

Secretary Determines Site Suitable

Q: *What steps of the repository development process would follow a recommendation by the Secretary?*

A: Following a recommendation by the Secretary, the President may recommend the Yucca Mountain site to Congress if he considers it qualified for application to the Nuclear Regulatory Commission for authorization to construct a repository. If the President submits a recommendation to Congress, he must also submit to Congress a copy of the statement of the basis for the Secretary's recommendation. Nevada has the right to disapprove any Presidential recommendation submitted to Congress, and if Nevada chooses to exercise its right, both houses of Congress must act affirmatively to accept the recommendation.

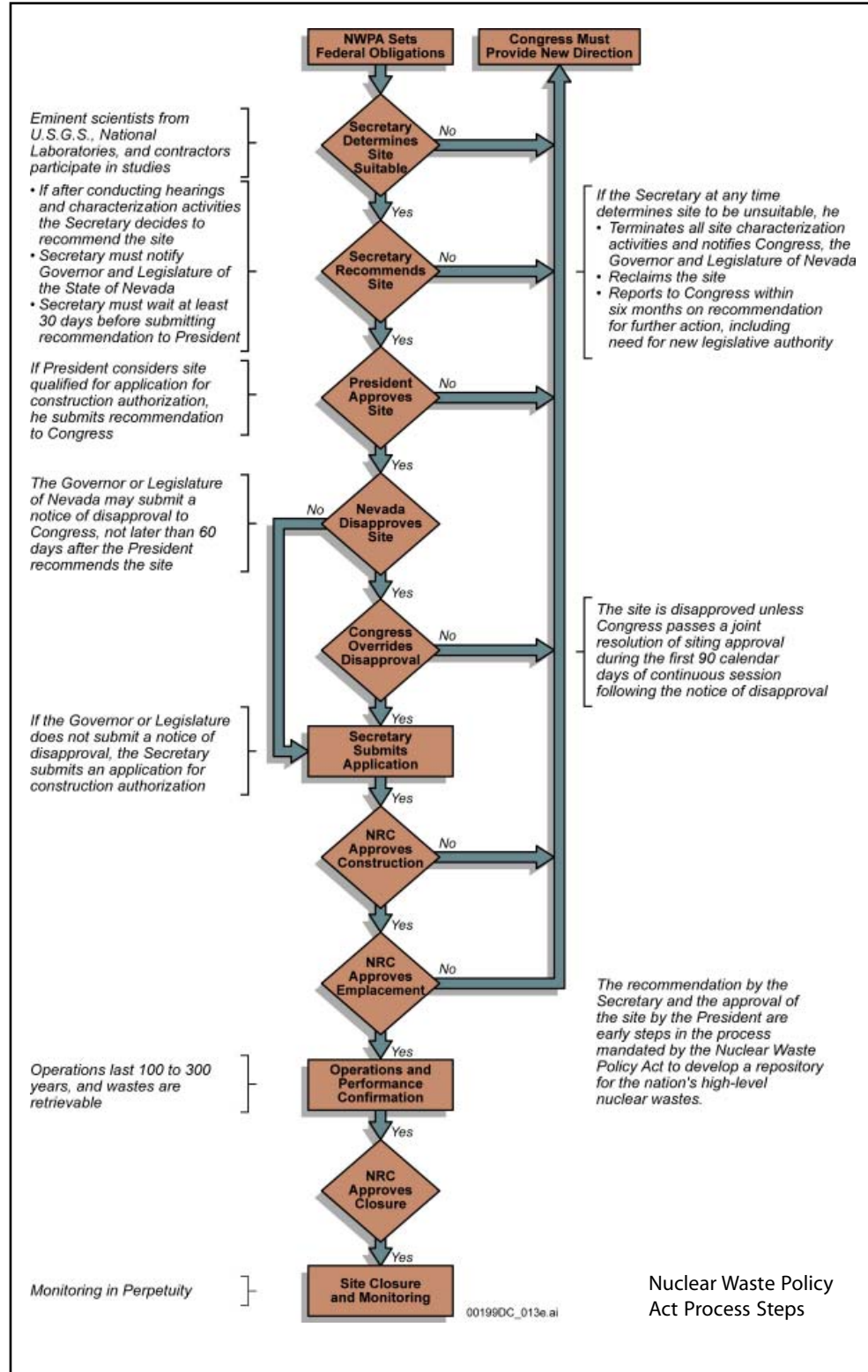
Steps in the repository siting and development process as required by the Nuclear Waste Policy Act are shown in the figure on the opposite page.

Any recommendation by the President would be an intermediate step in the process of developing a repository at Yucca Mountain. The political process determines ultimate acceptance of the Presidential recommendation. Construction or waste emplacement could begin, if and only if, the DOE submits a license application, goes through a multi-year review and public adjudicatory hearing process, and receives a construction authorization from the Nuclear Regulatory Commission. The Nuclear Regulatory Commission has the statutory responsibility to ensure that any repository constructed at Yucca Mountain would meet stringent safety standards. The hearings conducted by the Nuclear Regulatory Commission would be an extensive construction licensing proceeding, focusing on public health and safety. The Nuclear Regulatory Commission review process, including the hearings, is expected to take a minimum of three years after the DOE submits a license application. Opposing viewpoints will be heard in the proceeding, which will be conducted by an administrative court, not the DOE or the Nuclear Regulatory Commission. Following construction authorization, the DOE would

have to complete initial construction, and apply for and receive a license from the Nuclear Regulatory Commission before any wastes could be received or emplaced.

confirmation program during the preclosure period. Operation of the repository would also be subject to congressional oversight and annual authorization through the budget process.

The DOE would be subject to Nuclear Regulatory Commission oversight throughout the construction and operation phases of the repository. The Nuclear Regulatory Commission would impose on the DOE certain conditions for operation, and requirements to collect data to ensure that the repository was functioning as described in the licensing documents. The DOE will continue to study important issues to ensure confidence in any decision to close the repository. For example, the Nuclear Regulatory Commission requires that the DOE implement a performance



Nuclear Waste Policy Act Process Steps