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3/29/02
67 FR 15257
49

SUBJECT: The Yucca Mountain Review Plan NUREG-1804, Rev.2, Draft Report for Comment----Language Changes to Conform to Requirements

Subsequent to my 11AUG02 correspondence to you, I endeavored unsuccessfully to unearth a means by which a "commitment" (at best, undefined, at worst, arbitrary) might be enforced according to the present regulations.

Hence, there appears no choice, but to modify the subject draft as follows:

Sec. 3.3 Physical Protection Plan (p. 3-8)

10 CFR Sec. 63.21 "Content of application," Sec. 63.21(b) reads,

"The general information must include:"

... Sec. 63.21(b)(3) "A description of the detailed security measures for physical protection of high-level radioactive waste in accordance with Sec. 73.51 of this chapter. This plan must include the design for physical protections, the licensee's safeguards, contingency plan, and security organization personnel training and qualifications plan. The plan must list test, inspections, audits and other means to be used to demonstrate compliance with such requirements."

(p 3-8) Section 3.3.1 Areas of Review of the subject document currently reads,

... "Although the U.S. Department of Energy is not expected to submit a physical protection plan with the license application, the U.S. Department of Energy should commit to developing and implementing a physical protection system that meets or exceeds the acceptance criteria, in Section 3.3.3, before receipt of waste at the geologic repository operations area."

This wording should be replaced by:

Template = ADM-013

E-RIDS = ADM-03
Add = J. Circo (JAL3)
A. B. Branek (AFB)

... "The U.S. Department of Energy shall submit a physical protection plan with the license application in accordance with 10 CFR Sec. 63.21(b)(3) that meets or exceeds the acceptance criteria in Section 3.3.3."

Section 3.4 *Material Control and Accounting Program* (p. 3-21)

10 CFR Sec. 63.21 "Content of application," Sec. 63.21(b) reads,

"The general information must include:"

... Sec. 63.21(b)(4) "A description of the material control and accounting program to meet the requirements of Sec. 63.78."

(p. 3-22) Section 3.4.1 Areas of Review of the subject document currently reads,

... "The program may not be in place when the U.S. Department of Energy submits a license application. Therefore, the U.S. Department of Energy commitments to implement the material control and accounting program requirements are sufficient for construction."

This wording should be replaced by:

... "The U.S. Department of Energy shall submit a material control and accounting program with the license application in accordance with 10 CFR Sec. 63.21(b)(4)."

Section 4.5.7 *Emergency Planning* (p.4.5-92)

10 CFR Sec. 63.21 "Content of application," Sec. 63.21(c) reads,

"The Safety Analysis Report must include:"

... Sec. 63.21(c)(21) "A description of the plan for responding to, and recovering from, radiological emergencies that may occur at any time before permanent closure and decontamination or decontamination and dismantlement of surface facilities, as required by Sec. 63.161."

(p. 4.5-92) "'Section 4.5.7 Emergency Planning'" of the subject document currently reads,

"Although the U.S. Department of Energy is not expected to have prepared an emergency plan at the time of the application for the license, the U.S. Department of Energy should commit to developing and implementing an emergency plan to meet or exceed the acceptance criteria, in this section."

This wording should be replaced by:

"The U.S. Department of Energy shall have prepared and submit an emergency plan with the license application in accordance with 10 CFR Sec. 63.21(c)(21) that meets or exceeds the acceptance criteria in this section."

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