



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

NOV 19 1984

MEMORANDUM FOR: DWM Staff

FROM: Neil Numark
Policy and Program Control Branch

SUBJECT: NOVEMBER 15, 1984 COMMISSION MEETING
WITH BEN RUSCHE; AMFM PANEL RECOMMENDATIONS

On November 15, Ben Rusche briefed the Commissioners on current activities and plans of the DOE civilian waste office. I've summarized the highlights of this meeting below for your information. The enclosed background material for the meeting summarizes all past, present and future federal agency actions under NWSA and may also be useful, particularly the enclosure.

Second, DOE's Advisory Panel on Alternative Means of Financing and Managing Radioactive Waste Facilities completed its work and discussed its recommendations and forthcoming report with Secretary Hodel on November 14. The recommendations are summarized below.

I. Rusche Meeting

Schedules- The following were announced by Mr. Rusche:

Final DOE Siting Guidelines published - within 2 weeks
Draft EA's published - 12/20/84 best estimate
Recommend 3 Sites for characterization - 6/85
Final Mission Plan published - first quarter 1985
Draft Project Decision Schedule - By the end of 1984
Final Defense Waste Study - By the end of 1984
Draft Regional Characterization Reports for second repository sites - 3 to 4 weeks

→ MRS - Report conclusions to Congress Summer '85

MRS - Rusche's present view is that a monitored retrievable storage facility is needed. It would improve the effectiveness and licensability of a repository. He speculated that if the first repository ended up in the West or Southwest, DOE would want to locate an MRS in the Eastern half, closer to the generators. For the second repository, a second MRS could be built, and the siting would depend in large part on future geographic patterns of generation. He stated that the kind of facility he has in mind would provide capacity for perhaps 2 to 10 years' worth of waste, and would definitely have a "back door" and a finite lifetime. DOE would apply for an MRS license "within a year or two" of Congressional authorization.

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Number of Sites Characterized - "Just three" will be recommended to the President. Since the three with the highest probability of succeeding will be recommended, explained Rusche, he hopes the question of what happens if one does not survive characterization will become moot. (Rusche agreed with Commissioner Asselstine in a June 22, 1984 meeting that the preliminary determination of site suitability required under Section 114(f) of NWPA has to be made after the completion of site characterization, but did not agree that the Act requires all 3 sites to be found suitable at that time).

Defense Waste - Comments on the draft defense waste report have not affected DOE's conclusion that defense waste should be disposed of in commercial repositories. Rusche said that the draft gave the wrong projections for shipment rates of defense waste to a combined repository. Commercial wastes will get priority. He wants the defense program to pay its pro rata share for the repository, not marginal costs only.

Follow-Up Meeting with Staff - The Commission has scheduled one for December 11. Mr. Davis stated that issues to be addressed at that meeting are: status of near-term actions, NRC role in MRS and transportation, interagency relations, and issue identification and resolution.

II. AMFM Recommendations

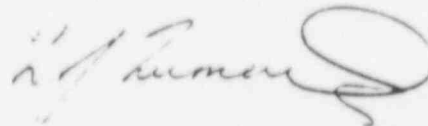
Section 303 of the Nuclear Waste Policy Act requires the Secretary of Energy to "undertake a study with respect to alternative approaches to managing the construction and operation of all civilian radioactive waste facilities, including the feasibility of establishing a private corporation for such purpose." 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.

An Advisory Panel composed of representatives of utilities, engineering firms, State and Tribal governments, and public interests groups was formed by the Secretary in December 1983 to perform this study. The Panel held its tenth and final meeting on November 13 and 14, which concluded in a meeting with Secretary Hodel to discuss its recommendations and forthcoming report. The report, which will be available in final draft form within 3 weeks, concludes that several organizational forms are more suited than DOE for managing the waste program, including an independent federal agency or commission, a public corporation, and a private corporation. Among these alternative organizations, the draft report identifies a public corporation as its preferred alternative as its best meets criteria the Panel developed for an acceptable waste management organization.

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Furthermore, the report concludes that the fee on nuclear-generated electricity (currently 1 mil per kilowatt-hour) provided for in NWPA is fair, shows no evidence of serious flaw to date, and appears to be adaptable to a change in organizational structure. The report also recommends adoption of several specific program components which are independent of the type of organization ultimately chosen to handle the program. Foremost among these, the Panel believes an Advisory Siting Council should be established, which would provide oversight concerning site selection processes and would review and comment on siting recommendations made by the site selection authority.

