



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

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

FROM: Robert B. Minogue, Director
Office of Nuclear Regulatory Research

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SUBJECT: DRAFT REPORT OF THE DOE ADVISORY PANEL ON WASTE MANAGEMENT
ORGANIZATION

In response to your December 12, 1984 request for comments, we have reviewed the draft report of the DOE Advisory Panel on Waste Management Organization from the perspective of potential impacts on NRC's regulatory role. The panel's major recommendation, shifting management of the high-level waste program from DOE to a new public corporation, would not appear to have any major impacts on the regulation of the high-level waste program by NRC. However, there are a few points which deserve mention:

- 1) Issues concerning financial liability are likely to be impacted should the high-level waste program be shifted to a public corporation. With DOE as the licensee, the Federal government--with all of the financial resources available to it--would clearly be liable for all aspects of the high-level waste program. A public corporation would not necessarily have access to the same financial resources, and requirements for insurance, bonding, etc., would have to be established.
- 2) The organizational structure, DOE or public corporation, probably would have some bearing on the issue of utilization of the Nuclear Waste Fund to support NRC's high-level waste licensing program. The legal and policy implications should be considered.
- 3) In 60.121 of Part 60, "Requirements for ownership and control of interests in land," reference is made to controls established outside the controlled area of the repository. Any impacts on the legality/practicality of establishing these controls which would result from a shift in organizational structure to a public corporation would have to be examined.

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- 4) A program of institutional control is planned for a period of 100 years following closure of the repository. If a public corporation, not DOE, has responsibility for this phase, planning for funding of post-closure activities would be of critical importance since the corporation would not have taxing powers and revenues from the Nuclear Waste Fund would be very uncertain for so long a time period.
- 5) The report recommends establishment of several additions to whatever organizational structure is adopted, including an advisory siting council and a scientific/technical advisory oversight group. Consideration should be given to the manner in which these additions would affect the schedule for repository siting and development, and any impacts on NRC plans and schedules for licensing.
- 6) Interaction between NRC and DOE is carried out according to the NRC/DOE procedural agreement. If the high-level waste program were to be transferred to a public corporation, a new agreement would be needed. In general, it may be more difficult to develop such agreements between NRC and a corporation, rather than between Federal agencies.
- 7) Throughout 10 CFR 60, DOE is specifically identified as the licensee. The language designating the licensee would have to be changed.

If you would like any additional information regarding these comments, please contact Clark Prichard, Division of Radiation Programs and Earth Sciences, RES on extension 42-74586.



Robert B. Minogue, Director
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