February 25, 1986

POLICY ISSUE
(Information)

SECY-86-66

For: The Commissioners

From: Victor Stello, Jr.
Acting Executive Director
for Operations

Subject: THE STATUS OF ACTIVITIES UNDER THE NUCLEAR WASTE POLICY ACT OF 1982 (NWPA)

Purpose: To provide the Commissioners with background information in the preparation for a meeting with the Director of DOE's Office of Civilian Radioactive Waste Management on February 27, 1986.

Background: Mr. Bernard C. Rusche last met with the Commission to discuss overall High Level Waste issues on July 29, 1985. For that meeting the staff provided background information on the status of Federal NWPA actions (SECY-85-258), which has been updated and appears as Enclosure 1.

Mr. Rusche has subsequently met twice with the Commission. On September 6, 1985, he presented DOE's view on "the timing of preliminary determination" of site suitability for repository construction [Sec.114(f)]. Staff provided the Commission with three options concerning NRC's response to the situation (SECY-85-237). After consultation with its General Counsel, the Commission, with Commissioner Asselstine disagreeing, reissued the Statement of NRC's Concurrence in the DOE's Guidelines for the Recommendation of Sites for Nuclear Waste Repositories in the Federal Register on November 8, 1985 (50 FR 46525).

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Mr. Rusche most recently met with the Commission on January 23, 1986, to discuss DOE's proposal for the construction of the Monitored Retrievable Storage (MRS) facility. Staff comments on the MRS proposal (SECY-86-9) were approved by the Commission on February 5, 1986, and were to be submitted with the proposal to Congress by DOE soon thereafter. However, because of successful legal challenges by the state of Tennessee, the submission of the MRS proposal to Congress has been delayed indefinitely. The Commission also is currently considering a rule change to 10 CFR Part 72 (SECY-85-374), which would provide the licensing framework for the MRS, should it be authorized by Congress.

Discussion: The purpose of this meeting is to discuss with Mr. Rusche the status of NRC/DOE HLW activities under the NWPA. Two important HLW program areas are highlighted here for the Commission's information:

(1) Progress in streamlining the licensing process, and

(2) Current status of HLW activities under the NWPA.

Progress in streamlining the licensing process

Under Section 114(d)(2) of the Nuclear Waste Policy Act, NRC is required to issue a final decision approving or disapproving issuance of a construction authorization no later than three years after the application is submitted, although NRC could extend this deadline another twelve months for cause. DOE has asked NRC staff to consider ways to reduce the three-year statutory schedule still further, possibly to 27 months.

Both the DOE final Mission Plan and the draft Project Decision Schedule (PDS) call for a 27-month period for NRC review of a DOE license application for construction of a repository as compared to the 36-month period specified in the NWPA. Substantial progress has been made in identifying possible measures that would facilitate completion of NRC review within the statutory timeframe.

However, NRC staff continue to believe that three years is the most optimistic estimate for the time required to reach a licensing decision on repository construction. As Chairman Palladino testified to Congress before it enacted the NWPA, the schedule would be tight. He also made it clear that a three-year deadline would be difficult to meet even under the assumption that DOE submits a complete and high-quality application.

NRC staff is aggressively pursuing measures to identify and capitalize on opportunities for efficiencies in the licensing process, and have identified several candidates. Specifically, the timely closure of the Commission's proceedings can be facilitated by:

- resolution of significant licensing issues prior to the time the license application is submitted,
- liberal access to licensing information, and
- other measures to facilitate the licensing process
  - applicability of enforcement procedures for a Commission licensee that is a Federal agency.
  - process to deal with long-term continuity and protection from conflicts of interest of our technical assistance program.

Timely resolution of the NRC licensing proceeding can be facilitated by the resolution of significant licensing issues prior to the submission of the license application. Resolution of issues during the pre-application stage can be obtained through rulemaking on generic issues. This mechanism provides interested parties a full opportunity to participate in the resolution of licensing issues. The use of rulemaking cannot only reduce the number of controversial and difficult issues in contention at the hearing, but can also reduce the factual uncertainty associated with critical licensing issues. Even in cases where an issue cannot be resolved through rulemaking, an adequately supported concensus between the

NRC/DOE staff on the resolution of a particular issue, including whether sufficient information has been gathered to resolve an issue, will substantially contribute to a timely decision in the licensing proceeding.

This is not to say that all significant issues can, or must be closed out before the license application is submitted, or to say that there would be no issues to be litigated in the formal licensing proceeding. However, selective use of rulemaking and NRC/DOE staff consultation and consensus can make the licensing process more efficient. By "significant licensing issue" we refer to an issue over which there exists sharply divergent views or in regard to which there is considerable uncertainty, and that is likely to affect the outcome of the proceeding by causing the licensing board either to deny the application or impose a license condition substantially affecting the nature or the scope of repository operations. NRC staff are currently considering the feasibility of this approach, as well as whether there are revisions to the Commission's procedural regulations, for streamlining the licensing process.

Successful resolution of all significant licensing issues before the license application is submitted presupposes substantive involvement in pre-application review by states and tribes (as mandated by the NWPA), industry, public interest groups, local government, and other interested parties likely to be granted intervenor status in the licensing hearing.

It also presupposes that all licensing issues will have been identified, so that there will be no need to suspend the proceeding while DOE gathers the information or completes the measures needed to resolve an issue that had not theretofore been considered. This would have to be done whether the issue is technical (concerning geoscientific and engineering questions), institutional (concerning assurances that needed actions will be taken when and to the full extent they are needed), regulatory (concerning the requirements of NRC, and other federal agencies such as EPA, MSHA, DOT, FEMA), or procedural (concerning such programmatic and public participation requirements as recordkeeping, quality assurance, document access and retrieval). NRC staff is currently

implementing an Open-Item Tracking System that will monitor the status of issues as they arise and will track all information needed to resolve the issues, and will be available to host states, affected Indian tribes, and other interested parties.