We expect to receive a final draft of the Panel's report within 3 weeks, which will be reviewed to identify impacts on NRC regulatory responsibilities stemming from the alternative management recommendations. The Panel plans to submit its final report to DOE by the end of December, after which we expect to formally receive a draft of DOE's report to Congress, based on the Panel's report, for comment.



Neil Numark
Policy and Program Control Branch
Division of Waste Management

Enclosure:
SECY-84-425



October 31, 1984

POLICY ISSUE
(Information)

SECY-84-425

For: The Commissioners

From: William J. Dircks
Executive Director for Operations

Subject: STATUS OF ACTIVITIES UNDER THE NUCLEAR WASTE
POLICY ACT OF 1982

Purpose: To provide the Commissioners with background information in
preparation for a meeting with the Director of DOE's Office of
Civilian Radioactive Waste Management.

Background: The Nuclear Waste Policy Act of 1982 (P.L. 97-425) was signed
into law on January 7, 1983. On March 18, 1983 the staff met
with the Commission to discuss the principal provisions of the
new legislation and their effects on NRC (see SECY-83-107, March
16, 1983). A second staff meeting was held on June 17, 1983
regarding approval of additional resources for timely
implementation of NWPA (see SECY-83-163, May 2, 1983).

In May of 1984, Benard C. Rusche was appointed Director of DOE's
Office of Civilian Radioactive Waste Management. The Commission
first met with Mr. Rusche on June 22, 1984 to discuss and concur
on DOE's final repository siting guidelines. Mr. Rusche again
appeared before the Commission on June 27, 1984 to present DOE's
draft Mission Plan for the Civilian Radioactive Waste Management
Program.

Discussion: The purpose of the subject meeting is to be briefed by DOE's
waste office director on his current thinking on the national
high level waste program. To prepare the Commission for this
discussion, background information is provided in Enclosure 1,
which lists and briefly describes federal actions taken to date
under NWPA, actions currently in progress, and future actions.

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In brief, both NRC and DOE have made significant progress in implementing the provisions of NWPA since its passage. NRC promulgated its technical requirements and criteria for licensing a high-level waste repository in June of 1983, and is currently developing other regulations and criteria required by the Act. DOE submitted final siting guidelines to the Commission in May of 1984 and received the Commission's concurrence in June. DOE is now expected to publish the final guidelines in November. The draft Mission Plan was issued by DOE in May of 1984, and NRC's comments were submitted to DOE in July. DOE's present schedule is to submit a final Mission Plan to Congress in February or March of 1985.

Current efforts in the DOE waste office center on the production of draft Environmental Assessments of nine potential repository sites, now scheduled to be issued in late December for 90 day public comment. After recommending 3 or more sites to the President for characterization, DOE is expected to issue its first Site Characterization Plan in the second half of FY85. The Chairman stated in his July 31, 1984 letter to Mr. Rusche, providing staff comments on the draft Mission Plan, that an evaluation on the preliminary determination of site suitability required under Section 114(f) of the Act was being considered by the Commission.

The Department is also currently preparing a report for the President to submit to Congress regarding defense waste disposal. The draft of this report, which the staff recently commented on, recommends disposal of defense high-level waste in commercial repositories. In addition, DOE is developing the Project Decision Schedule, which may be issued in draft for comment as early as December and will specify DOE's proposed deadlines for agency actions in the development of waste repositories.

Finally, DOE's Advisory Panel on Alternative Means of Financing and Managing Radioactive Waste Facilities is completing its work and expects to submit its recommendations to the Secretary by mid-November. The staff has been observing the Panel's meetings (see SECY-84-118, March 15, 1984, and SECY-84-338, August 23, 1984). Section 303 of the Act requires the Secretary to consult with the Chairman in conducting the study. The Secretary has stated that this requirement cannot be met until the Chairman is given the opportunity to review and comment on the Department's

draft report to Congress (letter from Hodel to Palladino, February 16, 1984). The staff will prepare a separate information paper on the Panel's recommendations.

The Environmental Protection Agency is developing its final high-level waste standards and is expected to issue them by January 1985. The staff stands ready to review the Commission's final high-level waste criteria for conformance after the final standards are published.

The staff notes that these actions involve no new resource requirements.

Schedule:

Mr. Rusche is currently scheduled to meet with the Commission on November 15, 1984 at 2 p.m.



