

September 14, 1993

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

FROM: King Stablein
Technical Assistant, DEDS

SUBJECT: MEETING NOTES FOR THE AUGUST 27, 1993
MANAGEMENT MEETING BETWEEN NRC AND DOE

On August 27, 1993, Daniel Dreyfus and Lake Barrett of DOE met with NRC representatives in your office at NRC Headquarters. Enclosed are the notes summarizing the discussions that took place at that meeting. OGC has reviewed the notes and has no legal objection.

ORIGINAL SIGNED BY

King Stablein
Technical Assistant, DEDS

Enclosure:
As stated

cc: H. Thompson
J. Scinto
M. Malsch
R. Bernero
B.J. Youngblood

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

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A handwritten signature in cursive script that reads "King Stablein".

King Stablein
Technical Assistant, DECS

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MANAGEMENT MEETING BETWEEN NRC AND DOE
Rockville, Maryland
August 27, 1993

On August 27, 1993, DOE representatives Daniel Dreyfus, Special Assistant to Secretary of Energy O'Leary, and Lake Barrett, Acting Director, Office of Civilian Radioactive Waste Management (OCRWM), met with NRC officials at NRC Headquarters to discuss the current status of DOE's High-Level Waste (HLW) program. NRC representatives in attendance were: James Taylor, EDO; Robert Bernero, Director, NMSS; B. Joe Youngblood, Director, HLWM/NMSS; Joseph Scinto, Deputy General Counsel for Hearings, Enforcement & Administration; Martin Malsch, Deputy General Counsel for Licensing & Regulations; and King Stablein, OEDO.

The DOE representatives first addressed what internal reviews of the HLW program are taking place within DOE. Secretary O'Leary has committed to reviewing the HLW program. The State of Nevada would like work stopped at Yucca Mountain while the strategy of deep geologic disposal of HLW is reevaluated. However, Secretary O'Leary plans to continue characterizing Yucca Mountain while DOE conducts its review of the project.

Secretary O'Leary is committed to reexamining various aspects of the project, including the management, organization, schedules, scientific design, and approaches to meeting the 1998 deadline for DOE assumption of responsibility for HLW. She has a very specific commitment to have an independent financial review done to see if DOE is getting its money's worth from its contractors. Her plan for this review is still out for consideration by the State of Nevada.

DOE already has a contractor sifting through the many documents containing recommendations about the HLW program, and compiling the recommendations and what DOE has done with respect to them. When this is done, an internal DOE group will be tasked with advising the Secretary about which recommendations should be pursued further.

With respect to the actual conduct of the Yucca Mountain site activities, the budget has been acting as a brake over the past few years, remaining flat and limiting site characterization activities. Now that excavation of the ESF has begun, significantly more funding will be required to support that effort and, at the same time, continue with the myriad surface-based characterization activities. If the FY 95 budget does not increase substantially (which will probably require at least part of the budget being off-line), the program will need to be restructured in response to the financial constraints.

In terms of current priorities for the DOE HLW program, the DOE representatives indicated that the scientific investigation of Yucca Mountain was number one, followed by the multipurpose cask. Items like systems analysis and the Licensing Support System, both of which were items of interest to the NRC representatives, are going to be funded at minimal levels in FY 94, with the hope that additional funds in FY 95 will allow them to get increased attention then.

The 1998 deadline is of obvious concern to all who are involved in the HLW program. The DOE representatives emphasized that an overt statement of federal intent if an MRS does not materialize by then is needed now. NARUC has initiated a stakeholders' discussion of options related to the 1998 deadline. The results of these discussions should be available to Secretary O'Leary by early November. In addition, she has asked DOE General Counsel for a legal opinion on whether DOE can or must pay storage fees after 1998 if DOE cannot take the fuel at that time.

The meeting adjourned with mutual agreement that the Commission would no doubt want a briefing from DOE on the status of the HLW program in the traditional December timeframe. Unless major redirections took place with respect to the program, a briefing in the near-term is probably unnecessary.