A final precondition for resolving licensing issues prior to the formal onset of Commission licensing proceedings would be agreement between NRC and DOE staff that no more information is needed to resolve the issue at hand. This is especially critical when the issue involves significant uncertainty and the careful use of judgment concerning the evidence needed for a reasonable assurance of no unreasonable risk to public health and safety. At least 70% of the HLW staff's effort will be devoted to the resolution of licensing issues and in developing an independent capability to conduct the licensing review and hearing within the NWPA-mandated timeframe.

A second measure with the most promise of time savings would be one which would reduce the need to rely on the discovery process, by making available the information supporting a DOE application before the application is submitted and formal NRC review begins. To accomplish this, all interested parties should have full and complete access to all the data that would otherwise be subject to a discovery request prior to the onset of NRC's review. This would require DOE development of a Licensing Support System with the capability to assure that all relevant documents are readily available. Significant progress has been made recently in the development of a Licensing Support System by the signing of an NRC/DOE agreement concerning the implementation of the Licensing Support System (LSS) on January 14, 1986 (See Enclosure 2). Objectives of the LSS include the capture of all pertinent records, quick and timely access to all relevant information, and provision of resultant support for the three-year licensing hearing. These objectives can be met by the development and implementation of a comprehensive Licensing Support System. Division of Waste Management staff held a briefing and demonstration for the Commissioners' Assistants on the Licensing Support System and the Open-Item Tracking System in January, 1986. A Commission paper concerning the LSS and associated rulemaking activities will be forwarded to the Commission in the near future.

Other measures currently being pursued to facilitate the licensing process include (a) assessing the adequacy of enforcement procedures for a Federal agency as a licensee, and (b) the possibility of the establishment of a Federally Funded Research and Development Center (FFRDC) as a potential solution to technical continuity and problems of conflict of interest.

NRC staff are currently investigating the adequacy of existing NRC enforcement procedures for DOE as a NRC licensee. The areas we are investigating include (i) procedures for handling allegations concerning DOE, (ii) applicability of the Material False Statement Policy, (currently 10 CFR Part 2, Appendix C), and (iii) applicability of 10 CFR Part 21 and other mechanisms pertaining to the reporting of safety information.

The Commission is currently considering the establishment and sponsorship of a Federally Funded Research and Development Center (FFRDC) as a potential solution to problems of conflict of interest and continuity of technical assistance (SECY-85-388). On February 14, 1986, the Commission unanimously approved the issuance of a Notice of Intent in the Federal Register and Commerce Business Daily. Final Commission approval will be subject to review of public comments on the Notice and finding a highly qualified contractor to manage and operate the FFRDC.

Status of HLW Activities under the NWPA

Many HLW activities under the NWPA have occurred since the July 29, 1985 meeting and a month-by-month listing of these activities is attached in Enclosure 3.

Since the issuance of the draft Project Decision Schedule (PDS) on July 19, 1985, several major HLW program activities have been delayed. These delays are outlined in Enclosure 4. DOE announced on October 30, 1985, that the issuance of the Environmental Assessments (EAs) and the nomination and recommendation of sites for the repository (scheduled in the draft PDS for November, 1985) would be delayed 60 days to accommodate a National Academy of Science (NAS) review of DOE's site ranking methodology. This delay would put the

EA issuance and the nomination and recommendation at February, 1986. Current DOE schedules now indicate April, 1986, a six-month delay from the draft PDS schedule (Enclosure 5). Also provided for the Commission's information is a section-by-section analysis of NRC's role in the development of a repository under the NWPA (Enclosure 6).

Schedule: Mr. Rusche is currently scheduled to meet with the Commission on February 27, 1986, at 10:00 a.m.

Victor Stello, Jr.
Acting Executive Director
for Operations

Enclosures:
1. Federal NWPA Actions
2. NRC/DOE Agreement on LSS
3. Monthly NWPA Action Analysis
4. Draft PDS program delays
5. OCRWM Milestones (2/86)
6. NRC Role in Repository Development

WM Paper No: WB-2
Date: February 19, 1986

NMSS Background Paper
FY 86 ACTIONS RESULTING FROM NWPA

Background

Provisions of NWPA which will involve actions in FY86 are as follows:

0.	Section 2(12)(B)	Definition of HLW
1.	Section 112 (b)	DOE to recommend 3 sites to the President for characterization for first repository, and to publish Environmental Assessments for each of 5 nominated sites.
2.	Section 113 (b)	DOE to issue site characterization plans, a waste form and packaging description, and a conceptual repository design to NRC and States and Tribes. DOE shall also hold public hearings in the vicinity of candidate sites.
3.	Section 114 (e)	Cooperate with DOE in development of the Project Decision Schedule.
4.	Section 114 (f)	DOE Secretary makes a preliminary determination that such sites are suitable for development as repositories.
5.	Section 117 (a)	Provision of information to States/Tribes.
6.	Section 121 (b)(2)	Revise technical requirements and criteria to comply with EPA standards, if necessary.
7.	Section 134	Hybrid hearing process provisions require NRC to establish procedures for expansion of onsite spent fuel storage capacity or transshipment.
8.	Section 141 (b)	Provide consultation and comments to DOE on their MRS proposal.
9.	Section 141 (c)	Submit to Congress environmental assessment with respect to the MRS proposal.
10.	Section 223(b)	File FR notice update on technical assistance to non-nuclear weapons states.

