



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

July 2, 1993

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The Honorable Richard H. Lehman, Chairman  
Subcommittee on Energy and Mineral Resources  
Committee on Natural Resources  
United States House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

During my testimony before the Committee on May 27, 1993, Representative Vucanovich requested that the Nuclear Regulatory Commission review the recently issued General Accounting Office report entitled "Nuclear Waste: Yucca Mountain Project Behind Schedule and Facing Major Scientific Uncertainties." The NRC staff has now completed its evaluation, and I am pleased to provide the agency's views on this report.

Primarily, the report focused on funding and scheduling aspects of the Department of Energy's (DOE's) site characterization program of Yucca Mountain, Nevada. Of greater significance to NRC's mission is the associated question of whether DOE will have collected sufficient data to support its license application. The site characterization budget and schedule are DOE's responsibility which, historically, NRC has chosen not to address except where the scientific program may be impacted. Our program review is oriented to those issues that have a clear impact upon the exercise of the NRC's regulatory role in protecting public health and safety.

DOE's Site Characterization Plan (SCP) outlines a process to deal with the question of sufficiency of data. This process resulted in a baseline program for site characterization that the NRC staff found generally adequate. As the GAO report emphasizes, any reorientation of the program that results in the elimination or reduction of planned studies could lead to the submission of an inadequately-supported application. However, it is incumbent upon DOE to advise NRC (as a minimum, in its required semiannual progress reports) of any changes in the scope of its planned site characterization activities. NRC would, of course, evaluate and comment on any specific changes DOE might propose.

DOE must make and support decisions that enough data have been collected and analyzed to demonstrate compliance with applicable requirements. To date, DOE has not proposed cutting back on its baseline program, which is designed to support the current

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Originated by: M. Delligatti, NMSS

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schedule to submit a license application around 2001, provided DOE finds the site suitable. NRC recognizes, however, that program redirection to effect legitimate saving of time and effort is a reasonable DOE objective so long as the scientific program is not negatively impacted.

With regard to the Nuclear Waste Fund, the NRC receives an appropriation from that fund each year to fund our regulatory responsibilities under the Nuclear Waste Policy Act (NWSA). We do not believe it is appropriate to comment on DOE's proposal to change the funding mechanism for its repository program by establishing a Nuclear Waste Revolving Fund. However, we believe that the funding mechanism used to finance our NWSA activities must continue to be one which does not compromise our independent regulatory responsibilities.

I hope you find the information provided useful.

Sincerely,

Ivan Selin

cc: Rep. Barbara Vucanovich

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\*Identical letter sent to Rep. Barbara Vucanovich

\*See previous concurrence

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The Honorable Richard H. Lehman

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With regard to the Nuclear Waste Fund, I want to remind the Committee that the NRC receives an appropriation from that fund each year to fund our regulatory responsibilities under the NWPA. The NRC does not believe it is appropriate to comment on the DOE proposal to change the funding mechanism for its repository program (i.e., establishing a Nuclear Waste Revolving Fund). However, the NRC does believe that the funding mechanism used to finance its NWPA activities must be one which does not compromise its independent regulatory responsibilities.

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The Honorable Richard H. Lehman 2

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