



**POLICY ISSUE**  
**(Information)**

**SECY-88-39A**

**May 10, 1988**

**For:** The Commissioners

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

**Subject:** QUARTERLY PROGRESS REPORT ON THE PRE-LICENSING PHASE OF THE DEPARTMENT OF ENERGY'S (DOE's) CIVILIAN HIGH-LEVEL RADIOACTIVE WASTE MANAGEMENT PROGRAM

**Purpose:** To provide the Commission with a Quarterly Progress Report (January through April 1988), on the pre-licensing phase of DOE's Civilian High-Level Radioactive Waste Management Program.

**Executive Summary:**

In the previous Quarterly Progress Reports (SECY-87-137, SECY-87-267 and SECY-88-39) on the pre-licensing phase of DOE's Civilian High-Level Radioactive Waste Management Program, the Nuclear Regulatory Commission (NRC) staff discussed seven action items that cover the key aspects of the NRC/DOE pre-licensing consultation program. They were: (1) implementation, by DOE, of scheduled and systematic consultations; (2) development of an information retrieval system; (3) early implementation of a quality assurance program; (4) early establishment of repository design parameters; (5) early resolution of State and Tribal concerns; (6) adoption of conservatism; and (7) early resolution of issues through a program of Licensing Topical Reports and other mechanisms. This report will also focus on these items, thereby providing the Commission with the NRC staff perspective on the progress of the DOE's repository program in areas important to an effective high-level waste program. The NRC staff considers these areas to be critical to ensuring that NRC can meet the statutory time limit of three years to act on DOE's application to construct the repository.

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On January 8, 1988, DOE issued the Consultation Draft Site Characterization Plan (CDSCP) for the Yucca Mountain Nevada Site. The CDSCP was issued to permit DOE to consult with NRC and the State of Nevada before issuing the Site Characterization Plan (SCP). DOE currently plans to issue the SCP by January 1989.

The NRC staff review of the CDSCP resulted in transmittal of draft point papers to DOE on March 7, 1988. The draft point papers included approximately 160 concerns, five of which are of such importance that the staff would recommend that DOE not start site characterization until they are satisfactorily resolved. The staff then held three workshops with DOE. The first, held January 28 and 29, 1988, was a plenary workshop in which DOE discussed the contents of the CDSCP. The second, held March 21-24, was to assure that DOE fully understood NRC staff concerns. The third, held April 11-14, focused on the staff's most fundamental technical concern, the lack of consideration of alternative conceptual models in the development of testing programs. In the workshops, DOE indicated that it understood our concerns and would respond to them in the statutory SCP.

Based on the information provided in the workshops and additional review of the CDSCP, the staff determined that no significant changes were needed in the point papers. The staff briefed the Advisory Committee on Reactor Safeguards' (ACRS') Waste Management Subcommittee on April 28, 1988, and will brief the Commission on May 4, 1988 on the staff review of the CDSCP. The final point papers will be transmitted to DOE in May. The staff is tentatively scheduled to meet with DOE in June or July 1988 to discuss how DOE plans to respond to the staff's concerns.

Discussion:

The current status of the seven action items that the NRC staff uses as indicators to assess progress in the high-level waste repository program is given below.

1. Implementation by DOE of Scheduled and Systematic Consultations

In general, during this quarter, technical consultations with DOE have improved significantly. The Nuclear Waste Policy Amendments Act (NWPAA) has enabled NRC and DOE staff to

concentrate efforts on the Yucca Mountain site. The CDSCP for the Yucca Mountain site has been the major focus of and stimulus for consultation between NRC and DOE. During this quarter, there have been three workshops with DOE on the CDSCP, and one meeting to discuss DOE's Quality Assurance (QA) Program.

On January 28 and 29, 1988, NRC staff participated in a plenary workshop in which DOE discussed the contents of the CDSCP. NRC staff held a second workshop with DOE the week of March 21, 1988, on the draft point papers, at which DOE indicated it understood the concerns raised in the point papers. A third workshop was then conducted the week of April 11, 1988 to discuss the staff's most fundamental CDSCP technical concern, DOE's lack of consideration of alternative conceptual models in the development of its testing programs. This workshop resulted in an open and useful exchange of technical information among NRC, DOE and the State of Nevada. The State of Nevada had representatives in attendance at all three workshops and actively participated in the alternative conceptual model workshop. As a follow-up to the workshops, a management meeting was held with DOE on April 20, 1988 to propose a number of additional technical NRC-DOE workshops to address the major concerns from the CDSCP review. DOE reacted favorably to the staff's proposal and has committed to respond in the near future. The staff is tentatively scheduled to meet with DOE in June or July, for DOE to describe how it plans to respond to our CDSCP concerns. The staff will continue to be available to consult with DOE on how these concerns can be resolved. As part of the acceptance review of the statutory SCP, NRC staff will determine if DOE has adequately considered and responded to our concerns.