11. Section 301 (b)(1) Review final DOE Mission Plan.

12. Section 306 NRC to promulgate regulations or other guidance for the training and qualifications of civilian power plant personnel, and submit a report to Congress summarizing Commission actions under this section by 1/6/84.

Current Status

0. Section 2(12)(B) Staff submitted an ANPRM on this action in 1985. Commission recommended no action until after enactment of LLRWPAA. Staff is now reevaluating direction of this rulemaking.

1. Section 112 (b) DOE issued draft Environmental Assessments on 9 sites under consideration for nomination on December 20, 1984. The NRC review was completed on March 20, 1985. DOE's schedule is to publish 5 final Environmental Assessments and recommend 3 sites for characterization in 4/86, after the ranking methodology review by NAS is completed.

2. Section 113 (b) Submission by DOE of Site Characterization Plan (SCP), waste form or package description, and conceptual repository design to NRC, which must review and comment on SCP. SCP schedule for submittal: BWIP and NNWSI in 1986, and SALT in 1987. DOE to conduct public hearings on SCP three months after issuance.

3. Section 114 (e) DOE issued a preliminary draft Project Decision Schedule in January 1985 for Federal agency comment. NRC comments were transmitted to DOE on March 4, 1985. The Draft Project Decision Schedule was received in July 18, 1985, for NRC review and comment by September 13, 1985.NRC comments were transmitted to DOE on October 24, 1985. DOE plans to issue the Final Project Decision Schedule in 1986.

4. Section 114 (f) The DOE shall make a preliminary determination as to site suitability for development into a repository. DOE and NRC agreed in the siting guidelines that preliminary determination should be made after site characterization. DOE now plans to make the preliminary determination upon recommendation to the President, scheduled 4/86. The Commission held an open meeting on September 6, 1985 to allow for State and Tribal input and discussion and issued a Statement of Concurrence on the DOE siting guidelines in the FR on 11/8/85.

5.	Section 117 (a)	NRC must provide timely and complete information regarding its determinations or plans regarding siting, development or design for licensing, construction, operation, regulation, or decommissioning. NRC has been holding meetings with State and Tribal officials to exchange information.
6.	Section 121 (b)(2)	Final EPA standards for high level waste were due January 7, 1984. EPA signed these standards on August 15, 1985, and the Final Standards were published on the Federal Register on September 19, 1985, and became effective on November 18, 1985. Revisions to 10 CFR Part 60 are being identified, and a proposed rule is scheduled to go to the Commission by late February, 1986.
7.	Section 134	A proposed rule was published in the Federal Register on December 5, 1983. The final rule was submitted to the Commission on July 8, 1985. The Commission voted to approve the final rule establishing procedures for expansion of onsite spent fuel storage capacity or transshipment of fuel on September 5, 1985. The final rule was published in the FR on October 15, 1985, and became effective on November 14, 1985.
8.	Section 141 (b)	DOE submitted MRS R&D plan to Congress on 6/23/83. On April 25, 1985 DOE identified three candidate sites to be included in the site-specific proposal required by the Act. The MRS proposal was submitted to NRC on 12/24/85 for comment. NRC comments were transmitted to DOE on February 5, 1986, and were to be transmitted with the proposal to Congress soon thereafter. However, successful legal challenges by Tennessee will delay submission of the proposal to Congress indefinitely.
9.	Section 141 (c)	DOE submitted an environmental assessment with the MRS proposal to NRC on 12/24/85. NRC did not comment on the EA in its comments.

10.	Section 223(b)	On April 4, 1986, NRC and DOE file an annual update in the Federal Register on technical assistance to non-nuclear weapons states regarding spent fuel management.
11.	Section 301 (b)(10)	DOE's draft Mission Plan was issued on May 8, 1984. NRC provided comments on the draft on July 31, 1984. DOE submitted the final Mission Plan to Congress in July 9, 1985. NRC testified before Senate and House Committees concerning the Mission Plan in September, October, and November, 1985. Staff is preparing comments for updates to the Mission Plan.
12.	Section 306	The report required under Section 306 was submitted to Congress on January 20, 1984. Proposed amendments to 10 CFR Part 55 dealing with operators' licenses, including simulator training requirements, were published on November 26, 1984; the comment period ended March 30, 1985. The final rulemaking package on Part 55 and three associated Regulatory Guides has been approved by the ACRS and is currently under Office review, with the final amendment expected in March, 1986. In lieu of amendments to Part 50 dealing with training and qualification requirements of plant personnel, the Commission issued a policy statement on February 7, 1985, which was published in the Federal Register on March 20, 1985.

Completed Activities

Provisions of NWPA which were completed in FY85 are as follows:

1.	Section 8—	DOE recommended a combined commercial and defense repository to the President in February, 1985, which he approved on April 30, 1985.
2.	Section 112(a)	The final repository siting guidelines were received by the NRC on May 15, 1984. The Commission voted to concur on the guidelines on June 22, 1984. DOE published the final guidelines on December 6, 1984.
3.	Section 135(g)	Final criteria for determining the adequacy of available spent fuel storage capacity were submitted to the Commission on November 7, 1984, approved by the Commission on January 10, 1985, and published on February 11, 1985.
4.	Section 223(b)	A joint notice with DOE on technical assistance to non-nuclear weapons states regarding spent fuel management were published on March 30, 1983, with annual updates on April 6, 1984, and April 5, 1985.
5.	Section 303	DOE's Advisory Panel on Alternative Means of Financing and Managing Radioactive Waste Facilities (AMFM) submitted final recommendations, along with a copy of NRC Chairman Palladino's comment, to the President on April 8, 1985. The President agreed with the recommendation of a combined commercial-defense repository, on April 30, 1985.

