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

JUN 5 1989

NOTE TO: All Interested Parties

FROM: Eileen T. Tana

SUBJECT: SECY-89-037A

Enclosed for your information is SECY-89-037A, Quarterly Progress Report on the Pre-licensing Phase of the U.S. Department of Energy's (DOE's) Civilian High-Level Radioactive Waste Management Program, dated May 12, 1989.

Sincerely,

Eileen T. Tana

Eileen T. Tana, Licensing Assistant
Repository Licensing and Quality
Assurance Project Directorate
Division of High-Level Waste Management

Enclosure:
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POLICY ISSUE
(Information)

May 12, 1989 SECY-89-037A

For: The Commissioners

From: Victor Stello, Jr.
Executive Director for Operations

Subject: QUARTERLY PROGRESS REPORT ON THE PRE-LICENSING PHASE OF THE U.S. DEPARTMENT OF ENERGY'S (DOE'S) CIVILIAN HIGH-LEVEL RADIOACTIVE WASTE MANAGEMENT PROGRAM

Purpose: To provide the Commission with a Quarterly Progress Report (February 1989 through April 1989) on the pre-licensing phase of DOE's Civilian High-Level Radioactive Waste Management Program.

Executive Summary: In the previous Quarterly Progress Reports (SECY-87-137, SECY-87-267, SECY-88-39, SECY-88-39A, SECY-88-39B, SECY-88-39C, and SECY-89-037) on the pre-licensing phase of DOE's Civilian High-Level Radioactive Waste Management Program, the U.S. Nuclear Regulatory Commission (NRC) staff discussed seven action items that cover key aspects of the NRC/DOE pre-licensing consultation program. They were: (1) DOE implementation of scheduled and systematic consultations; (2) development of an information retrieval system; (3) early implementation of a quality assurance (QA) program; (4) early establishment of repository design parameters; (5) early resolution of State and Tribal concerns; (6) adoption of the policy of conservatism; and (7) early resolution of issues. This report will also focus on these items, thereby providing the Commission with the NRC staff's perspective on the progress of DOE's repository program in areas important to an effective high-level waste program. The NRC staff considers these areas to be critical to ensuring that DOE can develop a complete and high-quality application and that NRC can meet the statutory time limit, of three years, to act on authorization to construct the repository.

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The most significant activities during this period pertained to Items 1. Consultations, 2. Information Retrieval System and 3. Quality Assurance. The major activities related to those items follow:

Item 1. Consultations

- As noted in the previous Quarterly Progress Report, DOE's December 28, 1988 submission of the Site Characterization Plan (SCP) did not contain all the necessary items for the NRC staff to conduct its acceptance review of the SCP. These outstanding items were submitted to NRC on February 9, 1989. Consequently, on March 1, 1989, NRC notified DOE that the staff had concluded that the SCP was acceptable for further review. Despite the delay, the NRC staff intends to complete the SCP review and issue its Site Characterization Analysis (SCA) on the original schedule, which calls for the SCA to be transmitted to DOE by July 28, 1989.

- On February 8, 1989, the NRC staff met with DOE and the U. S. Air Force (USAF), to discuss overflights of Yucca Mountain and provide information on the available regulatory guidance on overflights of nuclear power plants.

- On April 20, 1989 NRC, DOE, and the State of Nevada staffs met to discuss a proposed schedule for staff interactions. A number of interactions were agreed upon, and the staffs agreed to a follow-up meeting in late May 1989, once the NRC staff has identified its major concerns with the SCP, to set up further specific, technical interactions.

- On April 25, 1989, the NRC staff met with representatives from DOE, the State of Nevada, and affected units of local government to explain the type of work the Center for Nuclear Waste Regulatory Analysis (CNWRA) is performing for the NRC. The meeting also focused on work being performed by the State of Nevada and the need for all parties to make data available as early as practicable after the data is generated.

Item 2. Information Retrieval System

° The draft final rule on the Licensing Support System (LSS) was submitted for Commission review on January 30, 1989. The Commission approved it for publication on March 30, 1989. The final rule was published on April 14, 1989.

Item 3. Quality Assurance

° On January 25, 1989, the NRC staff met with DOE and the State of Nevada and agreed to the revised schedules and milestones necessary for the NRC staff to accept the DOE QA programs for site characterization. The NRC staff review supports DOE's planned start of shaft construction in November 1989. The staff believes that the schedules DOE has proposed are optimistic and may be difficult for DOE to meet. However, the NRC staff expects to be able to support the program without any delays.

° The staff and DOE continued to make progress in resolving staff comments associated with DOE's QA plans for the various repository program organizations. A number of plans were submitted for the first time for staff review during the quarter.

° Internal DOE surveillances of its QA program have recently revealed inadequacies in implementation of management plans and design control documents. Because of these findings and other issues identified by DOE, the start of new exploratory shaft design work scheduled to begin in February or March has been delayed.

° DOE conducted QA audits of two of its contractors during the quarter. However, because actual work at both organizations was limited, the audits were not of sufficient scope or depth for the NRC staff to judge the adequacy of implementation or accept the contractors' programs. An additional audit of each will be conducted later in the year.

Other NRC activities to implement its role under the Nuclear Waste Policy Act (NWPA), as amended, are summarized in the Enclosure, "Status of NRC Activities Required by NWPA."

Discussion:

1. DOE Implementation of Scheduled and Systematic Consultations:

As noted in the previous Quarterly Progress Report, DOE's December 28, 1988 submission of the SCP did not contain all the necessary items for the NRC staff to conduct its acceptance review of the SCP. These outstanding items were submitted to NRC on February 9, 1989. Consequently, on March 1, 1989, NRC notified DOE that the staff had concluded that the SCP was acceptable for further review. NRC also informed DOE that despite the delay the NRC staff would make every effort to complete the SCP review and issue its SCA on the original schedule. This schedule calls for the staff to provide the draft SCA to the Advisory Committee on Nuclear Waste (ACNW) in early June 1989, to the Commission in early July 1989, and to transmit it to DOE by July 28, 1989. Per Commissioner Curtiss' request, a copy of the draft SCA will be provided to the Commission at the same time it is transmitted to the ACNW.

In the last Quarterly Progress Report, the staff stated that it was waiting for the Office of Civilian Radioactive Waste Management (OCRWM) to provide an integrated schedule addressing proposed NRC-DOE consultations for the Waste Acceptance Process activities and the repository program. By letter dated April 3, 1989, DOE proposed an integrated schedule which covered eight areas: (1) major program events; (2) the SCP; (3) study plans; (4) QA; (5) the ESF design process; (6) technical and regulatory issues; (7) the Waste Acceptance Process; and (8) other program activities such as Commission briefings by DOE.

On April 20, 1989, NRC staff, DOE, and the State of Nevada (via teleconference) met to discuss the proposed integrated schedule. As a result of that meeting, a number of interactions were agreed upon, such as a geology field trip and a meeting to discuss the NRC staff's major concerns on the SCP. There was also general agreement on several additional interactions that needed to be held on specific, technical subjects, such as substantially complete containment, and groundwater travel time. However, it was agreed the specific topics, scopes, priorities, and dates for most of these meetings should be determined once the NRC staff identifies its major concerns with the SCP. Therefore, it was determined that a meeting would be held in late May to better establish a specific schedule for these technical interactions.

