

NOTATION VOTE

RESPONSE SHEET

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER ZECH

SUBJECT: SECY-84-456A - FUNDING OF NRC'S COSTS OF LICENSING
DEPARTMENT OF ENERGY (DOE) UNDER THE NUCLEAR WASTE
POLICY ACT OF 1982 (NWPA) -- USE OF NUCLEAR WASTE
FUND FOR NRC/NWPA HIGH-LEVEL WASTE (HLW) ACTIVITIES

APPROVED _____ DISAPPROVED _____ ABSTAIN _____
NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

	<u>APPROVE</u>
Alternative #1	_____
Alternative #2	_____
Alternative #3	_____
Alternative #4	_____
Other <u>XX</u> (see attached comments)	_____

Samuel W. Zech

SIGNATURE

Entered on "AS" YES NO

August 12, 1985

DATE

SECRETARIAT NOTE: PLEASE ALSO RESPOND TO AND/OR COMMENT ON OGC/OPE
MEMORANDUM IF ONE HAS BEEN ISSUED ON THIS PAPER.

Comments of Commissioner Zech on SECY-84-456A

I do not believe that the NRC itself should initiate any action to make the waste fund available for its budgetary purposes. I support having the NRC continue to seek the budgetary resources that it needs to carry out its high-level waste mission through the regular budget review and approval process.

I continue to support an amendment to Section 161 W. of the Atomic Energy Act which would authorize the NRC to require DOE to pay a fee for the licensing of waste repositories. However, I do not believe that such fees should be treated any differently for budgetary purposes than any other licensing fees which are paid. If, for example, such fees are available for direct use by the NRC (instead of going to the miscellaneous receipts of the Treasury as I understand they do) then we may end up in needless controversies such as allegations that we were in a conflict of interest situation because we could increase our budget by increasing fees.

NOTATION VOTE

RESPONSE SHEET

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER ASSELSTINE

SUBJECT: SECY-84-456A - FUNDING OF NRC'S COSTS OF LICENSING
DEPARTMENT OF ENERGY (DOE) UNDER THE NUCLEAR WASTE
POLICY ACT OF 1982 (NWPA) -- USE OF NUCLEAR WASTE
FUND FOR NRC/NWPA HIGH-LEVEL WASTE (HLW) ACTIVITIES

APPROVED DISAPPROVED _____ ABSTAIN _____

NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

APPROVE

Alternative #1 _____
Alternative #2 _____
Alternative #3 _____
Alternative #4
Other _____

I prefer alternative #4. However, if there are not three votes in favor of that alternative, I could support alternative #2 as a second choice.


SIGNATURE

8-16-85
DATE

Entered on. "AS" YES NO

SECRETARIAT NOTE: PLEASE ALSO RESPOND TO AND/OR COMMENT ON OGC/OPE MEMORANDUM IF ONE HAS BEEN ISSUED ON THIS PAPER.

#1

NOTATION VOTE

RESPONSE SHEET

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: CHAIRMAN PALLADINO

SUBJECT: SECY-84-456A - FUNDING OF NRC'S COSTS OF LICENSING DEPARTMENT OF ENERGY (DOE) UNDER THE NUCLEAR WASTE POLICY ACT OF 1982 (NWPA) -- USE OF NUCLEAR WASTE FUND FOR NRC/NWPA HIGH-LEVEL WASTE (HLW) ACTIVITIES

APPROVED _____ DISAPPROVED _____ ABSTAIN _____
NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

	<u>APPROVE</u>
Alternative #1	_____
Alternative #2	_____
Alternative #3	_____
Alternative #4	_____
Other _____	XXX (See comments below)

I agree with Commissioner Zech's first paragraph (8/12/85) in that NRC should not initiate any actions for use of the Waste Fund, but should continue to seek resources for HLW activities through the regular budget process.

N. Palladino
SIGNATURE

8-28-85
DATE

Entered on "AS" YES NO

SECRETARIAT NOTE: PLEASE ALSO RESPOND TO AND/OR COMMENT ON OGC/OPE MEMORANDUM IF ONE HAS BEEN ISSUED ON THIS PAPER.

