



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.

1/0

9307220087 930712
 PDR WASTE
 WM-11 PDR

102 B
 109 WM-11
 NHH

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

cc: SECY
OGC
OCA
OPA

DISTRIBUTION: EDO Ticket #:0009058

CNWRA
LPDR
RBallard, HLGE
JBlaha, EDO
NMSS Dir Off R/F

NMSS R/F
ACNW
MFederline, HLHP
CPoland, PMRM
BLynn, HLWM
HLPD R/F
PDR
On-Site Reps
DMorris, EDO
Taylor
Thompson
Treby

LSS
CENTRAL FILE
JSniezek, EDO
EDO R/F

* Concurred by fax
** See previous concurrence

OFC	HLPD**		EDITOR*		HLPD**		HLWM**		HLWM**		OGC**
NAME	PPrestholt/wd		EKraus		JHolonich		JLinehan		BYoungblood		STreby
DATE	06/25/93		06/25/93		06/25/93		06/25/93		06/25/93		06/25/93

OFC	OGC**	OGC	NMSS	NMSS	EDO	EDO
NAME	MMalsch	WParler	GArlotto	RBernero	HThompson	JTaylor
DATE	06/25/93	06/12/93	06/ /93	07/01/93	06/19/93	07/12/93

C = COVER E = COVER & ENCLOSURE N = NO COPY OFFICIAL RECORD COPY
s:\CURTISS.PTP

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.

James M. Taylor
Executive Director
for Operations

William C. Parler
General Counsel

cc: The Chairman
Commissioner Rogers
Commissioner Remick
Commissioner de Planque
SECY
OGC
OCA
OPA

DISTRIBUTION: EDO Ticket #:0009058

CNwRA
LPDR
RBallard, HLGE
JBlaha, EDO
NMSS Dir Off R/F

NMSS R/F
ACNW
MFederline, HLHP
CPoland, PMRM
BLynn, HLWM
HLPD R/F
PDR
On-Site Reps
DMorris, EDO

LSS
CENTRAL FILE
JSniezek, EDO
EDO R/F

*CJP
6/28/93
#3*

* Concurred by fax
** See previous concurrence

OFC	HLPD**		EDITOR*		HLPD**		HLWM**		HLWM**		OGC**
NAME	PPrestholt/wd		EKraus		JHolonich		JLinehan		BYoungblood		STreby
DATE	06/25/93		06/25/93		06/25/93		06/25/93		06/25/93		06/25/93

OFC	OGC**		OGC		NMSS		NMSS		EDO		EDO
NAME	MMalsch		WParler		GArlotto		RBernero		HThompson		JTaylor
DATE	06/25/93		06/ /93		06/ /93		06/ /93		06/ /93		06/ /93

C = COVER E = COVER & ENCLOSURE N = NO COPY OFFICIAL RECORD COPY
s:\CURTISS.PTP

Commissioner James R. Curtiss

2

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, if appropriate, the staff will recommend to the Commission any changes in the waste confidence finding that the staff believes may be necessary.

James M. Taylor
Executive Director
for Operations

William C. Parler
General Counsel

cc: The Chairman
Commissioner Rogers
Commissioner Remick
Commissioner de Planque
SECY

DISTRIBUTION: EDO Ticket #:0009058

CNWRA
LPDR
RBallard, HLGE
JBlaha, EDO

NMSS R/F
ACNW
MFederline, HLHP
CPoland, PMRM

HLPD R/F
PDR
On-Site Reps

LSS
CENTRAL FILE
JSniezek, EDO

* Concurred by fax

OFC	HLPD	E	EDITOR	HLPD	HLPD	HLPD	OGC
NAME	PPreschoolt/wd		EKrats	JHornich	JLinegar	BYoung/Good	STreby
DATE	06/25/93		06/25/93	06/25/93	06/25/93	06/25/93	06/25/93
OFC	OGC	OGC	NMSS	NMSS	EDO	EDO	
NAME	MAlsch	JParler	GArlotto	RBernero	HThompson	JTaylor	
DATE	06/25/93	06/ /93	06/ /93	06/ /93	06/ /93	06/ /93	

C = COVER E = COVER & ENCLOSURE N = NO COPY
s:\CURTISS.PTP

OFFICIAL RECORD COPY