Remarks Prepared for NRC Chairman Dale E. Klein
International Conference on Radioactive Waste Disposal
Berne, Switzerland
October 16, 2007

[SLIDE 1]

Thank you.

I am delighted to be here in Berne for this important conference to discuss progress and challenges in geologic disposal. Although geologic disposal presents unique and long term challenges, we have only to look around this beautiful city to see that society can opt to preserve over a long term important monuments according to societal decisions.

[SLIDE 2]

Formed in 1191, I am told the citizens of this city have preserved the townscape intact over the centuries. I am sure the founders did not do a performance assessment to understand the many challenges the town might face over the centuries, but generations of interested caretakers have ensured its survival. Clearly, a high-level radioactive waste repository presents different challenges. But while each of us seeks to ensure a safe and secure long-term solution to the disposal of high-level radioactive, we may pursue multiple paths or approaches that reflect our different national needs and cultural values.

I know that we have been asked to keep our presentations short, so let me address two topics briefly. First, I would like to update you on the Yucca Mountain license application, and then let me put forth for your consideration some reflections on long-term international efforts for cooperating on geologic waste disposal issues.

[SLIDE 3]

As you know, the U.S. Congress has directed that NRC will serve as an independent regulator to ensure that any repository adequately protects health and safety and the environment. The Environmental Protection Agency, on the other hand, has the legal responsibility to develop a dose based standard for a potential Yucca Mountain repository. The initial EPA standards were challenged—and mostly upheld—in court, though the court did require several modifications. We expect that the EPA will soon issue its final regulations, and fairly quickly thereafter the NRC will issue corresponding regulations to be in accordance with EPA. This will all be done through an extensive public rulemaking process.

We understand that DOE intends to submit a license application for a repository at the Yucca Mountain site by June of next year. Thus, we are now in the midst of preparing for an important transition—from the pre-licensing role to the role of regulatory and licensing authority. If the Energy Department submits a license application next year, NRC will then conduct a staff review and a public administrative hearing as a basis for deciding whether to issue a construction authorization.

[SLIDE 4]

While the NRC will be rigorous in making an independent and objective evaluation, I want to take a moment to stress that independence does not—and should not—imply that the regulator works in isolation. We are committed to ensuring that regulatory issues that affect the safety of a potential repository are raised and addressed early, in public forums. Throughout the pre-licensing period, we have sought frequent, constructive, and open interactions with all stakeholders, including: DOE; the nuclear industry; the international technical community; State, county and other affected units of local government; affected Indian Tribes; and others.

For many years, the NRC has prepared for this review by conducting independent experimental and analytical work through the Center for Nuclear Waste Regulatory Analyses at Southwest Research Institute in San Antonio, Texas. The experts at the Center are free of conflict of interest and will provide an important technical resource in support of the NRC staff in its review of the application.

[SLIDE 5]

In short, we are ready.

Let me now say a few words on my second point: the prospects for enhanced international cooperation on geologic disposal. Clearly, the prospects for an international repository program are too far off to be contemplated today. Nevertheless, it seems to me that we can begin laying the groundwork for more cooperation, so that the possibility of such international repositories could be contemplated in the future consistent with the laws and policies of each nation.

One of the most promising international efforts currently under way is the Multinational Design Evaluation Program, or MDEP. As you may know, over the last year, the U.S. and nine other nations have been working to leverage knowledge and experience on power plant design, and promote global convergence in associated codes, standards, and regulations—recognizing that each nation will remain responsible for its own regulation and oversight. For its part, the NRC has supported this effort because we believe it will enhance safety and effective regulation and oversight. It is my hope and belief that we can build on the work of MDEP to extend this international cooperation to other parts of the fuel cycle… including waste forms.

[SLIDE 6]

Not every nation, of course, will chose to adopt identical waste canisters. But I think that there is ample opportunity for us to work toward common approaches for the certification of waste forms, with measurable standards for waste forms, packages, and containers… again, recognizing the each nation will apply and impose standards and requirements consistent with its own laws and policies.

We know that reactors and other fuel cycle facilities present very significant and large-scale design challenges; while geologic repositories will be subject to natural variations from site to site. By comparison, I think it may be somewhat easier to find common approaches to waste packaging standards. Since we already do this in the area of transportation, I think we could all benefit from developing regulatory approaches for waste forms and packages that would qualify for disposal under a variety of national licensing regimes. In fact, these common approaches are probably the only sure foundation for building confidence toward international repositories over the long term.

[SLIDE 7]

Of course, in this area as in others, each of our nations has different needs and is at a different stage in the process of selecting a path for managing high-level waste. So let me close by reiterating that the U.S. recognizes and appreciates the concept of "A Common Objective, A Variety of Paths" that is the theme of this conference.

Some of us have large nuclear programs—others have small nuclear programs or have opted to move away from nuclear energy. Some of us are exploring new technologies which could, in the future, reduce the volume of high-level waste needing underground disposal.

The choice of ultimate disposal solutions, however, is independent of the future of nuclear power: high level waste and spent fuel exist today, and we must all pursue a safe, secure,

and timely solution to disposal. It is important to play an active role in listening and communicating with our stakeholders, and recognize that our societal and cultural values may lead us in a variety of paths. Through this approach, I believe we can be successful in achieving our common objective of protecting the public health and safety.

Thank you.