



**The Secretary of Energy**  
Washington, DC 20585

July 29, 1994

The Honorable George Miller  
Chairman  
Committee on Natural Resources  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your letter dated March 28, 1994, regarding a proposal submitted to you on the feasibility of long-term storage and permanent disposal of nuclear materials in the Republic of the Marshall Islands. Specific responses to your questions are enclosed.

We share your concern that the proposal raises serious policy issues. In addition, it presents various technical issues requiring resolution. As indicated in my response to you of May 9, 1994, we coordinated review of this issue with other Federal agencies. An interagency working group involving the Departments of State, Defense, the Interior and Energy was formed to study the proposal and develop a unified position paper, a copy of which is also enclosed. Based on this review, and in light of current laws, the Administration does not support the proposal.

Under the Compact of Free Association, the United States may not dispose of or store radioactive materials in the Republic of the Marshall Islands in an amount or manner which would be hazardous to public health or safety. In determining what would be hazardous, the Compact provides that the United States must comply with agreed-upon international guidelines "and the laws of the United States and their implementing regulations."

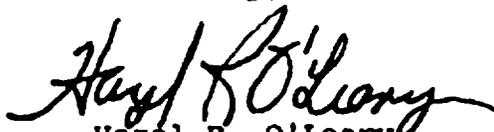
In this regard, under the Nuclear Waste Policy Act of 1982, as amended (NWP), the Department has authority to conduct site characterization activities to determine suitability for a repository at only Yucca Mountain, Nevada. Although the NWP provides further for siting a repository and monitored retrievable storage facility through negotiations between the Nuclear Waste Negotiator and States and Indian tribes, the Energy Policy Act of 1992 removed the Republic of the Marshall Islands from the definition of "State" for

purposes of such negotiations. Of course, consistent with its sovereignty, the Republic of the Marshall Islands can decide to construct a disposal facility, subject to the terms of the Compact of Free Association and other applicable laws. However, the Nuclear Waste Fund may only be utilized for purposes of storage and disposal authorized under the NWPA, and the NWPA does not authorize construction of a disposal facility in the Republic of the Marshall Islands.

Based on the Department's evaluation and the interagency review, the U.S. Government does not support the Republic of the Marshall Islands' proposed feasibility study for establishment of a repository for high-level nuclear waste and spent fuel in the Marshall Islands. The United States Government does not have specific legal authority to participate in the proposal and does not plan to seek such authority.

We appreciate your concern with respect to this important issue, and hope that this response adequately provides the information that you have requested.

Sincerely,



Hazel R. O'Leary

Enclosures

cc: The Honorable Don Young  
Ranking Minority Member