William J. Dircks
Executive Director for Operations

Enclosure:
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ENCLOSURE 1

BACKGROUND PAPER ON FEDERAL
NWPAA ACTIONSI. Actions Taken to Date

1. Section 112(a)- DOE submitted final repository siting guidelines to NRC for concurrence on May 15, 1984. The Commission voted to concur in the guidelines on June 22, 1984. (SECY-84-233, June 11, 1984).
2. Section 121(b)- NRC's technical requirements and criteria for licensing a high-level waste repository were published in the Federal Register on June 21, 1983. (SECY-83-598, April 11, 1983).
3. Section 134- A proposed rule establishing procedures for expansion of onsite spent fuel storage capacity or transshipment of fuel was published by NRC on December 5, 1983. (SECY-83-214, June 2, 1983).
4. Section 135(g)- Proposed criteria for determining the adequacy of available spent fuel storage capacity were published by NRC on April 29, 1983. SECY-83-112, March 23, 1983).
5. Section 223(b)- NRC and DOE published a joint notice in the Federal Register on March 30, 1983 offering technical assistance to non-nuclear weapon states in the field of spent fuel storage and disposal. The first annual update of the notice was published on April 6, 1984.
6. Sections 301(b) and 216(a)- NRC provided comments to DOE on the preliminary draft Mission Plan on February 8, 1984 and on the formal draft Mission Plan on July 31, 1984. (DOE distributed the draft Mission Plan for public comment on May 8, 1984). (SECY-84-270, July 2, 1984).
7. Section 302- The final waste disposal contract was published by DOE in the Federal Register on April 18, 1983. All necessary contracts were signed and received by DOE by June 30, 1983.

II. Actions in Progress

1. Section 8- DOE has issued a draft of a report to the President, for transmission to Congress, recommending disposal of defense high-level

waste in commercial repositories. NRC submitted comments to DOE on the draft on October 15, 1984.

2. Section 112(a)- DOE is expected to publish the final repository siting guidelines in November 1984.
3. Section 112(b)- DOE is expected to issue draft Environmental Assessments of nine potential repository sites in late December 1984.
4. Section 114(e)- DOE is preparing a draft Project Decision Schedule which may be issued for public comment as early as December 1984.
5. Section 121- EPA's final high-level waste standards are under development and are expected by January 1985. NRC will review its high-level waste criteria for conformance after the final standards are published. (See SECY-84-320, August 9, 1984).
6. Section 134- A final rule establishing procedures for expansion of onsite spent fuel storage capacity or transshipment of fuel is scheduled to be submitted to the Commission in December 1984.
7. Section 135(g)- Final criteria for determining the adequacy of available spent fuel storage capacity are scheduled to be submitted to the Commission in October 1984.
8. Section 301- DOE is currently revising the draft Mission Plan in response to comments received and is expected to submit the final Mission Plan to Congress in February or March of 1985.
9. Section 303- DOE's Advisory Panel on Alternative Means of Financing and Managing Radioactive Waste Facilities is completing its work and is expected to submit its recommendations to the Secretary by mid-November 1984. The NRC staff has observed the meetings. The Secretary is required to consult with the Chairman on this study before submitting a report to Congress. DOE's target date for reporting to Congress is December 31, 1984. (SECY-84-118, March 15, 1984; SECY-84-338, August 23, 1984).
10. Section 306- The Commission has decided to publish proposed amendments dealing with simulator training requirements and issue a policy statement on training and qualification requirements of plant personnel. (October 12 and 17, 1984 Commission meetings; see also SECY-84-76, February 13, 1984; SECY-84-76A, June 20, 1984; SECY 84-76B, September 6, 1984; SECY-84-348, September 4, 1984).

III. Future Actions

1. Section 112(b)- DOE is expected to nominate 5 or more sites for characterization for the first repository in the Spring of 1985, and recommend 3 or more of these to the President shortly thereafter. The site nominations will be accompanied by Environmental Assessments of each site. DOE will issue draft Environmental Assessments of nine potentially acceptable sites for 90-day public comment in December.
2. Section 113(b)- DOE is expected to issue at least three site characterization plans during FY85 to 86.
3. Section 114(a)(1)(c)- DOE's schedule is to issue a Final EIS on recommendation of a repository for development in the first half of 1990.
4. Section 141- DOE plans to submit the MRS proposal to Congress by June, 1985. NRC's comments on the proposal must also be submitted by DOE to Congress.
5. Section 217(f)- DOE reported to Congress in April, 1984 that the decision on the need for a Test and Evaluation Facility was being delayed until late 1987, when the program's data needs are better established. A written agreement between NRC and DOE on procedures for the TEF would then be developed if DOE decides to construct the facility.
6. Section 223(b)- NRC and DOE will publish four more annual updates of a joint notice offering technical assistance to non-nuclear weapon states in the field of spent fuel storage and disposal.