Future Activities

See section-by-section analysis for details.

WM Contact: Alma Hale, WMPC.

NRC/DOE Discussion
Concerning the Proposed
LSS Interagency Coordinating Committee
14 January 1986

Points of Agreement

Possible points for Rusche/Davis to report to the NRC Commissioners (alternatively, possible points of agreement between DOE and NRC relative to proceeding with development of the Licensing Support System (LSS):

1. DOE and NRC have concluded that a joint effort is required to develop a licensing document management system to accomplish a three year or shorter licensing hearing for a high level radioactive waste repository as mandated by the Nuclear Waste Policy Act of 1982. (DOE has requested a 27 month licensing hearing.)

2. The LSS would be used by DOE, NRC, the states, Indian tribes, and other parties to the repository licensing hearings. The goal is to make documents and other information pertinent to repository licensing available well before the license application is submitted, thus reducing the need to rely on discovery.

3. A Coordinating Committee will be established to facilitate development of the LSS. Initially, membership will consist of DOE and NRC staff, but the membership is planned to be expanded to include a state and an Indian tribe representative.

4. DOE will have the responsibility of designing and implementing the LSS, incorporating on-line, full text storage and retrieval techniques. NRC will participate jointly with DOE in defining the requirements for and procedures for operation of the system.

5. All organizations using the LSS will be responsible for following a mutually agreed upon specification defining the requirements for providing data entry to the system. This specification will cover topics such as the scope of and completeness of information to be provided to the system, timeliness for providing the information, quality control of the information provided to the system, the procedures to be used to collect the information to ensure that all appropriate information is collected, and the format of the information.

Enclosure 2

6. DOE ~~supports~~ NRC's efforts in considering a negotiated rulemaking for licensing records management to facilitate the hearing process. Topics that could be considered in such a negotiated rulemaking include:

   a. Standard format for input to the LSS (bibliographical information and ADP format);

   b. Provisions for joint use of the LSS by all parties to the repository licensing hearings (with DOE serving as the LSS operating agency); and

   c. Requirements for document discovery to be conducted through the LSS data base.

7. NRC will carry out a pilot project to demonstrate document storage and retrieval capabilities and to develop processes that could lead to an interim system for use within the NRC (and possibly by others) until the full LSS is implemented by DOE. The experience gained from the pilot project will be made available to DOE for use in expediting the definition of requirements for the LSS. Elements of the LSS that ~~then~~ are developed by DOE and accepted by the other parties to the LSS will be integrated into the NRC pilot project for trial operation, to the extend allowed by the NRC pilot project budget and schedule, and system capability. The NRC will provide on line access to the pilot project by DO

<u>Establishment of the LSS Coordinating Committee</u>

1. Committee Membership - Initially DOE and NRC. Depending on the results of the negotiated rulemaking, or other decisions fostering more detailed coordination, representatives of the states (in which an exploratory shaft is being constructed), associated Indian tribes, and other parties who are very likely to be involved in the licensing hearings (and technical experts within DOE and NRC if needed) could be added. The NRC and DOE representatives to the committee would be the first line supervisors in each organization who are responsible for system development and operation. The next level of DOE/NRC management will be Ad Hoc members.

NRC/DOE POINTS OF AGREEMENT

2. Purpose ~~and~~ Responsibilities -

   a. Oversee DOE's LSS development activities -

      1) Review and agree upon LSS design description documentation, operating specifications and procedures, and the technical scope of procurement documents.

         - What goes in
         - What comes out
         - How is appropriate data kept privileged
         - Retention times
         - Access

      2) Review progress being made in carrying out LSS implementation tasks.

         - Design progress
         - Procurement progress
         - Preparation of data bases
         - Phase in of system

      3) In the process of carrying out the tasks above, identify mutual needs and problems, and interface processes.

   b. Monitor NRC's Pilot Project

   c. Identify Mutual Needs/Problems

3. Frequency of Meetings -

   a. Management meetings on an as needed basis; estimated to be at least quarterly.

   b. At least one or two public meetings a year to discuss the development status and plans.

Joseph O. Bunting, 1/4/86 — Joseph O. Bunting

Ralph Stein — Ralph Stein

CHRONOLOGY OF ACTIVITIES UNDER THE NWPA SINCE 7/85

July 1985

9	DOE issued final Mission Plan to Congress [Sec. 301]
18	DOE issued draft Project Decision Schedule (PDS) for comment [Sec. 114(c)]
24	NRC Staff meeting with 1st round States/Tribes to discuss draft PDS
26	Submittal of staff analysis of Use of the Nuclear Waste Fund for HLW activities (SECY-85-456A) to Commission for approval (Sec.302)
29	Commission briefing by Ben Rusche, Director, OCRWM on HLW program

August 1985

15	EPA issued final HLW Standards (40 CFR Part 191) [Sec. 121(a)]
16	DOE issued draft Transportation Business Plan [Sec. 137]
21	Staff comments on draft PDS from EDO to Commission [Sec. 114(e)] (SECY-85-282)

