

July 17, 2006

MEMORANDUM TO: Chairman Klein
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons

FROM: Luis A. Reyes **/RA/**
Executive Director for Operations

SUBJECT: USE OF HIGH-LEVEL WASTE STAFF FOR DEVELOPMENT OF
CURRENTLY RANKED MEDIUM PRIORITY SECURITY
RULEMAKINGS

In COMSECY-05-0058, dated February 8, 2006, the Commission directed staff to determine if some staff working on high-level waste (HLW) licensing could be reassigned to help move up some of the dates of medium priority rulemakings. The number of staff working on high-level waste activities is consistent with the scope of work activities in the high-level waste program. At this time, we do not have additional resources to reallocate to rulemaking activities.

Current staffing levels are consistent with the activities approved by the Commission in the June 8, 2006, Staff Requirements Memorandum on "The US NRC'S High-level Waste Program Direction for Fiscal Years 2006 and 2007" (SECY-06-0103) and are necessary to meet statutory mandated dates for the review of a license application. Staff are generating guidance and revising NRC regulations in preparation for receipt of a license application, recently specified in Congressional testimony to be June, 2008. The staff are also working and interacting with DOE and the public on significant pre-licensing emergent issues. For example, staff are: (1) revising 10 CFR Part 63, (2) evaluating the impacts of the final revised EPA rule on DOE's Total System Performance Assessment and Key Technical Issues; (3) reviewing new information on revised surface facilities design and operations; (4) considering the impacts of these design changes on Pre-Closure Safety Analysis; and (5) reviewing seismic and aircraft crash hazards. In addition, Staff members from the HLW program are providing assistance to HLW rulemakings (e.g., the 10 CFR Part 63 rulemaking and the geologic repository operations area security rulemaking). HLW staff will also provide assistance to future HLW rulemakings.

cc: SECY
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In COMSECY-05-0058, dated February 8, 2006, the Commission directed staff to determine if some staff working on high-level waste (HLW) licensing could be reassigned to help move up some of the dates of medium priority rulemakings. Rulemaking support from HLW staff will focus on assisting with HLW rulemakings, given the volume of evolving work in the HLW program, the current staffing levels, and statutory mandated dates for the review of a license application.

Current staffing levels are consistent with the activities approved by the Commission in the June 8, 2006, Staff Requirements Memorandum on "The US NRC'S High-level Waste Program Direction for Fiscal Years 2006 and 2007" (SECY-06-0103) and are necessary to meet statutory mandated dates for the review of a license application. Staff are generating guidance and revising NRC regulations in preparation for receipt of a license application, recently specified in Congressional testimony to be June, 2008. The staff are also working and interacting with DOE and the public on significant pre-licensing emergent issues. For example, staff are: (1) revising 10 CFR Part 63, (2) evaluating the impacts of the final revised EPA rule on DOE's Total System Performance Assessment and Key Technical Issues; (3) reviewing new information on revised surface facilities design and operations; (4) considering the impacts of these design changes on Pre-Closure Safety Analysis; and (5) reviewing seismic and aircraft crash hazards. In addition, Staff members from the HLW program are providing assistance to HLW rulemakings (e.g., the 10 CFR Part 63 rulemaking and the geologic repository operations area security rulemaking). HLW staff will also provide assistance to future HLW rulemakings.

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