

MAR 15 1993

Mr. Lake Barrett, Acting Director
Office of Civilian Radioactive Waste Management
U. S. Department of Energy
1000 Independence Avenue, SW
Washington, D. C. 20585

Dear Mr. Barrett:

SUBJECT: CONSULTATION WITH THE U.S. DEPARTMENT OF ENERGY (DOE)
CONCERNING SECTION 803 OF THE ENERGY POLICY ACT OF 1992

On February 17, 1993, staff from the U.S. Nuclear Regulatory Commission attended a meeting concerning DOE plans to respond to section 803 of the Energy Policy Act of 1992. At the meeting DOE presented its draft annotated outline and schedule for the preparation of the section 803 report.

Section 803 of the Energy Policy Act of 1992 requires DOE to submit a report to the President and Congress within one year of enactment of the Act on "whether current programs and plans for management of nuclear waste as mandated by the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) are adequate for management of any additional volumes or categories of nuclear waste that might be generated by any new nuclear power plants that might be constructed and licensed after the date of enactment of this act." Further, DOE is required to consult with the NRC and the U.S. Environmental Protection Agency on the content of the report and afford other interested parties, including the public, the opportunity to provide information and comment.

Therefore, the purpose of this letter is to provide you with documentation of the comments made by the NRC staff at the February 17, 1993, meeting. In particular, the NRC staff identified the need for DOE to develop equivalencies for the different types of waste that would allow a comparison of different waste types. For example, high-level waste will include material from BWR and PWR reactors, decommissioned and damaged reactors and high-level waste from defense installations (glass logs, solidified sludge, etc.). In order to determine repository capacity needs into the future, it will be necessary to establish some common unit of measure for these different waste types.

The second comment offered by the staff was that it agreed that DOE should focus on the waste management system and the system's relationship to future waste generation rather than focusing on just generation from new nuclear power plants. In other words, DOE will need to consider the total inventory that would be placed in a proposed repository not just what the increase over existing inventory will be. By not focusing on the entire inventory, DOE will not have an accurate picture of what the impact from new nuclear power plants will be on the overall waste management system. In addition, DOE should consider the health and safety aspects of the various scenarios developed to answer the question posed by section 803.

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Mr. Lake Barrett

At present, the NRC staff does not plan to take any further action on reviewing the annotated outline of the section 803 report. Instead, it will focus its efforts on the draft of the report when it is issued. At the February 17, 1993, meeting, DOE stated that it plans to issue a draft of the report about the middle of May 1993, and anticipates that the review period will be to the end of July 1993. When the draft report is available, the NRC staff will review it and comment as appropriate. If you have any questions please feel free to contact me or Mr. Joseph Holonich of my staff. I can be reached at (301) 504-3352, and Mr. Holonich can be reached at (301) 504-3391.

Sincerely,
Original signed by
Robert M. Bernero

Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

- cc: R. Loux, State of Nevada
- T. J. Hickey, Nevada Legislative Committee
- C. Gertz, DOE/NV
- S. Bradhurst, Nye County, NV
- M. Baughman, Lincoln County, NV
- D. Bechtel, Clark County, NV
- D. Weigel, GAO
- P. Niedzielski-Eichner, Nye County, NV
- B. Mettam, Inyo County, CA
- V. Poe, Mineral County, NV
- F. Sperry, White Pine County, NV
- R. Williams, Lander County, NV
- L. Fiorenzi, Eureka County, NV
- L. Vaughan II, Esmeralda County, NV
- C. Shank, Churchill County, NV
- E. Holstein, Nye County, NV

*CJP 2/12/93 *d*
no legal objection

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NAME	PPresho	<i>PP</i>	CAbrams	<i>CA</i>	CMacdonald	<i>CM</i>	CHagney	<i>CH</i>	STreby
DATE	03/5/93		03/5/93		03/5/93		03/8/93		03/10/93
OFC	HLPD	<i>C</i>	HLWM	<i>N</i>	HYPD	<i>N</i>	NMSS		NMSS
NAME	JHolonich	<i>JH</i>	JLynihan	<i>JL</i>	JYoungblood	<i>JY</i>	GArlotto		RBernero
DATE	03/5/93		03/11/93		03/12/93		03/ /93		03/15/93

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