



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

AUG 17 1984

John G. Davis
As

MEMORANDUM FOR: John G. Davis, Director
Office of Nuclear Material
Safety and Safeguards

FROM: Robert E. Browning, Director
Division of Waste Management

SUBJECT: COMMISSION PAPER ON PROGRESS OF DOE'S
ADVISORY PANEL ON WASTE MANAGEMENT

Enclosed for your concurrence is an Information Paper for the Commissioners which summarizes the progress of DOE's Advisory Panel on Alternative Means of Financing and Managing Radioactive Waste Facilities, and indicates DOE's schedule for submitting its draft report to NRC for review. Also, enclosed for your signature is a memo to transmit the Commission Paper to EDO.

RE Browning
Robert E. Browning, Director
Division of Waste Management

Enclosures:
As Stated

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For: The Commissioners
From: William J. Dircks
Executive Director for Operations
Subject: PROGRESS OF THE DEPARTMENT OF ENERGY'S
ADVISORY PANEL ON ALTERNATIVE MEANS OF
FINANCING AND MANAGING RADIOACTIVE WASTE
FACILITIES

Purpose: To inform the Commissioners on the activities of the Advisory
Panel and the schedule for receiving DOE's draft report for
review.

Discussion: Section 303 of the Nuclear Waste Policy Act requires the
Secretary of Energy to "undertake a study with respect to
alternative approaches to managing the construction and
operation of all civilian radioactive waste facilities,
including the feasibility of establishing a private corporation
for such purposes." The Act directs the Secretary to "consult"
with the Chairman of the Commission in conducting the study,
which was to have been reported to Congress by January 7, 1984.

In carrying out these provisions, DOE elected to establish an
Advisory Panel pursuant to the provisions of the Federal
Advisory Committee Act. The background on the establishment of
the Panel and a listing of Panel members was provided to the
Commissioners in SECY-84-118. To date the Panel has met six
times, and a draft report making recommendations to the
Secretary has been partially completed. An NRC staff observer
has attended each of these meetings. The Panel has been briefed
by State and Tribal officials, Congressional staff, industry and
environmental representatives, and Federal agency officials,
including the Director of DOE's Office of Civilian Radioactive
Waste Management and the Director of NRC's Office of Nuclear
Material Safety and Safeguards. In addition, the Panel has
toured radioactive waste facilities in the United States and met
with officials from waste management organizations in European
countries.

Contact:
Neil Numark, NMSS
427-4328

OFC	:W MPC	:W MPC	:W MPC	:W M	:N MSS	:N MSS	:E DO
NAME	:N Numark:ch	:M Kearney	:J Bunting	:R Browning	:D Ausshardt	:J Davis	:W Dircks

Issues relating to NRC's regulatory role arose in the most recent meeting, during which the Panel focused on evaluating the suitability of selected government and corporate entities for waste management purposes. Members of the Panel indicated that they are willing to recommend organizational changes which would require legislation to implement. Most members appear to be favoring either an independent federal agency or commission or some type of government corporation. Several members felt that different types of organizations should be considered for the different phases of the program. Further Panel efforts will include attention to financing options, involving meetings with investment bankers to discuss possible alternatives to the 1 mill per kilowatt hour fee charged to nuclear utilities and how such alternatives would fit in with the various organization options being considered.

The Panel plans to submit its final report to the Secretary by October 15, 1984. DOE will then use the Panel's recommendations to develop the report to Congress required under NWPA, which it estimates will be submitted to Congress by December 31, 1984. DOE intends to satisfy the requirement for consultation with the Chairman by giving NRC an opportunity to review and comment on a draft of the DOE report.

We will keep you informed regarding the NRC review prior to receipt from DOE of the formal draft. Until that time, the staff will be reviewing drafts of the Panel's report, which are available at each of the Panel meetings, to examine the potential impacts on NRC regulatory responsibility which would flow from any recommended alternative management proposals.

William J. Dircks
Executive Director for Operations

OFC	: WMPC	: WMPC	: WMPC	: WM	: NMSS	: NMSS	: EDO
NAME	: NNumark:ch	: MKearney	: JBunting	: RBrowning	: DMAusshardt	: JDavis	: WDircks
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