September 1985

5	Commission approved final rule on Hybrid Hearings (10 CFR Parts 2 and 72) (SECY-85-235) [Sec. 134]
6	Commission meeting with DOE, States and Tribes on Preliminary Determination of Site Suitability (SECY-85-237) [Sec. 114(f)]
9	Commission approval of SECY-85-456A (Use of NWF) (Sec. 302)
12	NRC testimony: Senate Committee on Energy and Natural Resources (Domenici) on the Mission Plan [Sec. 301]
13	NRC testimony: House Subcommittee on Energy and the Environment (Udall) on the Mission Plan [Sec. 301]
17	Definition of the term "High-Level Radioactive Wastes" - proposed rule to Commission (SECY-85-309)
19	EPA Final HLW Standards published in the Federal Register (50 FR 38066) (Sec. 121)
27	DOE issued draft Transportation Institutional Plan [Sec. 137]

Enclosure 3

ACTIVITIES UNDER NWPA/AH/86/01

October 1985

15	Final Rule on Hybrid Hearings published in the Federal Register (50 FR 41662) [Sec.134]
21	Procedural Amendment to 10 CFR Part 60 to Commission for approval (SECY-85-333)
24	NRC transmitted comments to DOE on draft PDS [Sec. 114(e)]
30	NRC testimony: Senate Subcommittee on Nuclear Regulation (Simpson) on the Mission Plan and other HLW topics [Sec. 301]
30	DOE announced 60-day delay in EA's and nomination to accommodate the NAS review of ranking methodology (from 11/85 to 2/86)[Sec.112(b)]

November 1985

6	NRC testimony: House Subcommittee on Energy Research and Production (Lloyd) on implementation of the NWPA
8	NRC reissued the Statement of Concurrence on DOE Siting Guidelines (50 FR 46525) [Sec. 112(a) and Sec. 114(f)]
14	Final Rule on Hybrid Hearings effective (10 CFR Parts 2 and 72) [Sec. 134]
18	Staff presentation on LSS Pilot Project to States and Tribes at OCRWM conference in Atlanta.
18	EPA final rule for HLW Standards effective [Sec. 121]
18-21	OCRWM Transportation Workshop in Atlanta [Sec. 137]
25	Proposed Rule for Monitored Retrievable Storage (MRS) licensing (10 CFR Part 72) to Commission for approval (SECY-85-374) [Sec. 141(d)]
29	DOE scheduled to nominate and recommend sites [Sec. 112(b)]

December 1985

5	ACRS approved final rule on 10 CFR Part 55 personnel training [Sec. 306]
5	SECY-85-388 concerning sponsorship of a Federally Funded Research and Development Center (FFRDC) to alleviate conflict of interest to Commission for approval
16	Report on Section 10 - Compliance with Federal Statutes, Regulations and Permits, PDS, transmitted from NMSS to DOE [Sec. 114(e)]
24	DOE submits MRS proposal to NRC for comment [Sec. 141(b)]
31	Comments on DOE draft Transportation Institutional Plan due [Sec. 137]

ACTIVITIES UNDER NWPA/AH/86/01

January 1986

3	Staff comments from NMSS to EDO on MRS proposal [Sec. 141(b)]
7	NRC staff comments on Transportation Institutional and Business Plans transmitted to DOE [Sec. 137]
8	Staff comments on MRS proposal to Commission for approval (SECY-86-9) [Sec. 141(b)]
14	NRC/DOE Agreement on Licensing Support System
16	DOE issues Area Recommendation Report (ARR) identifying 15-16 sites for the second repository [Sec. 114(a)(2)]
20-21	Conference for Quality Assurance for Waste Management (NRC/DOE) San Diego, CA
22-24	NRC/DOE Salt Waste Package Meeting, ONWI, Columbus, OH [Sec. 113]
23	Commission Meeting with Ben Rusche, Director, OCRWM o MRS (SECY-86-9)
24	Commission Meeting on Part 60, Procedural Amendment: At request of States/Tribes (SECY-85-333).

February 1986

5	NRC transmitted comments on MRS proposal to DOE (SECY-86-9) [Sec.141(b)]
7	U.S. District Court (Tennessee) Judge issues injunction preventing DOE from submitting MRS proposal to Congress [Sec. 141(b)]
7	Commission approval of SECY-85-388 concerning FFRDC
10	DOE issued Final Transportation Business Plan (Sec.137)
27	Commission meeting with Ben Rusche,Director,OCRWM, on HLW program status.

February 5, 1986

NMSS BACKGROUND PAPER ON DOE'S PROJECT DECISION SCHEDULE (PDS) AND SUBSEQUENT PROGRAM DELAYS

Background

- DOE is required to prepare the PDS under Section 114(e) of NWPA for attaining operation of repositories within time periods specified in the Act. Any agency that cannot meet PDS deadlines must notify Congress to explain why. There is no deadline in the Act for DOE to issue the final PDS.

- A preliminary draft PDS was issued on 1/14/85; a draft PDS was issued on 7/18/85, and NRC comments on the draft PDS were submitted to DOE on 10/24/85.

- In January 1985, the staff proposed to the Commission a list of NWPA actions that we anticipated Commission involvement with (SECY-85-40), along with proposed durations for Commission actions. This was done to help expedite the NRC's turn-around on the draft, and to provide vital planning factors for the preparation of the FY87 budget. The Commissioners approved SECY-85-40, with certain modifications, on July 9, 1985.

Current Status

- The final PDS had been expected 11/85, but is currently scheduled for 3/86

- Several important actions in the draft PDS have been delayed, and no firm schedules for action completion have been issued.

Action	Draft PDS Schedule	Actual
MRS Proposal to Congress	1/15/86	TBD
Issue Final PDS	11/85	3/86
Issue EA's	11/85	4/86
Nominate & Recommend Sites	11/85	4/86
Issue SCP's for Basalt & Tuff	3/86	TBD

Future Actions:

- These important Program delays will cut across FY86-FY87 boundaries and, concurrent with Gramm-Rudman cuts, will cause disruptions in preparation of the FY87 Budget for NWPA actions.

