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Mr. Allen R. Whiting, Director
Systems Engineering and Integration Department
Center for Nuclear Waste Regulatory Analyses
P.O. Drawer 28510
6220 Culebra Road
San Antonio, Texas 78284

SUBJECT: COMMENT ON COMPLETION OF MILESTONES I2 AND P3

Dear Mr. Whiting:

As stated by the Center's cover letter (same subject, dated August 24, 1988), this deliverable represents two intermediate milestones in the development of the Program Architecture that were performed in accordance with the procedures set forth by Technical Operating Procedure (TOP)-001-01, Revision 1 -- "Guidance to the Program Architecture Review Committee, Review and Revision of WSE&I Major Milestone No. 12." This document demonstrates how the Program Architecture Review Committee applied quality assurance to the original WSE&I major milestone no. 12 database and which regulations the Center intends to retain for analysis for the purpose of the development of the Program Architecture. Division of High-Level Waste (HLW) Management staff have reviewed the subject document and produced some general comments and suggestions which were subsequently discussed with you by Mike Lee on September 6 and 7, 1988.

In summary, our review focussed on those regulations which were to be retained or those newly-identified regulations which were to be added to the Program Architecture Support System (PASS). The criteria for determining the relevancy of these regulations to NRC's HLW program were previously enumerated in TOP-001-01 under section 4.1, "Applicability of Regulation, Statute, or Section Thereof." Based on these criteria (see Attachment), a statute or regulation was included in the data base only when one of the following had been determined: a) a regulation was directly applicable to a particular program subelement for which NRC has regulatory authority (hence a "primary" regulation -- criterion 4.1.1), b) a regulation had been "incorporated by reference" within a "primary" regulation thereby extending NRC's regulatory authority to those regulations which the Commission did not originally promulgate (criterion 4.1.5), or c) a regulation was found to be potentially applicable to NRC's HLW program based upon the remaining criteria discussed under section 4.1 of TOP-001-01 (e.g., criteria 4.1.2 - 4.1.4, inclusive). Given the aforementioned criteria, Parts I and II of the enclosed table summarizes our understanding of which regulations will be retained in PASS for analysis and the justification (generically) for doing so.

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Conversely, those regulations found not to be applicable or potentially applicable to NRC's HLW program, given the 4.1 criteria, have been identified as such and are listed in Attachment 2 of the Center's August 24 deliverable.

In closing, I wish to bring your attention to a number of additional regulations that were identified by the staff during review as being applicable or potentially applicable to NRC's HLW program. They are listed in part III of the enclosed table. We believe these regulations satisfy the "applicability requirement" cited under section 4.1.5 and suggest that you consider these regulations for inclusion, as appropriate, in the data base for analysis during the next calendar year.

Sincerely,

~~Original Signature~~

Philip M. Altomare
Program Element Manager
Waste Systems Engineering and
Integration

Enclosures: As stated

DISTRIBUTION

Central Files
RBrowning, HLWM
RBallard, HLTR
SFortuna, HLSE
PJustus, HLTR
JCook, SGTR
MLee, HLSE

HLSE R/F
BJYoungblood, HLWM
JLinehan, HLOB
MDelligatti, HLSE
JPearring, HLTR
MSilberberg, RES
BThomas, HLOB

NMSS R/F
JBunting, HLSE
BStiltenpole, HLSE
PAltomare, HLSE
SCoplan, HLOB
Wott, RES
MMace, DC

OFC: NMSS/HLSE	::HLSE	MDL	:	:	:
NAME: MLee	MDL	::PAltomare	:	:	:
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CRITERIA 4.1 APPLICABILITY OF REGULATION, STATUTE, OR SECTION THEREOF.
(from TOP-001-01, Revision 0 dated July 12, 1988)

- 4.1.1 The cited regulation, statute, or section thereof is directly applicable to high-level waste (HLW) management, as indicated by phrasing to that effect in the title and/or text of the regulation or statute.
- 4.1.2 The cited regulation, statute, or section thereof requires positive action on the part of the NRC to ensure the successful fulfillment of its HLW management mission. This requirement for action may be based on direct or implicit assignment of responsibility to the NRC in the regulation or statute but, in either case, will require NRC action.
- 4.1.3 The cited regulation, statute, or section thereof does not specify direct action by the NRC but embodies regulatory or institutional risk which makes cognizance and active monitoring of the item an essential factor in the prudent management of NRC and Center resources.
- 4.1.4 The cited regulation or statute is generally applicable to the types of endeavor comprising the HLW program.
- 4.1.5 The cited regulation, statute, or section thereof is incorporated by reference in an item that may be met any of the criteria 4.1.1 through 4.1.4.

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Part I -- STATUTES AND REGULATIONS IDENTIFIED AS HAVING APPLICATION TO NRC'S
HLW PROGRAM

<u>PRIMARY</u> (4.1.1)	<u>IBR*</u> (4.1.5)
10CFR1.6	---
10CFR10	---
10CFR11	---
10CFR19	---
10CFR21	---
10CFR60	10CFR20 10CFR50, Appendix B 10CFR51 10CFR960 30CFR57 40CFR191 PL 91-173
10CFR70	---
10CFR71	49CFR107 49CFR171 49CFR172, Subpart D 49CFR173, Subparts A, B, I 49CFR174, Subparts A-D, K 49CFR175, Subpart C 49CFR176, Subparts A-D, M 49CFR177 49CFR178
10CFR72	10CFR2 10CFR9 10CFR20 10CFR50, Appendix B 10CFR51 10CFR100, Appendix 100
10CFR73 (selected sections)	---
PL 93-438	---
PL 96-368	---
PL 83-703	---

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PL 93-438	---
PL 96-164	---
PL 97-425	---
PL 91-190	---
PL 96-295	---
PL 94-79	---
49 USC 1801-1812	---
PL 100-202	---

Part II -- STATUTES AND REGULATIONS IDENTIFIED AS HAVING POTENTIAL APPLICATION TO
NRC'S HLW PROGRAM

<u>POTENTIAL REGULATION</u>	<u>CRITERION</u>
10CFR19	4.1.5 (per 10CFR20.206)
10CFR48(?)	4.1.4
10CFR961	4.1.1
10CFR1005	4.1.4
10CFR1008	4.1.4
10CFR1016	4.1.1
29CFR1926	4.1.3
30CFR43	4.1.4
40CFR61 (selected subparts)	4.1.1, 4.1.3, 4.1.5 (per 10CFR60.111)
40CFR141 (selected sections)	4.1.3
40CFR Chapters V	4.1.2
44CFR351	4.1.1
49CFR172, Subparts A-C (plus selected sections)	4.1.3
PL 99-240 (selected sections)	4.1.3

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Part III -- ADDITIONAL STATUTES AND REGULATIONS IDENTIFIED AS HAVING APPLICATION OR
POTENTIAL APPLICATION TO NRC'S HLW PROGRAM

REGULATION

JUSTIFICATION

30CFR56	IBR* per 10CFR60.131(b)(9)
30CFR740	IBR per 10CFR60.131(b)(9)
30CFR745	IBR per 10CFR60.131(b)(9)
30CFR746	IBR per 10CFR60.131(b)(9)
30CFR750	IBR per 10CFR60.131(b)(9)
30CFR755	IBR per 10CFR60.131(b)(9)
49CFR173	IBR per 10CFR71.24(b)(9)

* Incorporated by reference (IBR) in a primary regulation.