



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

July 12, 1993

MEMORANDUM FOR: The Chairman  
Commissioner Rogers  
Commissioner Remick  
Commissioner de Planque

FROM: James M. Taylor  
Executive Director for Operations

William C. Parler  
General Counsel

SUBJECT: REVIEW OF DOE WASTE PROGRAM -- IMPACT ON NRC'S  
WASTE CONFIDENCE FINDING

This is in response to a memorandum dated June 22, 1993 from Commissioner Curtiss, which raised two questions concerning impacts of several recent U.S. Department of Energy (DOE) reports on the Commission's waste confidence findings. In particular, the questions asked whether the DOE effort would impact the waste confidence findings, and at what point the staff would begin to have concern about the basis of the waste confidence findings.

In response to the first question, DOE's plans for a comprehensive evaluation of its high-level waste management program, at least as far as those plans have been made public, are very preliminary in nature, and contain recommendations, for changing the program, that have not been formally adopted by DOE. Therefore, the staff sees no immediate impact on the Commission's waste confidence finding because none of the preliminary recommendations in the plans have been adopted by DOE. Thus, at this stage, the plans are merely an initial set of options available to the Secretary of Energy, which have no impact on the program. The staff is, of course, keeping very close contact with DOE and will keep the Commission apprised of any details of DOE's plans, as soon as they are known.

With respect to the second question, at the present time, site characterization activities at Yucca Mountain, Nevada, are proceeding. On June 6, 1993, the Secretary of Energy, in a presentation to the House Committee on Natural Resources concerning the DOE FY94 budget, discussed changes in DOE's mission for the future but stated that the Department was committed to implement the Nuclear Waste Policy Act of 1982, as amended, and that the Department's first priority was to characterize Yucca Mountain.

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Therefore, the staff has no indication that DOE will change the program in such a manner that the underlying bases for the waste confidence decision will be altered. When DOE announces what portions of its comprehensive evaluation of the high-level waste management program it will adopt and how that will change its existing program, the staff will recommend to the Commission any changes in the waste confidence finding that the staff believes may be necessary.

Original signed by

James M. Taylor

James M. Taylor  
Executive Director  
for Operations

**ORIGINAL SIGNED BY**

William C. Parler  
General Counsel

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James M. Taylor  
Executive Director  
for Operations

William C. Parler  
General Counsel

cc: The Chairman  
Commissioner Rogers  
Commissioner Remick  
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Commissioner James R. Curtiss

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