



Coalition for Nuclear Power Plant Postponement

2610 Grendon Dr., Wilmington, DE 19808
Telephone (302) 994-1342

October 29th, 1979

U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Gentlemen:

In a letter dated December 5th, 1978 to Dr. James R. Schlesinger, Dr. Joseph M. Hendrie writes as follows:

Relationship Between Nuclear Waste Disposal and Reactor Licensing.

The Commission has addressed this issue in two instances:

(1) in denying a Natural Resources Defense Council petition, PHM 50-18, which requested a safety determination on waste disposal before issuance of new reactor licenses; and (2) in revising table S-3 of 10 CFR Part 51. The Commission's decision that NRC is not legally required to impose a moratorium on nuclear power plant licensing pending a determination that permanent disposal of high level waste can be safely accomplished was upheld by the U.S. Court of Appeals for the Second Circuit in NRDC vs. NRC 582 F(2d Cir.1978). The Court found that Congress did not intend to link continued reactor licensing to a definitive finding that spent fuel and other high level wastes could be safely disposed of for the long term. Thus, a relationship between waste disposal and reactor licensing is not legally imposed by the Atomic Energy Act.

However, in denying the NRDC petition for rulemaking in PHM-50-18, the Commission said "The Commission would not continue to license reactors if it did not have reasonable confidence that the wastes can and will in due course be disposed of safely. Thus, the Commission has itself linked continued reactor licensing and waste disposal. The Commission is committed to reassessing its basis for confidence as new data are developed and progress is made in the Federal program. The Commission will keep Congress and the President informed of any changes that significantly effect its confidence that wastes can be disposed of safely."

The IRG has produced nothing that would suggest a solution to the waste problem. If this Commission has data not available to the public to invoke confidence I would find it highly irregular and would like to know about it.

If no such hidden data is available why then must intervenors now go through the lengthy, tedious and costly process in Docket 50-289, Re-start of TMI 1 ? Why must the owners of Salem go through the lengthy, tedious and costly process of compliance with NUREG-0578 "Lessons learned" to ready the Salem 2 reactor for start-up since the Commission "would not continue to license reactors if it did not have reasonable confidence that the waste can and will in due course be disposed of safely" ?

It is time that the Commission take a good look at the cost benefit . It is still my contention that until NUREG-0511 disposal of Mill Tailings is resolved each reactor in the future is licensed in violation of NEPA. No cost benefit analysis includes NURG-0511.

Oversight Hearings before the Subcommittee on Energy and the Environment of the Committee on Interior and Insular Affairs on January 25 and 26, 1979 reveal the following exchange between Rep. James Weaver (D-Oregon) and Dr. John Deutsch, DOE:

Mr. Weaver: Would you estimate for us the amount of money you expect the Federal Government to pay for waste disposal? It has doubled in the last year from roughly \$450 to \$900 million. How much in the next 10 years are we going to spend on waste disposal, or the next 5 ?

Dr. Deutsch: Many, many billions of dollars.

Mr. Weaver: Billions of Dollars?

Dr. Deutsch: Many, many billions of dollars.

Mr. Weaver: Tens of billions?

Dr. Deutsch: Yes, sir.

Mr. Weaver: Tens of billions of dollars on this issue ?

Dr. Deutsch: Yes, sir.

It is time that this Commission stop dragging american citizens through the grueling processes of intervention, without funding and mostly without success and it is time that this Commission stop the licensing of any more nuclear power plants.

Sincerely

Frieda Berryhill
Frieda Berryhill
Chairman

cc: Chairman Hendrie
Commissioner Bradford
Ahearne
Gilisky
Kennedy

ASLB Docket 50-289 Re-start of TMI 1