On February 8, 1989, the NRC staff met with DOE and the USAF. The purpose of the meeting was to discuss USAF overflights of the Yucca Mountain site. At the meeting, the staff provided DOE with background information on the regulatory guidance available on overflights of nuclear power plants. As a result of the meeting, the staff believes that DOE should have sufficient information to develop an aircraft hazards assessment method for the repository. Both DOE and USAF stated that the meeting was beneficial.

On April 25, 1989, the NRC staff met with representatives from DOE, the State of Nevada, and affected units of local government to explain the type of work the CNWRA is performing for the NRC. During the meeting, the NRC staff and the CNWRA President gave a summary of the CNWRA's development. In addition, CNWRA staff presented detailed discussions of the CNWRA's program for systematic analysis of regulations, technical assistance activities, and research work. Besides the CNWRA presentations, the State of Nevada gave a general overview of its program. This included: (1) background on the State's role; (2) a summary of Nevada's technical concerns; and (3) a review of the type of technical activities and studies being undertaken by the State. The last topic covered at the meeting was a discussion on ways to increase the need for technical exchanges, including timely access to data, among the NRC staff, DOE, and the State of Nevada. Based on the feedback from the participants, both DOE and the State of Nevada concluded that the meeting helped them understand the work of the CNWRA. Also, the discussion on increased technical exchanges helped to identify the need for an approach to establish such exchanges.

Additional interactions are scheduled to begin the week of May 1, 1989, with a geology field visit by the NRC staff, along with DOE and State of Nevada representatives, to explore the volcanism issues related to the site. In addition, the staff will meet with DOE during May 1989, to discuss the ESF design control process, and on May 9 and 10, 1989, to discuss issues resulting from NRC staff review of the SCP and DAA.

In summary, the NRC staff believes that the integrated schedule provided by DOE in its April 3, 1989 letter is a first step in alleviating the NRC staff's concern that the pre-licensing consultation process is not functioning to the degree necessary to effectively address NRC concerns before major DOE decisions are made or major DOE documents are issued. The staff will report on DOE's ongoing responsiveness in the area of NRC/DOE interactions in future Quarterly Progress Reports.

2. Development of an Information Retrieval System:

The NRC high-level waste (HLW) LSS negotiator submitted, for Commission review, the draft final rule on the LSS on January 30, 1989. The Commission was briefed on this draft final Rule on February 7, 1989, by the NRC LSS negotiator and other participants on the Commission's HLW LSS Advisory Committee. The Commission approved the draft final rule on March 30, 1989, for publication. The final rule was published on April 14, 1989.

As reported in the last Quarterly Progress Report, the staff has held several meetings with DOE and DOE contractors on various aspects of the development of the LSS. Consequently, the NRC LSS Internal Steering Committee is preparing an overall plan for coordination of NRC and DOE activities on the LSS, as well as drafting the procedures for the capture of the necessary documents by the NRC staff.

3. Early Implementation of a QA Program:

DOE has continued to make some progress in developing and implementing its QA program for new site characterization activities. However, it is continuing to miss early milestones for qualifying the program, and as a result of several QA surveillances, has identified problems that have delayed the start of new design work for the ESF.

- NRC, DOE, and the State of Nevada met on January 25, February 23, and March 22, 1989 for monthly QA program status meetings. A revised schedule for qualifying the QA program before the start of shaft construction, in November 1989, was agreed upon in the first meeting. The other meetings addressed progress in DOE qualifying its program and NRC completing its review milestones.

- During the quarter, DOE submitted QA plans for seven of the eight program participants at the Yucca Mountain Project. A number of them were submitted late, but it appears that this will have no effect on the schedule for qualification of the program. The remaining plan is overdue, but expected to be submitted for review in May.

  The staff completed its review of the QA plan for Fenix and Scisson, the architect-engineer for the exploratory shaft and forwarded two minor comments to

DOE on March 22, 1989. The remaining QA plans are under review in accordance with previously agreed priorities.

- The staff completed its review of the two principal DOE Headquarters QA documents, know as the Quality Assurance Requirements Document and the Quality Assurance Program Description and issued Safety Evaluations (SEs). The SEs identify a few minor open items for which DOE and NRC have reached agreement on resolution.

  Before the NRC staff can issue its final approval, DOE must incorporate the agreed-on resolutions into these documents and submit revisions to NRC for a confirmatory review.

- DOE has scheduled 169 surveillances of the implementation of the QA program between February and July 1989. Thus far, it is generally maintaining the schedules for these surveillances. Based on the results of a DOE Headquarters surveillance conducted in March 1989, several issues were raised that directly affect the start of new ESF design work. Specific problems identified by the DOE team include the lack of implementation of DOE-required management plans, which were developed to meet QA requirements to control the design process, and the lack of design requirement documents identified in the design control process. Because of these findings and other issues identified by the Yucca Mountain Project Office QA organization, DOE had to delay the start of new ESF design work originally scheduled to begin in February or March.

- On March 14, 1989, DOE notified the staff that at least several of the audits it had planned to conduct to confirm that contractor programs were qualified were being reduced in scope. As a result, they will not provide a sufficient basis for DOE to qualify the programs nor for the staff to accept the programs. Subsequent audits of program implementation will need to be scheduled. This reduction in scope was caused by the delay in the start of new work.

- During the quarter, DOE conducted audits of Fenix & Scisson and Holmes & Narver, both of which are contractors performing design work for the exploratory shaft. As noted previously, both audits were of

limited scope. The staff observed both and will issue reports of its observations in the next month.

DOE has not demonstrated how it can meet its November 1989 date for starting ESF construction, with the slip in the start of new ESF design work, and the need to conduct a second audit of some of its contractors, to qualify their QA programs.

4. Early Establishment of Repository Design Parameters:

The NRC staff's review of the CDSCP indicated several concerns with DOE's implementation of performance allocation. DOE's treatment of this concern is being specifically evaluated in the NRC staff review of the SCP.

5. Early Resolution of State and Tribal Concerns:

On February 22, 1989, the staff met with representatives from the State of Nevada to discuss the State's responses to staff questions on the Nevada QA Manual. As a result of the meeting, all but 2 of the 32 comments were acceptably resolved. Regarding the remaining two, NRC staff must take action on one, and the State of Nevada must take action on the other. The staff expects to have the remaining two comments resolved shortly, and expects to have an evaluation of the State's QA Manual issued in May 1989. This schedule is contingent upon the State of Nevada providing a revision to its Manual incorporating all of the agreed-on resolutions by mid-May 1989. The staff is using 10 CFR Part 50 Appendix B as the criteria for evaluating the State's QA Manual. However, the staff will not evaluate the overall Nevada program, because it will not be conducting audits and, therefore, cannot determine how well the program is being implemented.

On March 3, 1989, Lincoln County, Nevada officials met with the Director of the Division of High-Level Waste Management (DHLWM), Office of Nuclear Material Safety and Safeguards (NMSS), the Assistant Director for State, Local and Indian Tribe Programs (SLITP), and other staff representatives. The purpose of the meeting was to discuss a recent resolution, adopted by the Lincoln County Board of County Commissioners, which seeks to require DOE to designate transportation routes for HLW as a condition of submitting applications to NRC for licensing both a monitored retrievable storage facility and a HLW repository. In the course of the meeting, the staff pointed out that NRC

did not expect to be involved in transportation routing issues, as the Commission's licensing authority extended specifically to the Yucca Mountain site itself. The Commission would, however, review and certify the casks used by DOE for transportation.

SLITP arranged two meetings on March 8, 1989, between NRC, National Congress of American Indians, and other Tribal representatives, to discuss matters related to the HLW program. The first meeting involved a presentation by NMSS representatives on the HLW program and general discussions on transportation issues.

