

COMPLIANCE DETERMINATION STRATEGY

RRT 1.2 BASIS FOR LICENSING AUTHORITY

APPLICABLE REGULATORY REQUIREMENT:

10 CFR 60.21(b)(1)

TYPES OF REVIEW:

Acceptance Review (Type 1)

General Information Review (Type 2)

RATIONALE FOR TYPES OF REVIEW:

Acceptance Review (Type 1) Rationale:

This regulatory requirement topic is considered to be license application- related because, as specified in the license application content requirements of 10 CFR 60.21(b) and the regulatory guide "Format and Content for the License Application for the High-Level Waste Repository" (FCRG), it must be addressed by the U.S. Department of Energy (DOE) in its license application. Therefore, the staff will conduct an Acceptance Review of the license application for this topic.

General Information Review (Type 2) Rationale:

This regulatory requirement topic is related to the general information required in 10 CFR 60.21(b). It is a requirement for which compliance is necessary to make a safety determination for construction authorization as defined in 10 CFR 60.31(a).

REVIEW STRATEGY:

Acceptance Review:

In conducting the Acceptance Review of the basis for licensing authority of the geologic repository, the reviewer should determine if the listing of statutory citations presented in the "General Information" section of the license application is complete, as specified in the FCRG, and in proper form. In addition, the reviewer should identify any clearly applicable provisions of law not presented in the application. The reviewer should determine that DOE has listed all applicable sections of NRC's regulations which apply to proposed activities.

General Information Review:

In conducting the General Information Review, the reviewer should determine if the descriptive information presented in this section of the license application references all appropriate provisions of the statutory authority to perform the various activities for and at the repository. The reviewer should determine that the applicant has clearly identified major proposed activities along with the specific basis and statutory authority for each.

The reviewer should review the DOE's presentation of specific NRC regulatory citations which pertain to the conduct of proposed activities in order to verify correct and complete documentation of authority.

RATIONALE FOR REVIEW STRATEGY:

Not Applicable.

Contributing Analysts:

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Dates of Analysis: 2/18/93

APPLICABLE REGULATORY REQUIREMENTS FOR EACH TYPE OF REVIEW:

Type 1:

10 CFR 60.21(b)(1)

Type 2:

10 CFR 60.21(b)(1)

REFERENCES:

Code of Federal Regulation, "Disposal of High-Level Radioactive Wastes in Geologic Repositories," Part 60, Chapter I, Title 10, "Energy."

Nuclear Regulatory Commission, "Format and Content For the License Application for the High-Level Waste Repository." Office of Nuclear Regulatory Research. [Refer to the "Products List" for the Division of High-Level Waste Management to identify the most current edition of the FCRG in effect.]