



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

Office of Public Affairs Telephone: 301/415-8200

Washington, D.C. 20555-0001

E-mail: opa@nrc.gov

Site: <http://www.nrc.gov>

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Remarks of NRC Chairman Dale E. Klein

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It's a pleasure to be here at this truly state-of-the-art facility. I had a chance yesterday afternoon to meet with the staff and get briefed on the capabilities built into this facility for helping the public have access to hearings that may be held here. It is quite impressive.

I know many of you covered the hearing here a couple of weeks ago and I hope you agree that we've done a great deal to make certain the people of Nevada and people all over this country have access to information about a very important topic.

The NRC's Pre-Application Presiding Officer (PAPO) Board conducted that hearing. I cannot comment on the issues heard and decided, or any matter before the PAPO Board, since its decisions may come to the Commission itself on appeal.

One of my reasons for visiting today was to meet with a variety of local, state and federal government representatives, and other interested parties, to let them know that if this issue reaches the Commission our job is to act with only one thing in mind – and that is the safety of people and the environment.

I also want to say a few words about the Yucca Mountain process that would follow the submission of an application, but I must be careful not to cross a very bright line.

An Atomic Safety and Licensing Board would have the responsibility to make initial decisions on matters in controversy. Our five-member Commission, with 3 members currently, typically gets involved in deciding appeals of rulings by a Board. I cannot imagine an issue of this intensity not being appealed. Because the Commission would have to act as an adjudicatory body, I cannot and will not comment on the merits of any issue.

Our involvement and that of the commission staff is, of course, predicated on the Energy Department submitting a license request, and the law says the Commission can take up to three and possibly four years to decide the question.

That said, the ASLB and the technical staff of the NRC have been laying the groundwork for the license application examination. We have the technical capabilities to ensure that these proceedings are made widely available to those who are interested. This electronic courtroom is absolutely state of the art. I believe we are ready.

Let me say a few words about the process. The Nuclear Regulatory Commission is very much like other regulatory agencies in government. There is a commission, a technical staff and there are administrative judges. The staff has the responsibility to review the application to assure that it meets our standards to protect public health and safety and the environment. If parties raise issues about DOE's application, the judges rule on them if there is a dispute. Then, if there is an appeal, it goes before the Commission.

To assure fair consideration, the part of the NRC staff that will be working on this application, if it comes in, will do so behind a firewall along with some of the legal staff. That keeps the Commission itself, which must ultimately decide any disputes, from receiving information and arguments outside the formal record for decision. The Commission itself would weigh in if there were an appeal, and somehow I think the Commission will be hearing an appeal of disputes if the application comes in.

If a license application comes in, the principal job of the staff as a party to the case is to provide its independent regulatory perspective in presenting its technical analysis and safety evaluation insofar as they bear on the issues in controversy.

I'd also like to say that we have seen the budget numbers for this program that are contained in the large budget bill the Congress just passed. There is a bit of a reduction for the Yucca Mountain work that we do. It is too early to tell with any specificity what the impact might be, but less money often means that a process may slow down.

I'll close by saying that neither the Commission nor its staff is for or against a Yucca Mountain repository. Our aim is to ensure that if the Energy Department wants to build at Yucca Mountain, that we make the best technical judgment as to whether it can be done safely. Making sure this material is dealt with safely – wherever it is stored – is the one thing on which we will focus. Our one job is to protect people and the environment.

Thank you, and I'd be glad to take your questions.

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