subcommittee, on Energy and Power on high-level nuclear waste policy, I herewith submit the enclosed post-hearing questions.

The Subcommittee, has scheduled a legislative hearing on H.R. 1020, the "Integrated Spent Nuclear Fuel Management Act of 1995," for July 12,1995, and it is expected that the bill will be marked up prior to the August recess. In light of the rather truncated timetable for consideration of this complex and controversial legislation, it is imperative that responses to the enclosed questions be provided as soon as possible. I therefore respectfully request that written responses be provided to me no later than close of business day, July 13, 1995.

Thank you for your assistance and cooperation in this matter. Should you have any questions about this request, please have your staff contact Mr. Jeffrey S. Duncan of my staff at 202-225-2836.

Sincerely,

Edward J. Markey

Edward J. Markey
Member of Congress

Enclosure
Cc:
The Honorable Dan Schafer
Chairman, Subcommittee on Energy and Power

The Honorable Frank Pallone, Jr.
Ranking Democratic Member, Subcommittee on Energy and Power .

POST-HEARING QUESTIONS
SUBMITTED BY REP. MARKEY
FOR MR. CANTLON
(NUCLEAR WASTE TECHNICAL REVIEW BOARD)

1. In a report submitted to Congress in March, the Nuclear Waste Technical Review Board expressed concern that the current schedule for Yucca Mountain may not allow sufficient time for certain necessary activities to be completed in time for a 1998 site-suitability decision.

A) What specific activities do you fear might not be completed in time?

B) How would the Energy and Water Appropriations Bill's proposed budget cuts and its redirection of the program towards construction of an interim storage facility affect these activities?

2. Page 9 of your prepared testimony states that even if a decision were made today to develop interim storage, capacity, "it probably would take 5-10 years to site, license, construct, and begin operations."

A) In light of your testimony regarding the timeframe required to complete an interim facility, isn't it highly unlikely that the very tight deadlines set forth in the Upton bill (which require DOE to begin accepting waste at an interim facility by 1998) will be met?

B) Is there a risk that having to met the artificial deadlines established in the bill would compromise public health, safety, and environmental protections?

3. As you know, some in the Senate have been trying to revive reprocessing as an option for dealing with the waste issue by calling for spent fuel to be shipped over to Great Britain or France to be reprocessed.

A) What are the risks involved in shipping nuclear fuel across the Atlantic for reprocessing in Great Britain and France?

B) How do these risks compare with the risks of rail or truck transport of waste to a geologic repository?

4. How would we ultimately dispose of the reprocessed fuel and any wastes produced as a result of reprocessing? What would be the costs of reviving the reprocessing option compared to deep geologic disposal?

5. According to published reports, NRC Chairman Ivan Selin has testified that it would cost the U.S. $82 billion to build and operate its own commercial reprocessing facilities and that the tab for sending the more than 22,000 metric tons of spent fuel piling up at U.S. reactors over to England or. France for reprocessing would be about $62 billion.

A) Are these estimates consistent with your cost estimates?

B) Isn't it true that the utility industry has shown little recent interest in reprocessing, due to its great cost?

6. **The 1992 Waste Policy Act directs the EPA to issue radiation release standards for a repository. However, H.R. 1020 states that the EPA "shall not promulgate...standards for protection of the public from releases of radioactive materials or radioactivity from the repository." Do you think it advisable to bar the expert regulatory agency in this area from fulfilling its function as a defender of public health and the environment?**

7. **In his prepared testimony Dr. Makhijani criticizes the current radioactive waste categorization for sometimes labeling as "low-level" radioactive wastes which are actually several times more radioactive that other streams of waste. He notes that this has resulted in long-lived plutonium-239 being stored in a now closed low-level waste facility in Maxey Flats, Kentucky, where they leaked out into the environment and forced an expensive clean up effort. Should we follow his advice and move to a system similar to that in use in Sweden, in which disposal methods are determined by the longevity of the waste?**

8. **In his prepared testimony, Dr. Mahkijani suggests that if we were to do adopt the Swedish approach, we'd have approximately 225,000 cubic meters of waste that would have to go to the high-level repository, and that this would force the size of the repository to be increased by an additional 140 to 1200 acres in addition to the 2400 acres already needed for spend fuel and reprocessing wastes. Do you agree, and if so, what would this mean for Yucca Mountain's suitability as a repository?**

9. **H.R. 1020 establishes a radiation release standard of up to one third natural background radiation to an average member of the surrounding population. This exposure level is equivalent to 100 millirems, and correlates to a cancer death risk of one in every 285 exposed individuals. By contrast, EPA regulations employ a stronger standard, limiting total body radiation exposures to 25 millirems. What are the public health and safety consequences of abandoning the EPA standard for the weaker standard proposed in the bill?**