Enclosure 4

OCRWM Milestones

2/86

United States Department of Energy
Office of Civilian Radioactive Waste Management
Washington, D.C. 20585

2/86	Issue Transportation Business Plan.
2/86	Submit Fee Adequacy Report to Congress.
2/86	Submit MRS Proposal to Congress.
2/86	Submit FY 1985 OCRWM Annual Report to Congress.
4/86	Issue Environmental Assessments for first Repository.
4/86	Issue Nominations and Recommendations for first repository candidate sites for characterization.
4/86	Issue Transportation Institutional Plan.

Enclosure 5

Published by the Office of Policy and Outreach
To provide current background information on program facts, issues, and initiatives. For further information write to: Information Services Division, Office of Civilian Radioactive Waste Management, U.S. Department of Energy, Mail Stop RW-40, Washington, D.C. 20585. Telephone (202) 252-5722.

I. NRC Role in Repository Development Program

Provision	Current NWPA Date	Schedule	NRC Role
1. Section 112(a)-Siting Guidelines promulgated by DOE in which NRC concurs.	7/6/83	Completed 12/84	NRC must concur in DOE Guidelines. Action Taken After review and comment on draft DOE guidelines in early 1983, NRC received final siting guidelines on November 23, 1983. NRC held oral presentations on January 11, 1984, and public comments were received through February 1, 1984. On February 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 May 15, 1984. The Commission voted to concur on the guidelines on June 22, 1984. Current Status- DOE published the final guidelines on December 6, 1984. On December 24, 1984, 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.
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. Current Status- The regulations, which were under development by the staff for several years, were published in the Federal Register on June 21, 1983 (48 FR 28194).
3. Section 121(a)-EPA final high-level waste standards promulgated.	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. Actions Taken- NRC's comments on the proposed standards were transmitted to EPA on May 10, 1983. Current Status- EPA final high-level waste standards were signed on August 15, 1985, published in the Federal Register on Thursday, September 19, 1985 (50 FR 38066), and became effective Novmeher 18, 1985. NRC will now review its high-level waste criteria (10 CFR Part 60) for conformance with EPA standards, and will provide a proposed rule to the EDO and the Commission by late February, 1986.

ENCLOSURE 6

I. NRC's Role in Repository Development Program

Provision	Current NWPA Date	Schedule	NRC Role
4. Section 114(e)-DOE Project Decision Schedule.	None Specified	Draft received on July 18, 1985	NRC must coordinate with DOE on the development of the Project Decision Schedule. DOE submitted a preliminary draft Project Decision Schedule for NRC comment on January 15, 1985. NRC comments were transmitted to DOE on March 4, 1985 (JGDavis to BCRuche). DOE issued the Draft Project Decision Schedule July 18, 1985. Current Status- NRC comments were forwarded to the Commission from EDO on August 21, 1985 for approval and submittal to DOE by September 13, 1985. The Commission approved the comments with modifications on September 19, 1985, and the final comments were transmitted to DOE on October 24, 1985. The final PDS is expected in March 1986.
5. Sections 216(a) and 301(b)- Draft Mission Plan published by DOE.	4/7/84	Published 5/84	NRC must coordinate with DOE on the development of the Mission Plan, and specify, with precision, any objections to the Plan. NRC received a preliminary draft on December 23, 1983 and sent comments directly to DOE on February 8, 1984. The draft Mission Plan required by the Act was released by DOE on May 8, 1984 and forwarded to NRC for review and comment by July 9, 1984. DOE briefed the Commission on the draft Mission Plan on June 27, 1984. Staff comments were signed by the Chairman and forwarded to DOE on July 31, 1984.
6. Section 301(b)-Submission of DOE Mission Plan to Congress.	6/7/84	Completed on July 9, 1985	Following Congressional approval of the Mission Plan, NRC will, wherever necessary, conform its waste management program planning guidance to the Plan. Current Status- DOE submitted the Final Mission Plan to Congress on July 9, 1985. NRC testified before the Senate Committee on Energy and Natural Resources concerning the Mission Plan on September 12, 1985; before the House Subcommittee on Energy and the Environment on Friday, September 13, 1985; before the Senate Subcommittee on Nuclear Regulation on October 30, 1985; and before the House Subcommittee on Energy Research and Production on November 6, 1985. The staff intends to forward its comments to DOE for updates to the Mission Plan.
7. Section 117(a)-Provision of information to States/Tribes.	In a timely manner	Ongoing	NRC must provide timely and complete information regarding its determinations or plans made regarding siting, development, or design for licensing, construction, operation, regulation, or decommissioning. NRC has been holding meetings with State and Tribal officials to exchange information. The Commission met with State and Tribal officals on September 6, 1985, to receive their views on the DOE timing of preliminary determination of site suitability [Section 114(f)].

