

## SCHEDULE GOALS FOR CIVILIAN RADIOACTIVE WASTE MANAGEMENT CAN WE HAVE CONFIDENCE?

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### ABSTRACT

The schedule goals for the Civilian Radioactive Waste Management Program are to begin spent fuel receipt from reactors in 1998 and to begin waste disposal in 2010. Although there are various reasons for these goals, the most important is to set demanding goals and be responsible for achieving them. Meeting these goals requires taking into account an array of facilitators and potential inhibitors that affect schedule confidence. Facilitators include actions to prioritize the program, and make its operations efficient. These include actions to baseline activities, emphasize communications with constituencies, use help from others, and facilitate the licensing process. Inhibitors include problems in monitored storage facilities negotiations, obstruction by the State of Nevada, funding deficiencies, and technical uncertainties at Yucca Mountain.

At the present time, the program can, in principle meet its schedule goals. In the near-term, the linchpin of schedule confidence is Congressional action to match the Administration's commitment to progress.

### INTRODUCTION

My remarks today will focus on issues concerning the Civilian Radioactive Waste Management Program (OCRWM) schedule goals. Why do we have them? Can they be met? What helps, and what hinders, achievement of the schedule goals? What confidence do we have that they can be met? What are the consequences if they are not met? The answers to these questions shape and determine the future of the program, and I welcome the opportunity to speak on such critical issues.

Our schedule goals were established by Admiral Watkins, the Secretary of Energy, in November 1989, in his "Report to Congress on Reassessment of the Civilian Radioactive Waste Management Program". The goals are to begin spent fuel receipt from reactors in 1998 and to begin waste disposal in 2010. Programmatically, these goals are of equal rank and will continue to drive program priorities and resource allocations.

The program has a rich history of concern that storage will become de facto disposal if there is no progress with disposal. At the same time, progress with disposal is a key factor in the future of nuclear power. Progress toward both goals is therefore necessary.

### WHY WE HAVE SCHEDULE GOALS

Given the absence of an immediate threat to the environment or human safety, why do we have these goals? Among the reasons are:

- As already noted, progress and achievement in high-level waste management is a key factor in enabling the future of nuclear power, which in turn is an important component in the President's National Energy Strategy, as mentioned in his State of the Union address.
- The Nuclear Waste Policy Act (NWPA) set various schedule goals. The schedule goal for disposal has been revised, but the need for schedule goals to fulfill the Congressional mission remains.
- The NWPA also established a fee-for-services rendered relationship between the OCRWM program and the ratepayers which must be implemented as effectively as possible. Failure to meet our goals could result in litigation.

- We have an obligation to future generations as well as to current ratepayers. We must help assure their energy supply security with availability of nuclear power, and we must not ask them to manage our wastes.
- Having specific goals enables us to plan the program and to establish the resources needed to get the job done. We use this information in actions such as the budget process.
- Perhaps most important, and embracing all of the above: having goals and pressing to meet them helps to hold the Nation's feet to the fire with regard to difficult issues such as waste management and disposal. To dither and procrastinate wastes money, and transfers to the future not only the responsibility for results but also the responsibility to work the issues. This is unacceptable. We must, right now, set demanding goals and face the problems they create. Not to have goals, and not to work the problems abandons our responsibility.

### MEETING OUR PROGRAM GOALS

Given that program goals exist and are necessary, where do we stand with respect to meeting them? At the present time, the short answer is that we are capable of meeting the goals established by Congress and the Secretary. The longer answer must take into account an array of what I call facilitators and potential inhibitors that affect schedule confidence.

#### Facilitators That Affect Schedule Confidence

I include as facilitators the things we have done to focus and prioritize the program, and to make its operation efficient. Key facilitators include:

- Actions to focus, prioritize, and integrate program activities toward both goals. As we move forward, the Management and Operations (M&O) contractor that we have brought on board, the TRW Environmental Safety Systems organization, will play a key role. Their job is to help make the technical management of the program efficient, to integrate its many and complex activities, and to help us secure the all important licenses that we need.