The second meeting was held with Commissioner Curtiss and representatives from the other Commissioner offices. It focused on transportation issues, including notifications to Indian Tribes of HLW shipments through Indian lands; the Western Shoshone land rights struggle; and the LSS. The need to establish a mechanism for communication between NRC and members of Nevada Tribes not formally designated "affected Tribes," under the Nuclear Waste Policy Amendments Act of 1987, was discussed. The need for cross-cultural exchanges between NRC and the Tribes was also stressed.

As previously noted in this report, NRC staff and CNWRA staff met with the State of Nevada and DOE on April 25, 1989. The State of Nevada's participation in this meeting included a presentation on the Nevada program, to allow NRC staff and CNWRA staff to understand the Nevada program in additional detail.

A second meeting held on April 25, 1989 was with the Nye County, Nevada Board of County Commissioners in Washington, D. C. DHLWM and SLITP staff presented an overview of NRC's role under the Nuclear Waste Policy Act and its Amendments of 1987. A summary of NRC's CDSCP objections and the schedule and status of NRC's major SCP review activities was also presented. Discussions followed concerning DOE's QA program and qualification audit schedule for new site characterization activities, and upcoming NRC/DOE Nevada State and local interactions. Nye County indicated that it may appoint an on-site representative at Yucca Mountain to oversee DOE high-level waste activities. DOE has offered the county office space for this purpose.

The previous Quarterly Progress report noted that the staff had reviewed the State of Nevada's September 6, 1988 comments on DOE's CDSCP. The staff is considering these comments in its ongoing SCP review, to determine if any new safety concerns need to be incorporated into NRC's review.

6. Adoption of the Policy of Conservatism:

Previous Quarterly Progress Reports have noted the NRC staff concern that DOE needs to be conservative in treating uncertainty in its investigations and analyses. Incorporation of conservatism in initial assumptions and designs can compensate for inherent uncertainties in investigations and analyses. The NRC staff review of the CDSCP indicated that DOE needs to take steps toward adopting conservatism in its program. This is one of the areas that the staff is focusing on during its review of the SCP.

7. Early Resolution of Issues:

There are a number of available mechanisms to identify and resolve issues and uncertainties such as the current staff review of DOE's SCP or development of rulemakings or guidance. The basic rationale for determining whether to proceed by rulemaking or by guidance is explained in SECY-88-285, which sets forth the staff's regulatory strategy for the repository licensing program. Essentially, the staff considered that rulemaking could be used to resolve a regulatory uncertainty (i.e., where the meaning of a requirement or definition in 10 CFR Part 60 is subject to more than one interpretation, is otherwise unclear, or where what must be proven to demonstrate compliance with a requirement is not completely defined in the requirement itself). Rulemakings were proposed for the nine topics listed in Enclosure 8 of SECY-88-285, because the staff decided that authoritative and binding resolution was needed. For technical uncertainties, which concern how compliance with a requirement should be demonstrated, the staff considered it more appropriate for NRC, as a regulatory agency, to develop guidance in the form of Technical Positions (TPs), which give criteria for acceptable methods. The development of the methods themselves would thus be left to DOE, as the agency with developmental responsibilities.

Recent actions to address uncertainties have included an analysis by CNWRA that evaluated the uncertainties related to the SCP and ESF. The results of this analysis were

provided to the NRC staff on April 4, 1989 in CNWRA-89-002, "Analysis of Regulatory Uncertainties Related to the Site Characterization Plan and the Exploratory Shaft Facility." The report includes a preliminary analysis of Subparts B and E of 10 CFR Part 60, identifying potential regulatory uncertainties and specifying those which are related to site characterization, the SCP, and the ESF. The NRC staff is presently using this report in its review of the SCP.

A complementary draft report, "Analysis and Evaluation of Regulatory Uncertainties and 10 CFR 60, Subparts B and E," CNWRA-89-003, was provided on April 19, 1989. This draft report provides a recommended prioritization of regulatory uncertainties through the use of attributes. The staff is reviewing this draft and will provide comments to the CNWRA. A final report is expected in May 1989. The staff will utilize this final uncertainties report in its update of the SECY-88-285 scheduled for May 1989.

The staff has continued to make considerable progress on the development of its rulemaking. A request to initiate rulemaking, to clarify the meaning of "anticipated and unanticipated processes and events" for repository design and licensing, was submitted to the Executive Director for Operations (EDO) for approval on April 6, 1989. As for the Technical Positions (TPs), work has continued on 12 of the 16 TPs for which work was scheduled during FY89. On April 26, 1989, the NRC staff briefed the ACNW on the final version of the TP covering sealing of the site. When the ACNW comments are received and considered, the staff expects to be able to issue the final TP in the next calendar quarter.

Future Reports

To improve the usefulness of this quarterly progress report to the Commission, the staff plans to focus future reports on issues which deserve Commission attention and to reduce reporting of status which represents continuing acceptable progress. For example, subsequent to completion of the staff's and State of Nevada's comments on DOE's SCP, items (5) "Early Resolution of State and Tribal Concerns" and (7) "Early Resolution of Issues" will focus on key technical issues regarding the site characterization effort. In addition, a section could be included that addresses the NRC HLW research program activities. Item 2, "Development of an Information Retrieval System," will be dropped

because problems in this area will be reported to the Commission by the LSS Steering Committee and eventually the LSS Administrator and thus need not be repeated in this report.

Victor Stello, Jr.
Executive Director for Operations

Enclosure:
Status of NRC's Activities
Required by NWPA

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NRC'S ROLE UNDER THE NUCLEAR WASTE POLICY AMENDMENTS ACT OF 1987

I. Repository Development Program

Provision	NWPAA Date	Current Schedule	NRC Role
1. Section 112(a)-NRC must concur in Siting Guidelines promulgated by DOE.	7/6/83	Completed 12/84	Action Taken: After review and comment on draft DOE Guidelines in early 1983, NRC received final Siting Guidelines on 11/23/83. NRC held oral presentations on 1/11/84, and public comments were received through 2/1/84. On 2/29, the Commission gave tentative endorsement to the Guidelines and stated that they would concur on the Guidelines provided seven conditions were met. Following six meetings between DOE and NRC staff to resolve these conditions, final Siting Guidelines were received by NRC on 5/15/84. The Commission voted to concur on the Guidelines on 6/22/84. DOE published the final Guidelines on 12/6/84. On 12/24/84, the staff forwarded a paper to the Commission (SECY-84-482) recommending that the Commission does not have to concur in the supplementary information to the final Guidelines. The Commission approved this recommendation. Nine petitions challenging the DOE Siting Guidelines have been consolidated into one suit in the 9th Circuit. In September '87, Court upheld DOE's authority to prohibit use of NWPA funds to assist states in litigation activities. The Nuclear Waste Policy Amendments Act of 1987 requires DOE to phase out site-specific activities for the first repository at all candidate sites other than the Yucca Mountain site, and directs DOE to proceed with site characterization at that site. Current Status: Litigation is still pending with respect to the Yucca Mt. site. If the litigation results in the Siting Guidelines being vacated, DOE would have to repromulgate the Guidelines and NRC would have to reconcur. On 3/21/89, the 9th Circuit Court of Appeals declared its intention to moot most of the Siting Guidelines cases, but requested additional information from DOE before taking final action.