NOTATION VOTE

RESPONSE SHEET

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER ROBERTS

SUBJECT: SECY-84-456A - FUNDING OF NRC'S COSTS OF LICENSING
DEPARTMENT OF ENERGY (DOE) UNDER THE NUCLEAR WASTE
POLICY ACT OF 1982 (NWPA) -- USE OF NUCLEAR WASTE
FUND FOR NRC/NWPA HIGH-LEVEL WASTE (HLW) ACTIVITIES

APPROVED _____ DISAPPROVED _____ ABSTAIN _____

NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

APPROVE

Alternative #1 _____

Alternative #2 _____

Alternative #3 _____

Alternative #4 _____

Other agree with Com. Zeck

H.M. Roberts
SIGNATURE

9/9/85
DATE

Entered on "AS"

YES NO

SECRETARIAT NOTE: PLEASE ALSO RESPOND TO AND/OR COMMENT ON OGC/OPE
MEMORANDUM IF ONE HAS BEEN ISSUED ON THIS PAPER.

NOTATION VOTE

RESPONSE SHEET

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER BERNTHAL

SUBJECT: SECY-84-456A - FUNDING OF NRC'S COSTS OF LICENSING DEPARTMENT OF ENERGY (DOE) UNDER THE NUCLEAR WASTE POLICY ACT OF 1982 (NWPA) -- USE OF NUCLEAR WASTE FUND FOR NRC/NWPA HIGH-LEVEL WASTE (HLW) ACTIVITIES

APPROVED _____ DISAPPROVED _____ ABSTAIN _____
NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

APPROVE

Alternative #1 _____
Alternative #2 _____
Alternative #3 _____
Alternative #4 _____

Other See attached comments


SIGNATURE

9/11/85
DATE

Entered on "AS"

YES NO

SECRETARIAT NOTE: PLEASE ALSO RESPOND TO AND/OR COMMENT ON OGC/OPE MEMORANDUM IF ONE HAS BEEN ISSUED ON THIS PAPER.

Comments of Commissioner Bernthal on SECY 84-456A:

Staff has carried out a thorough analysis of the questions attendant to whether NRC should seek to fund its NWPA-related activities from the Waste Fund. Staff's document can form the basis for the Commission's position at such time as the Commission is asked to comment on any proposed Congressional initiatives in this area. But I agree with Commissioner Zech that there is no need for the NRC, in effect, to "introduce" proposed legislation to address the disposition of the Nuclear Waste Fund.

My personal view would be that, formally or informally as Congress wishes, the NRC should treat DOE as it does any other licensee -- that, with or without formal book transfer of Federal funds, costs associated with the licensing process under the NWPA should be "assessed" DOE on a full cost-recovery basis. Congress is quite capable of choosing how to reimburse NRC for those costs via the budget process.



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555

September 24, 1985

OFFICE OF THE
SECRETARY

MEMORANDUM FOR: William J. Dircks, Executive Director
for Operations

Herzel H.E. Plaine, General Counsel

FROM: *C. J. But* Samuel J. Chilk, Secretary

SUBJECT: SECY-84-456A - FUNDING OF NRC'S COSTS OF
LICENSING DEPARTMENT OF ENERGY (DOE) UNDER THE
NUCLEAR WASTE POLICY ACT OF 1982 (NWPA) -- USE
OF NUCLEAR WASTE FUND FOR NRC/NWPA HIGH-LEVEL
WASTE (HWL) ACTIVITIES

This is to advise you that Commission (with Commissioner Asselstine disapproving) has agreed that the NRC should not initiate any action to make the waste fund available for its high-level waste activities. The agency should continue to seek the budgetary resources it needs to carry out these activities through the regular budget review and approval process.

A majority of the Commission (with Commissioners Roberts, Asselstine, and Zech agreeing) has agreed to support an amendment to Section 161 W. of the Atomic Energy Act which would authorize the NRC to require DOE to pay a fee for the licensing of waste repositories. The fees should be treated as are all other licensing fees collected by the agency and should go to the Treasury as do present collections. ELD in consultation with OGC, should draft appropriate legislation for submittal to Congress and forward it for Commission review.

(EDO/ELD/OGC)

(SECY Suspense: 10/30/85)

cc: Chairman Palladino
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Commissioner Zech
OPE
OCA