I. NRC's Role in Repository Development Program

Provision	Current NWPA Date	Schedule	NRC Role
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.	1/1/85	Site recommendation 4/86	DOE will develop draft EA's on sites under consideration for nomination after Commission concurrence on the siting guidelines. NRC staff intends to review and comment on EA's. DOE issued draft Environmental Assessments for nine potential repository sites on December 20, 1984, and proposed to recommend sites in Nevada, Texas, and Washington for characterization. The NRC review was completed on March 20, 1985. Current Status- According to the Draft Project Decision Schedule, DOE had planned to publish final EAs and nominate and recommend sites in November 1985. 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 NAS review of the ranking methodology. The EAs are now expected 4/86.
9. Section 8-President must evaluate the possibility of developing a defense-waste only repository.	1/7/85	4/30/85	DOE submitted a final report to the President in February 1985, recommending a combined commercial and defense repository. On April 30, 1985, the President found no basis that a defense-only repository is needed and agrees with DOE recommendation of combined repository.
10. Section 113(b)-Submission to NRC by DOE of site characterization plan (SCP), waste form or package description, and conceptual repository design for each site	Before sinking shafts	TBD TBD	NRC must review and comment on the submitted materials. Current Status- DOE official schedules for SCP submittal are: BWIP and NNWSI in March 1986, and Salt in October 1986. Official DOE schedules have NRC scheduled to review SCP and comment by June 1986 for BWIP and NNWSI and January 1987 for Salt. However, NRC plans to submit comments (Site Characterization Analysis) 5 months after the SCPs are issued. Shaft construction is scheduled to begin in August 1986 for BWIP and NNWSI, and July 1987 for Salt.
11. Section 114(a)(1)(E)-DOE submits to the President and the public the Commission's preliminary comments concerning at-depth sufficiency for DOE construction	Prior to 13. below	Prior to 13. below	NRC must provide preliminary comments on whether the at-depth site characterization analysis 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	12/90	NRC must review and comment on the draft EIS, which is scheduled to be issued 6/90. NRC is allowed 3 months for review and comment, but has requested 5 months (in draft PDS comments) to allow for Commission involvement and for consultation with host states and affected Indian tribes.

I. NRC's Role in Repository Development Program

Provision	Current NWPA Date	Schedule	NRC Role
13. Section 114(a)(2)-President recommends one site to Congress for construction.	March 31, 1987 (may be extended one year if necessary)	3/91	N/A
14. Sections 116(b) and 118(a)-Submission of notice of disapproval by State or Indian tribe.	May 30, 1987 (or May 30, 1988 if #13 is extended)	1991	N/A; see 15 below
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.
16. Section 115(c)-State/Tribal disapproval will take effect unless both Houses of Congress pass resolution of approval with in 90 calender days of continuous session	About 8/87 (or 8/88 if #13 is extended)	1991	N/A; see 15 above
17. Section 114(a)(3)-Within 1 year after dissapproval, the President must recommend an alternative site for the first or a subsequent repository.	8/88 (or 8/89)	1992	Role similar to initial site recommendation. See events 11-15, above.
18. Section 114(b)-Secretary submits construction authorization application (i.e. license application) to NRC.	8/87 (or 8/88)	5/91	An NRC licensing proceeding will be initiated on the license application.
19. Section 114(c)-NRC must submit status report to Congress.	One year after submittal of the license application and annually thereafter.	5/92	NRC must submit an annual status report on the progress of the licensing proceeding to Congress.

I. NRC's Role in Repository Development Program

Provision	Current NWPA Date	Schedule	NRC Role
20. Section 114(d)-Commission must issue decision on construction authorization (CA) for first repository.	1/1/89 or 3 years after application submitted, or 4 years after submittal (if extended	8/93	The 3 year time period for an NRC licensing decision dictates an aggressive program of involvement with DOE and States/Tribes 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. In the draft PDS, DOE has reduced the reference assumption on the duration of this action from 3 years to 27 months. NRC believes that 36 months for a licensing decision is a very optimistic estimate and has identif various measures by which both NRC and DOE can facilitate the 36 months license review schedule by resolving issues early.
21. Section 112(b)(1)(c)-Secretary must recommend 3 sites for characterization to President for second repository.	7/1/89	10/91	Same as event 8 above. Current Status- NRC review of the DOE Crystalline Program is continuing at a minimal level of effort through FY88. DOE currently plans to issue the Area Recommendation Report (ARR) on January 16, 1986, which identifies 15-16 possible second repository sites.
22. Section 114(a)(2)(A)-President must recommend to Congress 1 site, from sites already characterized, for second repository.	3/31/90 (may be extended one year).	3/98	Same as events 10, 11, and 12 above.
23. Section 114(b)-Submission of construction authorization application to NRC for second repository.	About 11/90	5/98	NRC will initiate licensing proceeding for second repository.
24. Section 114(d)-Commission must issue decision on issuing construction authorization for second repository.	1/1/92 or 3 years after application submitted, or 4 years after submittal if extended.	8/2000	3 year time period for NRC decision dictates an active program of involvement with DOE, States/Tribes prior to receipt of application to identify and resolve contentious issues to the maximum extent practicable. To meet this schedule, a relatively complete, good quality DOE application will be required.

II. NRC's Role in the Test and Evaluation Facility Program

Provision	Current NWPA Date	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	Current Status- No guidelines have been issued. NRC will provide the required consultation if and when the guidelines are issued.
26. Section 216(a)-TEF cooperation and coordination.	None specified		NRC shall assist the Secretary by cooperating and coordinating on any reports under Title II. Current Status- No action taken. DOE planning to make a determination on a collocated TEF in FY87.
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 April 6, 1984 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 ur the program's data needs are better established, now planned for late 1987.
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. NRC's Role for Interim Spent Fuel Storage

Provision	Current NWPA Date	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.
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 applicable capacity 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 December 5, 1983. Comment period was extended to February 20, 1984. A final rule was submitted to the Commission on July 8, 1985. Current Status - The Commission approved the final rule on September 5, 1985, and the final edited rule was published in the Federal Register on Tuesday, October 15, 1985 (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 that the person owning and operating the reactor is diligently pursuing licensed alternatives to the use of Federal storage capacity.	4/7/83	Final criteria published 2/11/85	As provided. A proposed rule was published April 29, 1983. Comments received during the public comment period which ended June 28, 1983 have been reviewed. Final criteria were submitted to the Commission on November 7, 1984. The criteria were approved by the Commission on January 10, 1985. Current Status- The final rule, 10 CFR Part 53, was published February 11, 1985 establishing procedures and criteria for making NRC's determination that a utility is eligible to contract with DOE for Federal interim storage capacity.