Previous Version 89/01/04
Current Version 89/04/24

Provision	NWPAA Date	Current Schedule	NRC Role
2. Section 121(b)-NRC must promulgate technical requirements and criteria.	1/1/84	Promulgated 6/21/83	NRC must issue regulations which specify the technical requirements and criteria for the repository. Action Taken: The regulations, which were under development by the staff for several years, were published in the Federal Register on 6/21/83 (48 FR 28194). The regulations are found in 10 CFR Part 60, "Disposal of High-Level Radioactive Wastes in Geologic Repositories Technical Criteria." An Advance Notice of Proposed Rulemaking (ANPR) for the definition of high-level waste (HLW) was published in the Federal Register on 2/27/87 (52 FR No.39, pp.5992-6001). Current Status: The revision to Part 60 for the definition of HLW has been terminated. An amendment to Part 61 requiring disposal of Greater-than-Class C wastes in the HLW repository, unless the Commission approves an alternative means of disposal, and obviating the need to alter existing classifications of radwastes as high-level or low-level, was published for comment in the Federal Register (53 FR 17709, May 18, 1988). The comment period expired July 18, 1988. The Final Rule was provided to the Commission on April 17, 1989.

Provision	NWPAA Date	Current Schedule	NRC Role
3. Section 121(a)-EPA shall promulgate generally applicable standards for protection of the general environment from offsite releases from radioactive material in repositories.	1/7/84	Promulgated 9/19/85	Section 121(b) regulations and criteria must be revised by the Commission, if necessary, to comply with standards being prepared by EPA. Action Taken: NRC's comments on the proposed standards were transmitted to EPA on 5/10/83. EPA final high-level waste standards were signed on 8/15/85, published in the Federal Register on 9/19/85 (50 FR 38066), and became effective 11/18/85. NRC staff reviewed its high-level waste criteria (10 CFR Part 60) for conformance with EPA standards, and provided a proposed rule (SECY-86-92) to the EDO and the Commission on 3/21/86, which the Commission approved on 5/15/86 without modification. The proposed revisions were published in the Federal Register on 6/19/86 (51 FR 22288) and comments were due by 8/18/86. In July, 1987 a Federal Appeals Court invalidated EPA's standards. Current Status: Further action by NRC has been postponed until EPA revises its standards or is able to have parts of them reinstated.
4. Section 114(e)(1)-DOE Project Decision Schedule (PDS). Any agency that can not meet a PDS deadline must notify Congress and DOE why it can not comply.	None Specified	Completed. Revision expected Summer '89.	NRC must coordinate with DOE on the development of the PDS. Action Taken: DOE submitted a preliminary draft PDS for NRC comment on 1/15/85. NRC comments were transmitted to DOE on 3/4/85 (JDavis to BRusche). DOE issued the draft PDS on 7/18/85. NRC comments were approved by the Commission (with modifications) on 9/19/85, and the final comments were transmitted to DOE on 10/24/85. The final PDS was issued on 4/3/86 (51 FR 11466) and copies were available on 4/10/86. Staff reviewed the PDS for DOE response to previous NRC comments, and also for any NRC milestones that are subject to Sec.114(e)(2). NRC and DOE staff worked together to resolve specific PDS concerns. On 4/3/87, B. Rusche sent letter to H. Thompson informing him that DOE had initiated a revision to the PDS. Current Status: As a result of the NWPAA of 1987, DOE is preparing a new draft PDS tentatively scheduled to be released in Summer 1989, that will be consistent with the final Mission Plan Amendment.

Provision	NWPAA Date	Schedule	NRC Role
5. Sections 216(a) and 301(b)- Draft Mission Plan published by DOE.	4/7/84	Published 5/84. NWPAA draft amendment received 6/30/88.	NRC must coordinate with DOE on the development of the Mission Plan, and specify, with precision, any objections to the Plan. Action Taken: NRC received a preliminary draft on 12/23/83 and sent comments directly to DOE on 2/8/84. The draft Mission Plan required by the Act was released by DOE on 5/8/84 and forwarded to NRC for review and comment by 7/9/84. DOE briefed the Commission on the draft Mission Plan on 6/27/84. Staff comments were signed by the Chairman and forwarded to DOE on 7/31/84. DOE released a new draft Mission Plan Amendment on June 29, 1988 to inform Congress of DOE's plans for implementing the provisions of the NWPAA for the civilian radioactive waste management program. NRC submitted comments to DOE on 9/16/88.
6. Section 301(b)-Submission of DOE Mission Plan to Congress.	6/7/84	Original submitted to Congress 7/9/85. 1989 Amendment to be submitted in May '89.	Following Congressional approval of the Mission Plan, NRC will, wherever necessary, conform its waste management program planning guidance to Plan. Action Taken: DOE submitted a final version of the original Mission Plan to Congress on 7/9/85. NRC testified before the Senate Committee on Energy and Natural Resources concerning the Mission Plan on 9/12/85; before the House Subcommittee on Energy and the Environment on 9/13/85; before the Senate Subcommittee on Nuclear Regulation on 10/30/85; and before the House Subcommittee on Energy Research and Production on 11/6/85. DOE issued a draft amendment to the Mission Plan for public comment on 1/28/87 with a 60-day comment period. Staff prepared a response from Chairman Zech to Ben Rusche, DOE, with attached comments. Letter was issued on 4/7/87. DOE submitted Mission Plan Amendment to Congress on June 9,1987. On 12/22/87, the NWPAA was enacted. Current Status: A draft Mission Plan Amendment conforming to the NWPAA was released for comment on 6/29/88 (see 5 above). DOE plans to submit a Final 1989 Mission Plan Amendment to Congress in May 1989.

Provision	NWPAA Date	Current Schedule	NRC Role
7. Section 117(a)-Provision of information to States/Tribes. NRC must provide timely and complete information regarding siting, development, or design for licensing, construction, operation, regulation, or decommissioning.	In a timely manner.	Ongoing	As provided. Current Status: NRC staff and State of Nevada representatives attended DOE's plenary meeting on the Consultation Draft Site Characterization Plan (CDSCP) for Yucca Mt. on 1/28-29/88 in Reno, NV. NRC staff, State of Nevada, and DOE staff attended meetings: 1) to discuss DOE's QA plan on 3/18/88; 2) to discuss NRC's comments on the CDSCP on 3/21-24/88; 3) to discuss alternative conceptual models of the Yucca Mt. site on 4/11-13/88; 4) to discuss the DOE QA program on 7/7-8/88; 5) to discuss the exploratory shaft facility (ESF) on 7/18-19/88; 6) to discuss the DOE OCRWM QA Requirements Document on 7/28/88; 7) to discuss open items on DOE's ESF on 10/19-21/88; 8) to discuss ESF Design Control 11/3/88, 11/23/88, and 12/8/88; 9) to discuss DOE's QA Program Description 11/18/88; 10) to discuss the content of DOE's Study Plans 12/15-16/88; 11) to discuss QA 1/25/89, 2/23/89, and 3/22/89; and 12) to discuss ongoing work by the NRC's Center for Nuclear Waste Regulatory Analyses (CNWRA) and the State of Nevada's ongoing work 4/25/89. In December 1988, the NRC staff met with Nye, Clark and Lincoln County officials in Las Vegas and Caliente, NV, to hear the views and concerns of the Nevada affected units of local government and to explain NRC's regulatory role in the HLW licensing process. The Commission held a meeting with the State of Nevada on 12/1/88 on the high-level waste program. Significant HLW documents are routinely distributed to State representatives. In addition, upcoming meeting notices are sent to reps. on a weekly basis.
8. Section 112(b)-DOE recommends to the President 3 sites for characterization for first repository. Each of the 5 sites initially nominated for characterization must be accompanied by an Environmental Assessment (EA).	1/1/85	Site recommendation 5/28/86	Background: DOE to develop draft EAs on sites under consideration after Commission concurrence on the Siting Guidelines. NRC staff to review and comment on EAs. Action Taken: DOE issued draft EAs for 9 potential repository sites on 12/20/84, and the NRC review was completed on 3/20/85. According to the draft PDS, DOE had planned to publish final EAs and nominate and recommend sites in 11/85. However, on 10/30/85, DOE announced that the final EAs and site recommendation would be delayed until late 2/86 to accomodate for the National Academy of Sciences (NAS) review of the ranking methodology. The EAs were issued on 5/28/86, and Washington, Nevada, and Texas were recommended to the President who approved them for characterization. NRC comments on the Final EAs (SECY-86-357) were transmitted to DOE on 12/22/86. The affected States and Indian Tribes challenged the EAs in the Ninth Circuit. DOE submitted a motion in the Ninth Circuit to dismiss the EA litigation because of the NWPAA requirement to characterize only the Yucca Mountain candidate site. Responses to DOE's motion have been filed by petitioners. Current Status: On 3/21/89, the 9th Circuit Court of Appeals declared its intention to moot most of the EA cases, but requested additional information from DOE before taking final action.

