COMPLIANCE DETERMINATION STRATEGY

RRT 1.6.2 STATUS OF DOE RESOLUTION OF NRC OBJECTIONS

APPLICABLE REGULATORY REQUIREMENTS:

10 CFR 60.18(d)
10 CFR 60.18(i)
10 CFR 60.24(a)

TYPES OF REVIEW:

Acceptance Review (Type 1)

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 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. Furthermore, comments made on site characterization activities and related documents in accordance with 10 CFR 60.18, which have not been resolved at the time the license application is submitted, must be addressed in the license application. Therefore, the staff will conduct an Acceptance Review of the license application for this regulatory requirement topic.

It should be noted that for the purpose of this particular regulatory requirement topic, a Type 1 review is sufficient because reviews of any unresolved NRC objections will be conducted as part of the Acceptance Review in individual Review Plans. If there are any unresolved objections, it is unlikely that the review of these other regulatory requirement topics will progress to Compliance Reviews.

REVIEW STRATEGY:

Acceptance Review:

In conducting the Acceptance Review of the status of DOE resolution of NRC objections, the reviewer should ascertain whether there are any unresolved NRC objections to DOE's site characterization program. The reviewer should compare DOE's presentation, in its license application, with the NRC's Open Item Tracking System to determine if there are any unresolved objections regarding the DOE's site characterization program. If there are any unresolved objections, the reviewer should determine whether the following information has been completely provided:

1. Explanation of the differences between NRC and DOE positions that have precluded resolution of the objection.

2. Description of all attempts to achieve resolution.

3. Explanation of why resolution has not been achieved.

4. Description of the effects of the different positions on demonstrating compliance with 10 CFR Part 60.

It should be noted that as part of the Acceptance Review for other review plans, the reviewer will evaluate the effect of any unresolved objection to license application submittal, both individually and in combination with others, on the NRC staff's ability to make a meaningful review and make a decision regarding construction authorization within the three-year statutory time period. Furthermore, the reviewer will not conduct a Compliance Review of the information presented in this section because that review will be conducted in the section dealing with the provision of specific information.

RATIONALE FOR REVIEW STRATEGY:

Not Applicable.

Contributing Analysts:

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Dates of Analysis: 4/5/93

APPLICABLE REGULATORY REQUIREMENTS FOR EACH TYPE OF REVIEW:

Type 1:

10 CFR 60.18(d)
10 CFR 60.18(i)
10 CFR 60.24(a)

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.]