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NOTE TO: John G. Davis  
FROM: Robert E. Browning  
SUBJECT: DOE STUDY ON ALTERNATIVE APPROACHES TO MANAGING,  
CONSTRUCTION AND OPERATION OF CIVILIAN RADIOACTIVE  
WASTE MANAGEMENT FACILITIES

Section 303 of the Nuclear Waste Policy Act of 1982 states:

"The Secretary shall undertake a study with respect to alternative approaches to managing the construction and operation of all civilian radioactive waste management facilities, including the feasibility of establishing a private corporation for such purposes. In conducting such study, the Secretary shall consult with the Director of the Office of Management and Budget, the Chairman of the Commission, and such other Federal agency representatives as may be appropriate. Such study shall be completed, and a report containing the results of such study shall be submitted to the Congress, within 1 year after the date of the enactment of this Act."

DOE has proposed to GSA an advisory panel to conduct the study. GSA called the Chairman's office to determine if NRC had any comment. On June 7, 1983, I called Ed Hanrahan (DOE) regarding this matter (after our conversation).

I noted that the Chairman's office had told GSA of a concern regarding the wording of the Charter as it did not identify any consultation with the Chairman of the Commission. Hanrahan agreed that arrangements could and should be made to ensure adequate consultation with the Chairman of the Commission or his representative during conduct of the study. I also noted that this could be done separate from the Charter to the advisory panel. (I recommend that this be done rather than attempting to change the Charter as changing the Charter would require resubmittal to GSA and additional involvement on the part of the Secretary to DOE.) Hanrahan indicated that he would be available to meet sometime the week of June 20 to discuss specifics of the agreed upon procedures for ensuring adequate consultation with NRC.

The above approach presumes that the Chairman will want to limit his consultation to a consideration of the impact of the advisory panel's

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alternatives/recommendations on NRC's licensing role. Thus, the Chairman would not be consulting on the validity of the advisory panel's alternatives/recommendations in areas other than where they impact on NRC's licensing role (i.e., he would not want to be involved in conclusions regarding the effectiveness of various management approaches considered by the advisory panel). I recommend we confirm with the Chairman that this is his intent.

The staff will prepare, in coordination with the Chairman's office and DOE, a proposed procedural agreement prior to the meeting with Hanrahan. This agreement would include the limit noted above on the scope of the Chairman's consultation.

If you agree, I will proceed along the above lines.

     Approve           Disapprove

Original Signed by  
Robert E. Browning

Robert E. Browning

OFC : WM

NAME : REBrowning:jh

DATE : 83/06/07