Provision	NWPAA Date	Current Schedule	NRC Role
9. Section 8(b)-President must evaluate the possibility of developing a defense-waste only repository.	1/7/85	Final EIS received Dec.'87.	Any defense-only HLW respository shall be subject to licensing and comply with all NRC requirements for siting, development, construction and operation. Action Taken: DOE submitted a final report to the President in 2/85, recommending a combined commercial and defense repository. On 4/30/85, the President found no basis that a defense-only repository is needed and agreed with DOE's recommendation of a combined repository. DOE issued for public comment a Draft Environmental Impact Statement (DEIS) on "Disposal of Hanford Defense High-Level, Transuranic and Tank Wastes" in 3/86. NRC comments were approved by the Commission and transmitted to DOE on 9/24/86, and were made available to affected state and Tribal representatives soon thereafter. On 9/3/87, DOE briefed NRC staff on how they plan to handle NRC comments on the draft EIS. Final EIS was received in late Dec.'87. Current Status: The NRC staff provided the Commission with an Information Paper reflecting the current status of Hanford tank waste issues raised in its review of the FEIS in August 1988. The staff met with DOE 6/9/88 and 9/22/88 to discuss DOE's plans for disposing of tank waste. On 11/29/88, the NRC staff forwarded comments to DOE on DOE's proposed approach for classifying tank waste. On 1/18/89, the staff was briefed by DOE on DOE's revised approach for classifying double-shell tank waste. DOE forwarded a letter to NRC on 3/6/89 requesting NRC concurrence on DOE's revised approach. NRC staff expects to submit a paper to the Commission in May 1989.
10. Section 113(b)-Submission to NRC by DOE of site characterization plan (SCP), waste form or package description, and conceptual repository design.	Before sinking shaft	Consultation Draft SCP received 1/8/88. Statutory SCP received 12/28/88.	NRC must review and comment on the statutory SCP. Action Taken: A Draft Technical Review Plan and Administrative Plan for CDSCP review was issued by the NRC staff in 12/87. DOE issued a "Consultation Draft" SCP for Yucca Mt. on 1/8/88. The NRC staff and State of Nevada reps. attended a plenary meeting held by DOE on the CDSCP on 1/28-29/88 in Reno, NV. NRC issued their preliminary concerns on the Yucca Mt. CDSCP as draft "point papers" on 3/7/88. Two workshops were held during March and April with DOE and the State of Nevada to discuss the NRC draft "point papers". NRC staff briefed the Commission on the final "point papers" on May 4, 1988. The staff issued the final "point papers" with no significant changes from the draft on May 11, 1988. Current Status: DOE issued the statutory SCP on December 28. NRC staff review of the SCP began 1/2/89. Issuance of the NRC's Site Characterization Analysis (SCA) of the SCP is currently scheduled for 7/28/89.

Provision	NWPAA Date	Current Schedule	NRC Role
11. Section 114(a)(1)(E)-DOE submits to the President and makes available to the public the Commission's preliminary comments concerning the sufficiency of the at-depth SCA and waste form proposal for inclusion in the application.	Prior to 13 below	Prior to 13 below (1994).	NRC must provide preliminary comments on whether the at-depth site characterization analysis (SCA) and waste form proposal is sufficient for inclusion in the DOE construction authorization application.
12. Section 114(a)(1)(D)-DOE's final Environmental Impact Statement (EIS) on the first proposed repository must include comment from NRC on the draft EIS.	Prior to 13 below	Final EIS due 1994	NRC must review and comment on the draft EIS, which is anticipated in 1993. Action Taken: NRC is allowed 3 months for review and comment, but had requested 5 months (in draft POS comments) to allow for Commission involvement and for consultation with host states and affected Indian tribes. In the June 1987 Mission Plan Amendment to Congress, DOE had retained only the 3 months for draft EIS review and comment. Current Status: The Draft 1988 Mission Plan Amendment does not explicitly address the length of the review period for the draft EIS. It does state that "except for the start of exploratory shaft construction and in-situ testing, the major milestones in this schedule are the same as those given in the 1987 Mission Plan Amendment." According to DOE's Draft 1988 Mission Plan Amendment, the final EIS is to be issued in 1994.
13. Section 114(a)(2)-President recommends site to Congress for construction.	3/31/87 (may be extended one year if necessary)	1994	N/A
14. Sections 116(b) and 118(a)-Submittal of notice of disapproval by State or Indian tribe.	Up to 60 days after Presidential recommendation	(See 13 above.)	N/A
15. Section 115(g)-Congress may obtain any comments of the Commission with respect to a State/Tribal site disapproval.	Prior to 16 below	Prior to 16 below	NRC must be cognizant of State/Tribal concerns to be able to provide knowledgeable comments to Congress.

Provision	NWPAA Date	Current Schedule	NRC Role
16. Section 115(c)-State/Tribal disapproval will take effect unless both Houses of Congress pass resolution of approval within 90 calendar days of continuous session after the date of receipt by Congress of a notice of disapproval.	Within 90 calendar days of continuous session after notification.	1995	N/A
17. Section 114(b)-Secretary submits license application (LA) to NRC.	No later than 90 days after date site recommendation is effective.	1995	An NRC licensing proceeding will be initiated on the license.
18. Section 114(c)-NRC must submit status report to Congress.	One year after submittal of the license application and annually thereafter.	1996	NRC must submit an annual status report to Congress describing the proceedings undertaken through the date of such report regarding the construction authorization application, including a description of: 1) any major unresolved safety issues, and the explanation of the Secretary with respect to design and operation plans for resolving such issues; 2) any matters of contention regarding such application; and 3) any Commission actions regarding the granting or denial of such authorization.
19. Section 114(d)-Commission must issue decision on construction authorization (CA).	Three years after application submitted, or 4 years after submittal (if extended) unless CA is for negotiated site (Section 405(b)(2)).	1998	The 3-year time period for an NRC licensing decision dictates an aggressive program of involvement with DOE and State of Nevada prior to receipt of a license application so as to identify and resolve contentious issues to the maximum extent practicable. Commission will either grant or deny authorization for DOE to begin construction of the first geologic repository. To meet this schedule, a relatively complete, good quality DOE application will be required.