- Actions to focus staff and contractor attitudes on meeting the goals. We are emphasizing issue closure and progress.
- Actions to baseline our activities so we know where we stand and what it will take to meet the goals. A key item of this type includes recent approval of the Yucca Mountain Project plan by the Energy Secretary's Acquisition Advisory Board. This vitally important Board, chaired by the DOE Under Secretary, is an independent, high level board within DOE. It provides the Secretary with an independent assessment of proposals for significant DOE commitments, and its formal approval represents major institutional support. Another important baseline is the Site Suitability Evaluation Report to be released shortly. This report will compile the information gathered to date on site suitability, make assessments of what we know and don't know, and identify opportunities to close issues. In addition to this report, the Total System Performance Assessment Report will be issued soon that will provide further assistance in identifying what it will take to meet our program goals.
- Actions to emphasize communication with our constituencies. In the early days of the program we didn't go far enough in listening to our constituencies. With this in mind, we held, and I participated in, a series of Strategic Principles Workshops that took place in late 1990 and early 1991. These workshops were attended by representatives from State and local governments, utilities, and various special interest groups. They were intended to help us develop a set of guiding principles, and provide inputs to our Mission Plan Amendment. Out of these workshops came another initiative: formation of a "Director's Forum" to foster early involvement of external parties before we make decisions. Current plans call for the parties to meet for the first time this spring to discuss our Site Suitability Evaluation Report mentioned previously.
- Taking advantage of help from others is another way to facilitate the program. We have translated help from court decisions into renewal of site characterization activities at Yucca Mountain for the first time since 1986. We were able to get started because the State of Nevada took final action by issuing the necessary permits (air quality and underground injection control) in response to court orders. During 1992, we plan to expand surface based site interrogation activities mainly by bringing more custom built, state of the art drill rigs into operation.

Additional help from others comes from the Nuclear Waste Negotiator, Mr. David Leroy. He was given the authority by Congress to negotiate with States and Indian Tribes interested in hosting a monitored retrievable storage (MRS) facility or geologic repository. It is our policy to support the Nuclear Waste Negotiator, and he has been highly successful recently in identifying potential candidate sites for an MRS.

The Nuclear Waste Technical Review Board has been especially helpful to the program in technical areas. They provide guidance and independent re-

view which helps assure that our technical work is properly focused and of the highest possible quality.

- To facilitate the licensing process, we have been working with the Nuclear Regulatory Commission in a pre-licensing dialogue in order to *avoid or reduce* last-minute surprises and contention. To do this, we are seeking to resolve issues as soon as possible, and we are developing an annotated outline for the license application. We are and will continue to be proactive in our role in the licensing process.

Through these and similar facilitative actions we are doing everything possible within our control to meet the schedule goals established by Admiral Watkins.

#### Potential Inhibitors that Affect Schedule Confidence

The opposite to our program facilitators are potential inhibitors. There are four basic potential inhibitors to our ability to meet our schedule goals. Each of these is beyond our direct control, but we can take and are taking some action to mitigate, or even reverse, their potential impacts. The four potential inhibitors are:

- MRS siting delays. As a result of the Negotiators's efforts, we have received seven MRS feasibility grant applications, and we expect more. We cannot control progress with the negotiations, but we can and do support the Negotiator as effectively as possible. This includes funding for feasibility study grants to help the potential hosts determine whether they are interested in proceeding.
- Obstruction by the State of Nevada. The State of Nevada continues to promise and demonstrate every possible effort to delay or block progress at Yucca Mountain. They have challenged the program through a number of court petitions. These tests were all resolved in favor of DOE, and they affirm the DOE's right to proceed as directed by Congress. The fundamentals of the State's test of the program have been completed, but the potential remains that they could impede progress through abuse of their delegated authority to issue environmental protection permits. We have proposed legislation to Congress that would remove the State's federally-delegated authority to issue needed environmental permits if they abuse that authority. We continue to both offer the olive branch and to affirm our resolve to get the site characterization job done as soon and as effectively as possible.
- Funding deficiencies. As previously noted, we have baselined the resources needed to meet schedule goals. We are starting a project that approaches in cost and scope the channel tunnel that will connect England and France. Indeed, we will be using equipment similar in size and type to that being used there. Put very simply and directly: for a project of this magnitude, if Congress does not provide the needed funds at the needed rate, the schedules will slip. Through our interactions with Congress in the appropriations proceedings, we try diligently to make our case with the facts concerning resource requirements for the program.