III. NRC's Role for Interim Spent Fuel Storage

Provision	Current NWPA Date	Schedule	NRC Role
34. Section 135(a)-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.	Not specific		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.
35. Section 137(a)-Transportation of spent nuclear fuel to a DOE storage facility shall be subject to licensing and regu lation by NRC and by the Department of Transportation.	Not specific		NRC is required to review DOE's applications for shipment and make licensing determinations for health and safety and safeguards. Three NRC staff members attended a DOE-sponsored workshop November 19-21, 1985, to discuss planning for transportation under the provisions of the NWPA. DOE issued the draft Transportation Institutional Plan in September 1985, with comments due to DOE by 12/31/85. NRC will transmit formal comments (Cunningham to Philpot) shortly. The final Transportation Institutional Plan is expected by April 1986. DOE also issued the draft Transportation Business Plan in August 1985; NRC had no formal comments. The final Transportation Business Plan was issued by DOE on February 10, 1986.
36. Section 137(b)-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		NRC will be required to review the private contractor's application for shipment, and make licensing decisions for health and safety and safeguards. Regulations may, at a future date, be modified or revised to conform with DOE's repository program.

III. NRC's Role for Interim Spent Fuel Storage

Provision	Current NWPA Date	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		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.
38. Section 216(a)-Interim Spent Fuel Storage Cooperation and Coordination.	None specified		NRC shall assist the Secretary by cooperating and coordinating on any reports under Title II.

IV. NRC's Role in Monitored Retrievable Storage Program

Provision	Current NWPA Date	Schedule	NRC Role
39. Section 141(b)(3)-DOE shall consult with the Commission and EPA in formulating the MRS proposal and shall submit theier comments on the MRS proposal to Congress along with the proposal	6/1/85	TBD	NRC consulted with DOE on development of the MRS proposal, and provided comments (SECY-86-9) to DOE on February 5, 1986 for submittal with the proposal to Congress soon thereafter. However, because of successful legal challenges by the State of Tennessee, the submittal of the MRS proposal to Congress has been delayed indefinitely.
40. Section 141(c)(1)-Submission by Secretary of an environmental assessment with respect to the MRS proposal to Congress.	6/1/85	TBD	NRC did not comment on the EA.
41. Section 141(d)-DOE shall file for license with NRC for MRS.	Subject to Congressional authorization of MRS	Subject to Congressional authorization of MRS	NRC is currently developing revisions to 10 CFR Part 72 to provide the licensing framework for the MRS, if it should be authorized by Congress. If authorized NRC will review DOE's application and make the necessary licensing determinations. Current Status- The proposed rule on 10 CFR Part 72 was submitted to the Commission (SECY-85-374) on November 25, 1985, and is awaiting Commission approval.

V. NRC Role in the Low-Level Waste Management Area

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

Provisions	NRC Role
42. Section 151(a)(1)-Commission authorized to establish regulations or other such 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.	New sites are covered by existing regulations (10 CFR Part 61). NRC will review existing regulations and guidance for application at the existing commerical LLW disposal sites.
43. 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 custory 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
44. 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; and 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 of DOE which appears to have independent discretion to accept sites following Commission determination.

Provisions	NRC Role
45. Section 151(c)-Adequate financial arrangements for long-term maintenance and monitoring, as well as decontamination and stablization 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.	Similiar to event 44 above.

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

Provisions	Current NWPA Date	Schedule	NRC Role
46. 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. Updates published April 6, 1984, April 5, 1985	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. An FR notice was published following coordination with DOE, ACDA, and the State Department on March 30, 1983. The first annual update of the notice was published in the Federal Register on April 6, 1984, and the second update was published in the Federal Register on April 5, 1985. Current Status - The third update is currently being prepared for publication in April 1986.
47. 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	The final waste disposal contract proposal was published by the DOE in the Federal Register on April 18, 1983. All necessary contracts were signed and received by the DOE on or before the June 30, 1983 statutory deadline.

Provision	Current NWPA Date	Schedule	NRC Role
48. 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 November 13 and 14, 1984, including a meeting with Secretary Hodel on November 14 to discuss their recommendations and forthcoming report. A final draft of the report received by NRC on December 5, 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 February 19, 1985. The staff provided comments to the Chairman on March 8, 1985. The Chairman transmitted his comments to Secretary Herrington on March 22, 1985, which were forwarded to the President along with DOE's recommendations on April 18, 1985. DOE recommended retaining the present management structure at least through the siting and licensing phase of the program.

Provision	Current NWPA Date	Schedule	NRC Role
49. Section 306-NRC is required to promulgate regulations or other suitable guidance for the training and qualifications of civilian nuclear power plant personnel and submit a report to congress on its activities under this action.	1/6/84	3/86	As provided. The Commission issued a policy statement on February 7, 1985, concerning personnel training and qualifications (10 CFR Part 50). This policy statement was published in the Federal Register on March 20, 1985. Proposed amendments to Part 55 dealing with simulator training requirements were published in the Federal Register on November 26, 1984. Current Status - The Final Rulemaking package on Part 55 and 3 associated Regulatory Guides (1.134, was approved by the ACRS on December 5-7, 1985, and is currently under final Office review. The final amendment to Part 55 will be submitted to CRGR for review in February 1986, and then to the Commission thereafter for approval.