Provision	NWPAA Date	Current Schedule	NRC Role
20. Section 114(d)- NRC decision approving first application shall prohibit emplacement in first repository of a quantity of spent fuel in excess of 70,000 MTHM until such time as a second repository is in operation.		1998	(DOE to report to Congress between 1/1/07 and 1/1/10 on need for second repository. See Items 22 and 23.)
21. Section 114(f)- Any EIS prepared in connection with a repository proposed to be constructed by the Secretary under this subtitle will, to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a construction authorization and license for such repository.	At time of construction authorization.	1998	As provided. Action Taken: NRC staff (Office of the General Counsel) has developed an amendment to Part 51 to establish what is meant by "to the extent practicable". NRC proposes to find it practicable to adopt DOE's EIS unless the action proposed to be taken by NRC as a condition for licensing differs in an environmentally significant way from the action described in DOE's license application, or significant and substantial new information or new considerations render the DOE EIS inadequate. The proposed rule was published for comment in the Federal Register (53 FR 16131, May 5, 1988). The comment period expired August 3, 1988. Current Status: Comments were received from the Council on Environmental Quality, DOE, EPA, the State of Nevada, and environmental groups, and have been reviewed by staff. The Final Rule is due to the Commission in April 1989.
22. Section 161(a)- Secretary may not conduct site-specific activities with respect to 2nd repository unless Congress has specifically authorized and appropriated funds for such activities.	N/A	N/A	Background - Sec.112(b)(1)(c) of the NWPA of '82 required the Secretary to recommend 3 sites for characterization to the President for a second repository. DOE issued the Area Recommendation Report (ARR) on 1/16/86, which identified 12 possible second repository sites, and subsequently conducted public hearings concerning the second repository. On 5/28/86, DOE announced an indefinite postponement of the Crystalline Project until the need for a second repository could be better assessed. This postponement was legally challenged by States and Tribes in the first repository program. The Mission Plan Amendment of June '87 discussed the basis for extending the schedule for site-specific work on the second repository. In the Mission Plan Amendment, DOE stated that "If affirmative Congressional action is not taken [on the Amendment in FY'87], the DOE will review the more than 60,000 comments received on the ARR issued in January 1986 and prepare a final ARR that identifies potentially acceptable sites for subsequent field work." On 10/1/87, DOE notified governors of potential second repository states that DOE was resuming review of comments on the ARR. This action is now superseded by Section 161(a) of the NWPAA of '87.

Provision	NWPAA Date	Current Schedule	NRC Role
23. Section 161(b)-Secretary must report to Congress on need for second repository.	On or after 1/1/07, but not later than 1/1/10.		None specified. DOE and/or Congress may seek NRC views, however.
24. Section 180(a)-No spent fuel or HLW may be transported by or for DOE under Subtitle A (Repository) or Subtitle C (MRS) except in packages that have been certified for such purpose by NRC.	Not specific.		As provided. Action Taken: Under an existing NRC/DOE procedural agreement, (48 FR 51875, November 14, 1983), DOE was planning to use packaging approved by NRC in accordance with 10 CFR Part 71, rather than DOE-certified packaging, for all DOE shipments performed under the NWPA from NRC-licensed facilities to an NRC-licensed repository, MRS, or interim storage facility. (Prior to the NWPAA of '87, DOE was required under Sec.137(a) of the NWPA of '82 to obtain NRC certification only for transportation to interim away-from-reactor storage facility. See Item 35.) The Procedural Agreement stipulated, however, that DOE might have to reexamine this intent if it appeared that "such packaging will not be available or if [DOE] can not accomplish its mandate under the NWPA using NRC-certified packaging." Section 180(a) of the NWPAA of '87 requires DOE to use NRC-certified packaging and appears to supersede DOE's option to reexamine the intent described in the Procedural Agreement. Current Status: In the Draft 1988 Mission Plan Amendment, DOE states that "all casks used in waste transportation will be certified by the NRC." During 1988, NRC Transportation Branch staff met with DOE and its contractors to discuss pre-application design issues for 6-7 truck and rail cask designs. NRC expects the first application for an NWPA truck cask in August 1990.

II. Test and Evaluation Facility Program

Provision	NWPAA Date	Current Schedule	NRC Role
25. Section 213(a)- DOE is authorized but not required to issue T&E facility siting guidelines.	7/7/83	DOE has not announced	None. Current Status: No guidelines have been issued. NRC will provide the required consultation if and when the guidelines are issued. (See 27 below)
26. Section 216(a)-Cooperation and Coordination.	None specified		NRC shall assist the Secretary by cooperating and coordinating on any reports under Title II (Research, Development, and Demonstration Regarding Disposal of High-Level Radioactive Waste and Spent Nuclear Fuel) including Test and Evaluation facilities.
27. Section 217(f)(1)-NRC, DOE must conclude written agreement on procedures for T&E facility interaction.	1/6/84	Not scheduled	NRC must work with DOE in developing a written agreement for procedures for review, consultation, and coordination in the planning, construction and operation of the T&E facility. Such an understanding shall also establish the types of reports and other information as the Commission may reasonably require to evaluate health and safety impacts of the T&E facility. Current Status- No agreement has been reached. DOE reported to Congress on 4/6/84 their decision that if a TEF is necessary, it should be collocated, but that the decision on the need for a TEF is being delayed until the program's data needs are better established. As of 4/24/89, decision was still on hold.
28. Section 217(f)(3)(A)-NRC shall carry out a continuing analysis of the T&E activities to evaluate the adequacy of the consideration of public health and safety issues.	None specified		As provided
29. Section 217(f)(3)(B)-NRC required to report to the Secretary, the President, and the Congress as it deems appropriate.	None specified		As provided
30. Section 217(h)-NRC must concur on decontamination and decommissioning of DOE's T&E facility.	Five years after initial operation		NRC will evaluate DOE's decontamination and decommissioning activities, and concur, if deemed appropriate, for a T&E facility not located at the site of repository.

III. Interim Spent Fuel Storage

Provision	NWPAA Date	Current Schedule	NRC Role
31. Section 132-The Secretary, the Commission, and other authorized federal officials shall each take such actions as such officials consider necessary to encourage and expedite the effective use of available storage, and necessary additional storage, at the site of each civilian nuclear power reactor.	No specific dates		The Commission will consider which actions are necessary to implement the intent of this provision. (See also Item 37.)
32. Section 134-Hybrid procedures are prescribed for hearings on certain applications for licenses for facility expansions of spent fuel storage and transshipments of spent fuel.	No specific dates, but procedures apply to applications filed after 1/07/83	Final rule published 10/15/85	A proposed rule establishing procedures for expansion of onsite spent fuel storage capacity or transshipment of fuel was published on 12/5/83. Comment period was extended to 2/20/84. A final rule was submitted to the Commission on 7/8/85. Current Status: The Commission approved the final rule on 9/5/85, and the final edited rule was published in the Federal Register on 10/15/85 (50 FR 41662).
33. Section 135(g)-Issuance of NRC proposed rule establishing procedures and criteria for making a determination that onsite storage cannot reasonably be provided at a reactor.	4/7/83	Final criteria published 2/11/85	As provided. A proposed rule was published 4/29/83. Comments received during the public comment period which ended 6/28/83 have been reviewed. Final criteria were submitted to the Commission on 11/7/84. The criteria were approved by the Commission on 1/10/85. The final rule, 10 CFR Part 53, "Criteria and Procedures for Determining Adequacy of Available Spent Nuclear Fuel Storage Capacity" establishing procedures and criteria for making NRC's determination that a utility is eligible to contract with DOE for Federal Interim Storage Capacity was published on 2/11/85 (50 FR 5563).