- **Technical uncertainties at Yucca Mountain.** We do not know what we will find as we proceed with site interrogation activities. For this reason, we cannot and have not set a specific schedule goal with regard to evaluating whether or not the site is a suitable location for disposal. What we have done is prioritize the activities to first attack the issues that are most pivotal and most difficult to resolve. We have also established a strategy to resolve technical issues as individually and expeditiously as possible. One of the most important issues to be addressed is whether or not pathways exist for rapid transport of water and nuclides to the environment.

None of us can know how these four potential inhibitors will affect our schedule goals. We do know, however, who has to do what to minimize their potential adverse impacts.

#### MINIMIZING ADVERSE EFFECTS OF POTENTIAL INHIBITORS

- OCRWM's basic job is to do everything within its control and influence to make schedule confidence possible. In my view, what this means is that we must have, and we must articulate, a sound defensible program so that those who can help mitigate the potential inhibitors that are beyond OCRWM's control will try to do so.
- The Secretary and the Administration must continue to provide leadership, guidance, and support to OCRWM and others. Admiral Watkins has been superb in his leadership to set goals and to move the program forward. The Administration is demonstrating its leadership and support by pressing for legislation to remove Nevada's obstruction potential and by requesting, for Fiscal Year 1993, a 42% increase in funding appropriations in comparison with Fiscal Year 1992. The sustained support of the Administration and the Secretary through Fiscal Year 1994 and beyond is a commitment of profound meaning to the program.
- The Negotiator is doing his part by acting with dedication, sensitivity, and diligence in his interactions with potential MRS hosts.
- The principal responsibility to maintain schedule goals and confidence lies with Congress. To follow through on the goals and mission it set into motion a decade ago, Congress must do three things:
  - take positive, decisive, and effective action to eliminate actions such as Nevada's obstructionism which thwart the will of Congress;
  - appropriate each year the funds necessary to keep the program on track; and

- act expeditiously on the negotiated agreements with potential MRS hosts when they come to Congress.

If all these actions are taken by all the key parties, the only potential impediment to schedule confidence will be the one thing beyond human action: technical uncertainties in the characteristics of the Yucca Mountain site. I think that all parties and the national interest would be well served if these uncertainties are the only factors that control progress and schedules.

#### WHERE WE STAND ON MEETING OUR SCHEDULE GOALS

In view of the above, we can now examine the question of where we stand. The program, I am pleased to report, is poised for progress, and can, in principle, meet its schedule goals. However, all four of the potential inhibitors are currently operative. I believe the Negotiator will be successful, and we will have one or more negotiated agreements such that we can begin spent fuel receipt in 1998, or not long after. We are not facing a situation without promise or means for success.

As a result of our Site Suitability Evaluation Report, we have a good handle on what the key site technical issues are, we have plans for addressing them expeditiously, and we are ready to move toward resolution of some issues. Our ability to make findings, will, of course, depend on what the site features turn out to be. Our evaluations of the impact of technical uncertainty on schedule uncertainty will simply have to evolve as data acquisition and interpretation proceeds, and as the findings of the various elements of the program converge.

In the near-term, the linchpin of schedule confidence is the Congress. Congress has what it needs to affirm its commitment to progress in this program: proposed legislation to eliminate self-serving obstruction while ensuring environmental compliance, and a Fiscal Year 1993 budget request that demonstrates the Administration's commitment to progress. Nothing would please me more than to see Congress match the Administration's commitment with a commitment of its own. Congress must share our commitment not to dither, not to procrastinate, not to waste money, and not to shift the burden for responsible action to the future.

#### CONCLUSION

In summary, I think our program goals to begin spent fuel receipt in 1998 and disposal in 2010 are appropriate and serve as a beacon for commitment of national resolve and responsibility. Several factors could act to prevent us from meeting our schedule goals, but most of them can be eliminated if commitment is exercised and maintained. We have an opportunity to demonstrate our nation's capability to act responsibly and effectively on a difficult issue which intersects many aspects of our society's well being. Let's do it.