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Scientific Publications Department  
American Nuclear Society  
555 N. Kensington Avenue  
La Grange Park, IL 60525

Dear Sir:

I have attached for your consideration an abstract for the First Annual International High-Level Radioactive Waste Management Conference scheduled for April 8-12, 1990. In this paper we plan on presenting NRC's regulatory strategy and the status of the strategy's implementation.

If you have any questions please call me on (301) 492-3406.

Sincerely,

*BS*

B. J. Youngblood, Deputy Director  
Division of High-Level Waste Management

Enclosure: As stated

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COVER SHEET

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Category and Session Title

Social Systems Category  
Regulations and Regulatory Process Session

Preference of Presentation

Oral

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U. S. Nuclear Regulatory Commission's Regulatory Strategy for Identifying and Reducing Uncertainties Important to Potential Licensing of the Yucca Mountain Site, Nevada.

The U. S. Nuclear Regulatory Commission (NRC) staff has prepared a regulatory strategy to guide its High-Level Waste Repository Licensing Program. This strategy consists of approaches for identifying uncertainties in the existing regulatory framework and approaches for further refining the regulatory framework, to reduce uncertainties, using a mix of rulemaking, Technical Positions, and a Regulatory Guide. The revised regulatory framework will help ensure that the U. S. Department of Energy (DOE) has the necessary guidance to prepare and submit a complete and high quality License Application and that inefficiencies do not result in the licensing process from a lack of regulatory guidance.

The staff's identification of regulatory, technical, and institutional uncertainties within the existing regulatory framework has been and will be a continuous process. The approaches the NRC staff use to identify uncertainties include: 1) results of prelicensing technical reviews of DOE's program 2) results of NRC contractor research; 3) suggestions by DOE, State of Nevada, and other parties; 4) a systematic analysis of the existing regulatory framework and statutes ; and 5) iterative performance assessments (i.e., computer modeling of repository system performance at the Yucca Mountain site related to compliance with the performance objectives of 10 CFR Part 60).

The staff currently plans to use a variety of approaches to reduce uncertainties. Rulemakings will be the primary mechanism to resolve regulatory uncertainties where the meaning of a requirement or definition in 10n CFR Part 60 is subject to different interpretations or where what is needed to demonstrate compliance with a requirement is not clearly stated in the requirement itself. Rulemakings will be used where authoritative and binding resolution is considered to be needed. Technical Positions may be used to reduce regulatory uncertainties where binding resolution is not needed or appropriate. A Regulatory Guide will be prepared to give guidance on the format, organizational structure,

and general content for the information to be included in the License Application. Technical Positions will focus primarily on technical uncertainties related to acceptable methods for how compliance should be demonstrated for selected areas that are both controversial and significant to repository performance. These Technical Positions will consist of the criteria that will be guidance to DOE and that the staff will use to review the methods DOE develops to resolve the technical uncertainties.

Both the Technical Positions mechanism and the use of criteria (rather than prescribing specific methods) will continue to allow DOE flexibility in its application of state-of-the-art technology to demonstrate compliance. The staff will also use prelicensing review and comment on DOE documents to give guidance to DOE for reducing technical uncertainties.

Presently, the staff is working on nine potential new rulemakings, 22 Technical Positions, and one Regulatory Guide. To the extent practicable, the staff will resolve significant regulatory uncertainties with final rulemakings and Technical Positions by 1992, which is generally when DOE will begin preparing its License Application. Draft Technical Positions and proposed rulemakings, however, will give DOE and other parties an early opportunity to understand and comment on the staff's positions. The process of developing the above mentioned rulemakings and guidance documents involves all interested parties, including targeted technical groups, so that their questions and concerns can be addressed in an open and documented manner before licensing. Finally, the prelicensing consultation process is documented, open to the public, and includes participation by the State of Nevada and affected local governments.