Provision	NWPAA Date	Current Schedule	NRC Role
34. Section 135(a and b)-If the NRC determines that onsite storage cannot reasonably be provided at a reactor by the licensee, DOE may, under certain conditions, provide not more than 1900 metric tons of capacity for storage of spent nuclear fuel from civilian power reactors.	Contracts may be entered into no later than 1/1/90.		NRC will make public health and safety determinations as to the use of any existing DOE facility for spent fuel storage and will license storage in new structures, including modular or mobile spent nuclear fuel storage equipment such as dry casks, as required under this provision of the Act. (The NWPAA authorizes DOE to enter into contracts for Federal Interim Storage no later than January 1, 1990. In the Draft 1988 Mission Plan Amendment, DOE states "To date, no Federal Interim Storage applications have been received, and, with the availability of commercial alternatives, none are expected.") See 33 above.
35. Section 137(a)(1)-Transportation of spent nuclear fuel to a DOE interim away-from-reactor storage facility shall be subject to licensing by NRC and by the Department of Transportation as provided for commercial fuel under existing law.	Not specific		NRC will certify packaging and approve physical security measures for DOE spent fuel transport to a DOE interim away-from-reactor storage facility.
36. Section 137(a)(2)-DOE, in providing for the transportation of spent nuclear fuel under this Act, shall utilize by contract private industry to the fullest extent possible in each aspect of such transportation.	Not specific		No direct role.

Provision	NWPAA Date	Current Schedule	NRC Role
37. Section 218(a) and 133-NRC shall by rule establish procedures for the licensing of any technology approved by the NRC for use at the site of any civilian nuclear power reactor. NRC may by rule approve one or more dry spent fuel storage technologies for use at the sites of civilian power reactors without, to the maximum extent practicable, the need for additional site-specific approvals.	Not specific	Prop. Rule to be published late April '89.	NRC, using data and information from DOE dry storage demonstration and cooperative programs, will develop regulations to approve dry technology storage at civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site specific approvals by the NRC. On June 17, 1987, NRC's Office of Research was requested to initiate a rulemaking through amendments to 10 CFR Part 72 to streamline the licensing process for use of spent fuel dry storage casks at reactor sites. Current Status: The Proposed Rule was provided to the Commission in March 1989. The Commission approved the PR and publication is expected in late April 1989.
38. Section (5064)(b)(3)- DOE must consult with Commission and include views of Commission in report to Congress on use of dry cask storage.	Report due 10/1/88.	Comments provided 11/18/88.	NRC will consider mission-related portions of DOE report for possible comment as requested. The draft DOE report was transmitted to NRC in a letter from DOE to Chairman Zech dated 9/1/88. NRC provided comments to DOE in a letter dated November 18, 1988. DOE requested NRC comments on the "Final Version Dry Cask Storage Study" in January 1989. NRC reviewed the report and found that comments on the draft report had been accomodated. DOE provided the final report to Congress in March 1989.

IV. Monitored Retrievable Storage Program

Provision	NWPAA Date	Current Schedule	NRC Role
39. Section 141(b)(3)-DOE shall consult with the Commission and EPA in formulating the MRS proposal and shall submit their comments on the MRS proposal to Congress along with the proposal.	6/1/85	Completed.	As provided. Action Taken: NRC consulted with DOE on development of the MRS proposal, and provided comments (SECY-86-9) to DOE on 2/5/86 for submittal with the proposal to Congress soon thereafter. However, legal challenges by the State of Tennessee delayed the submittal of the MRS proposal to Congress. DOE filed an appeal to expedite a decision on the District Court injunction in the 6th Circuit Court of Appeals in Cincinnati, and oral arguments were held on 7/24/86. The 6th Circuit decided in favor of DOE on 11/25/86, but an appeal by Tennessee to the Supreme Court further delayed the issuance of the proposal to Congress. The Supreme Court denied the appeal on 3/30/87. DOE submitted the proposal to Congress on 3/31/87, proposing to locate the MRS at a site on the Clinch River in Oak Ridge, TN with alternative sites on the Oak Ridge Reservation of DOE and the former site of a proposed nuclear power plant in Hartsville, TN. Congressional hearings took place on May 28 and June 18, 1987. Section 142(a) of the NWPAA of '87 annulled and revoked the DOE proposal, and at the same time authorized DOE to site, construct, and operate one MRS subject to conditions described in the Amendments Act (see item 43 below).
40. Section 141(c)(1)-Submission by Secretary of an environmental assessment with respect to the MRS proposal to Congress.	6/1/85	Completed.	On 2/5/86, NRC staff commented on DOE's original MRS proposal which included an EA (See item 42 below.)
41. Section 141(d)-DOE shall file for license with NRC for MRS.	No sooner than 60 days from date of site selection which may not take place prior to DOE recommendation to the President of a site for a repository.	1995	NRC must decide on any DOE license application. Action Taken: NRC has developed revisions to 10 CFR Part 72 to provide the licensing framework for the MRS, and will review DOE's application and make the necessary licensing determinations. The proposed rule on 10 CFR Part 72 was submitted to the Commission (SECY-85-374) on 11/25/85, and a supplement (SECY-85-374A) concerning state/tribal involvement was submitted on 3/14/86. Both papers have been approved by the Commission, the Staff Requirements memo was received on 4/21/86, and the proposed revisions were published in the Federal Register on 5/27/86 (51 FR 19106). The comment period closed on 8/25/86, with 196 comments received. The Final Rule (SECY-87-298) was revised by the Office of the General Counsel to reflect the NWPAA and was affirmed by the Commission on July 14, 1988. Current Status: The Final Rule was published in the Federal Register on 8/19/88. The effective date was 9/19/88.

Provision	NWPAA Date	Current Schedule	NRC Role
42. Section 143(a)- There is established an MRS Review Commission that shall consist of three members appointed by and serve at pleasure of President pro tempore of Senate and House Speaker.	1-22-88	Established 6-14-88.	Not specified. NRC staff provided testimony to MRS Commission on July 28, 1988.
43. Section 143(c)- MRS Commission is to prepare a report on the need for an MRS as part of a national nuclear waste management system.	6-1-89	11-1-89.	Not specified.
44. Section 144- After MRS Commission submits its report to Congress under Section 143, DOE may conduct a survey and evaluation of potentially suitable sites for an MRS.		After 11-1-89.	Not specified.
45. Section 145(d)- Secretary shall prepare an environmental assessment (EA) with respect to selection of a site for MRS. EA to be based on available information on alternative technologies. EA to be submitted to Congress at time of site selection.	Not prior to DOE recommendation to President of a site for a repository.	1994	Not specified. DOE and/or Congress may seek NRC views, however.
46. Section 148(d)- License conditions for issuance of construction authorization for MRS.		1997	Any license issued by NRC shall provide that construction not begin until NRC has issued a license for repository construction. Construction or acceptance of spent fuel or HLW shall be prohibited if repository license is revoked by NRC or repository construction ceases.

