

August 2, 2001

MEMORANDUM TO: Chairman Meserve  
Commissioner Dicus  
Commissioner McGaffigan  
Commissioner Merrifield

FROM: Dennis K. Rathbun, Director **/RA/**  
Office of Congressional Affairs

SUBJECT: FINAL RESPONSE TO QUESTION FROM THE JUNE 27, 2001  
HOUSE ENERGY HEARING

Attached is the final response to a question asked by Rep. Barton (R-TX) regarding the Nuclear Waste Fund at the House Energy and Commerce Committee's Subcommittee on Energy and Power hearing, "Hydroelectric Relicensing and Nuclear Energy." Unless I hear otherwise by noon on August 3, OCA will provide the attached to the Committee that afternoon.

Attachment: As stated

cc: SECY  
OGC  
OGC/Cyr  
EDO  
NRR  
NMSS  
RES  
OIP  
OCAA  
OPA  
OIG  
CFO

CONTACT: Laura Gerke, 415-1692

QUESTION 1.

**Rep. Barton, page 59, line 1277**

What is the Commission's position on taking the Nuclear Waste Fund off-budget?

ANSWER.

The Commission currently receives an annual Congressional appropriation to cover high-level radioactive waste management activities from the Nuclear Waste Fund. The current process ensures that the Commission receives appropriate resources to execute its statutorily mandated responsibilities without burdening licensees. Also, the current process ensures that the Commission receives those funds independent of the U.S. Department of Energy (DOE), which would be the potential license applicant if an application were filed for an NRC license to dispose of high-level waste and spent fuel in a geologic repository. It is the Commission's understanding that these two fundamental attributes (i.e., sufficient funding to fulfill its role and funding obtained independent of DOE) would remain even if the Nuclear Waste Fund were taken off-budget, and on that basis has a neutral position.