

Resolution on Proposed Radiation Protection Standards for Yucca Mountain, NV

WHEREAS, The U.S. Congress established national policy in the Nuclear Waste Policy Act of 1982 (NWPA) as amended, to dispose of high-level radioactive waste from commercial nuclear power plants in a geologic repository at Yucca Mountain, Nevada; *and*

WHEREAS, The U.S. Department of Energy has spent the last 17 years and a great deal of the nation's electricity ratepayers money characterizing the site at Yucca Mountain, moving slowly towards a suitability recommendation to the President and Congress, and eventual license application to the Nuclear Regulatory Commission (NRC) to develop and operate the repository; *and*

WHEREAS, The U.S. Environmental Protection Agency (EPA), as directed by the Energy Policy Act of 1992, has issued a proposed radiation protection standard for the protection of public health and safety at Yucca Mountain, as well as a separate groundwater standard; *and*

WHEREAS, The Energy Policy Act of 1992 further directs that the standard established by the EPA be "based on and consistent with the findings and recommendations of the National Academy of Sciences (NAS)," which studied the Yucca Mountain site; *and*

WHEREAS, The NRC, the federal agency principally and historically responsible for radiation protection, has been proceeding with a rulemaking that also involves radiation protection standards for a possible repository at Yucca Mountain, which are different from the standard proposed by the EPA; *and*

WHEREAS, The standard proposed by the EPA is not consistent with the NAS findings and recommendations, and the proposed separate groundwater standard is specifically not recommended by the NAS; *and*

WHEREAS, The standard proposed by the NRC is consistent with the NAS findings and recommendations, as well as those of other national and international bodies, to fully protect public health and safety; *and*

WHEREAS, The standard proposed by the EPA, as well as the proposed separate groundwater standard may conflict with the law, go beyond recommended standards, and actually be counterproductive to the overall goal of protecting the public health and safety at Yucca Mountain for the following reasons: (1) It may result in needlessly disqualifying the Yucca Mountain site that otherwise would be acceptable for the protection of public health and safety, and (2) Efforts to demonstrate compliance may require significant and expensive additional design work above and beyond that necessary to protect public health and safety, further delaying the long overdue repository project; *now, therefore, be it*

RESOLVED, That the National Association of Regulatory Utility Commissioners (NARUC), assembled at its 111th Annual Convention in San Antonio, Texas, believes that a radiation standard for the Yucca Mountain repository needs to be established in a timely manner so that the licensee application can proceed; *and be it further*

RESOLVED, That the repository should be required to meet a standard that protects public health and safety, yet must also be realistically attainable; *and be it further*

RESOLVED, That the NARUC conveys to the EPA that the standard proposed by the NRC is the most appropriate standard, based on the scientific inputs of the NAS, as well as other national and international bodies.

*Sponsored by the Committee on Electricity
Recommended by the Board of Directors
Adopted in Convention November 10, 1999*