V. Nuclear Waste Negotiator

Provision	NWPAA Date	Current Schedule	NRC Role
47. Section 402(a)- There is established within the Executive Branch the Office of Nuclear Waste Negotiator.			(See 48 below.)
48. Section 403(c)- The Negotiator may solicit and consider comments of DOE, NRC, or any other Federal agency on the suitability of any potential site for characterization. The above agencies are not required to make a finding that any such site is suitable for site characterization.			As provided.
49. Section 405(b)(2)- NRC must issue final decision approving or disapproving issuance of a construction authorization for a repository or MRS, subject to a negotiated and enacted agreement, not later than 3 years after date of submission of application.		1998	As provided
50. Section 407(c)(2)(B)- In EIS prepared with respect to a repository to be constructed at a site other than the Yucca Mt. site, NRC shall consider the Yucca Mt. site as an alternative to such site in the preparation of such statement.		(Will depend on whether Negotiator obtains agreement for repository at a site other than Yucca Mt.)	As provided

VI. Low-Level Waste Program

(No deadlines were provided in the NWPAA for the LLW management provisions under Section 151).

Provisions	NRC Role
51. Section 151(a)(1)-Commission authorized to establish regulations or such other standards and instructions as it deems necessary or desirable to ensure that each LLW disposal licensee will have adequate financial arrangements for decontamination, decommissioning, site closure and reclamation of sites, structures, and equipment used in conjunction with its LLW disposal.	As provided. Action Taken: Preliminary work was begun on a rulemaking related to Section 151(a). Discussions were held with the Office of State Programs and the Office of the General Counsel. The Executive Director for Operations terminated the rulemaking on November 5, 1986. Current Status: Due to other higher priorities, resources continue to be unavailable to restart this rulemaking.
52. Section 151(a)(2)-If Commission determines that long-term maintenance or monitoring will be necessary at a LLW disposal site, Commission must ensure before termination of the license that the licensee has made adequate financial arrangements. Monitoring will be carried out by the person having title and custody for such following license termination.	May require rulemaking by the Commission and the development of guidance for both existing and new commercial LLW disposal sites. For existing sites, analyses will be required to assess long-term performance; monitoring and long-term maintenance requirements; associated costs; and the programs to review monitoring data to identify the need for mitigative actions. Current Status: Due to other higher priorities, resources continue to be unavailable for this effort.
53. Section 151(b)-DOE shall have the authority to assume title and custody of LLW and the land on which such waste is disposed of, upon the request of the owner of such waste and land following termination of the license issued by the Commission for such disposal, if 1) the Commission determines that the requirements for site closure, decommissioning and decontamination have been met with pursuant to Section 115(a); 2) that such title and custody will be transferred to the DOE without cost to the Federal government; 3) that Federal ownership and management is necessary, or desirable to protect the public health and safety.	Likely to require rulemaking/guidance to provide basis for required determinations. Such rulemaking/guidance would require close coordination with DOE which appears to have independent discretion to accept sites following Commission determination. Current Status: Due to other higher priorities, resources continue to be unavailable for this effort.

Provisions	NRC Role
54. Section 151(c)-Adequate financial arrangements for long-term maintenance and monitoring, as well as decontamination and stabilization of special sites must be met in accordance with requirements established by the Commission before DOE may assume title and custody of the waste and the land on which it is disposed.	Similar to Item 53 above.

VII. NRC's Role Relating to Other Provisions in the Act

Provisions	NWPAA Date	Current Schedule	NRC Role
55. Section 5062-Transportation of Pu by aircraft through United States airspace.			This section of the NWPAA does not directly impact the civilian nuclear waste program.
56. Section 223(b)-By April 7, 1983, DOE and NRC must publish a joint notice in the Federal Register stating that the U.S. is prepared to cooperate and provide technical assistance to non-nuclear weapon states in the field of spent fuel storage and disposal.	4/7/83 Annual revisions required	Completed 3/30/83, w/annual updates.	NRC will prepare a joint Federal Register notice with DOE and will provide technical assistance to non-nuclear weapon states pursuant to the Act and the FR notice. NRC and DOE will update and reissue this notice annually for 5 years, as required. Action Taken: An FR notice was published following coordination with DOE, ACDA, and the State Department on 3/30/83. Annual updates of the notice were published in the Federal Register on 4/6/84, 4/5/85, 4/3/86, and 4/3/87. The fifth and final update required by the Act was published on 4/6/88 (53 FR 11398). Fifteen countries have responded to the offer.
57. Section 302(b)(1)(A)-The Commission shall not issue or renew a license to use a utilization or production facility under Section 103 or 104 of the Atomic Energy Act unless the applicant has entered into a waste disposal contract with the Secretary of Energy or the Secretary affirms in writing that the licensee is negotiating in good faith to enter into such a contract. Section 302(b)(1)(B)-The NRC in its discretion may require as a precondition to the issuance or renewal of a reactor license that the applicant shall have entered into an agreement with DOE for the disposal of high-level waste or spent fuel that may result from such a license.	6/30/83	Completed 6/30/83	As provided. Action Taken: The final waste disposal contract proposal was published by the DOE in the Federal Register on 4/18/83. All necessary contracts were signed and received by the DOE on or before the 6/30/83 statutory deadline. The contract stipulates "services to be provided by DOE under this contract shall be begin, after commencement of facility operations, not later than January 31, 1998."

Provision	NWPAA Date	Current Schedule	NRC Role
58. Section 303-DOE shall consult with the Chairman of the NRC in conducting a study of alternative approaches to managing construction and operations of all civilian waste management facilities and then DOE is to report Congress.	1/6/84	Action Completed 4/18/85	At the invitation of the Secretary, the Chairman will consult on the "alternative approaches" study. Actions Taken: DOE chartered an Advisory Panel on Alternative Means of Financing and Managing Radioactive Waste Facilities (AMFM) to assist them in conducting the required study. As part of the consultation process, DOE extended the invitation to have an NRC observer attend the AMFM Panel meetings. The Panel held ten meetings between January and November 1984, which were attended by NRC staff observers, and toured DOE waste facilities at Hanford, NTS, and WIPP. Panel held its tenth and final meeting on 11/13-14/84, including a meeting with Secretary Hodel on 11/14/84 to discuss their recommendations and forthcoming report. A final draft of the report received by NRC on 12/5/84 concludes that several organizational forms are more suited than DOE for managing the waste program, and identifies a public corporation as its preferred alternative. The report also recommends adoption of several specific program components which are independent of the type of organization ultimately chosen to handle the program, including an Advisory Siting Council. The Final Draft Report was sent to the Chairman for consultation on 2/19/85. The staff provided comments to the Chairman on 3/8/85. The Chairman transmitted his comments to Secretary Herrington on 3/22/85, which were forwarded to the President along with DOE's recommendations on 4/18/85. DOE recommended retaining the present management structure at least through the siting and licensing phase of the program.
59. Section 306-NRC is required to promulgate regulations or other suitable guidance for the licensing and qualifications of civilian nuclear power plant personnel and submit a report to Congress on its activities under this action.	1/6/84	Completed	As provided. Action Taken: The Commission issued a policy statement on 2/7/85, concerning personnel training and qualifications (10 CFR Part 50). This policy statement was published in the Federal Register on 3/20/85. Proposed amendments to Part 55 dealing with simulator training requirements were published in the Federal Register on 11/26/84. The final rulemaking package on Part 55 and three associated Regulatory Guides was approved by the ACRS on 12/5-7/85, and final Office review completed. The final amendment to Part 55 was submitted to CRGR for review on 2/26/86, which recommended several modifications. The edited final rule was approved by CRGR on 3/19/86, and approved by the EDO on 4/17/86. The Commission approved SECY-86-123 with modifications on 10/17/86. Staff resubmitted the final paper (SECY-86-338) to OCM in late 11/86. Commission affirmed paper on 2/12/87. Current Status: Rule was published in Federal Register on 3/25/87.

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