In addition to the workshops, the staff also conducted an on-site review of DOE's ongoing seismic monitoring program at the Yucca Mountain site. Based on the information provided during the visit, the staff found no major problem with the technical aspects of the seismic monitoring program. However, as acknowledged by the United States Geological Survey (USGS) and DOE before the review, the QA Program is not fully implemented. The staff made several suggestions for improvements in the program and will review these in future QA audits of the USGS.

As discussed in previous quarterly reports, DOE will be issuing study plans which will provide details on the implementation of the investigation level plans in the CDSCP. Although DOE had previously committed to start submitting these study plans in mid-February 1988, none have been received to date.

## 2. Development of an Information Retrieval System:

On August 5, 1987 (52 FR 29024), the Commission announced the formation of the High-Level Waste Licensing Support System Advisory Committee to develop recommendations for revision of the Commission's Rules of Practice in 10 CFR Part 2, related to the adjudicatory proceeding for the issuance of a license for a geologic repository for the disposal of high-level waste. Specifically, the committee is attempting to negotiate a consensus on the procedures for the submission and management of records and documents for the high-level waste (HLW) licensing proceeding. These revisions relate to the development of an information management system (the "Licensing Support System" or "LSS") that would contain all the data supporting the DOE license application, as well as all the potentially relevant documents generated by NRC and other parties to the licensing proceeding.

The NWPAA, by halting activities at the Texas and Washington sites and focusing on the Nevada site, has resulted in a reduction in the composition of the High-Level Waste Licensing Support System Advisory Committee (see SECY 88-28, January 26, 1988).

The Advisory Committee has been meeting monthly since September 1987. At its April 1988 meeting, the Advisory Committee reviewed a draft regulatory text on the LSS, prepared by the NRC staff. Considerable progress was made on developing preliminary consensus on the rulemaking issues. The next meeting of the Advisory Committee is scheduled for May 18, 1988. At this meeting, the Committee will continue its mark-up of the draft regulatory text. The final meeting of the Committee is scheduled for June 29, 1988. The staff intends to submit a proposed LSS rule to the Commission in July 1988.

DOE's contractor for the LSS design, Science Applications International Corporation (SAIC), provided the first and second of a series of reports on the LSS design to DOE. The Preliminary Needs Analysis and the Preliminary Data Scope Analysis for the LSS were issued in February and March 1988, respectively. In parallel with and consistent with the negotiated rulemaking, these documents are intended to provide the basis for the development of a conceptual LSS design, which will be presented in the third report. A final report concerning benefit-cost analysis will evaluate alternatives

within the conceptual design. These four reports and subsequent refinements are intended to provide the basis for determining the LSS design specifications.

### 3. Early Implementation of a QA Program:

DOE has committed to not start new site characterization work until the QA Program is fully in place for that work. The NRC staff's objective in QA is to conduct sufficient review of the DOE QA Program, before extensive new site characterization activities begin, to have confidence that the Program (or necessary portions of the Program) is adequate and in accordance with the Commission's QA regulations in 10 CFR Part 60. The staff's efforts have been aimed at developing positions on methods for meeting the regulations, reviewing and accepting DOE and DOE contractor QA plans and procedures, and, most importantly, assessing the implementation of the DOE QA Program (e.g., by observing DOE audits of its contractors and subcontractors).

On March 18, 1988, the staff met with DOE to discuss methods for resolving staff comments on a key principal QA Program document, the Nevada Nuclear Waste Storage Investigations (NNWSI) project's QA plan. DOE has committed to submit a revised NNWSI QA plan in May. If NRC's comments are resolved as discussed in the meeting, the staff expects to be able to find the plan adequate for use during site characterization. In the March 21-24 CDSCP workshop, DOE again committed to not starting new work in an area until NRC has reviewed the QA plan for that program area and observed its implementation through audits. There is a high probability that DOE's effort to develop qualified QA plans will be a critical path item for DOE's starting new site characterization activities. However, the staff believes it is better to resolve concerns now, rather than later in the program, when such efforts are more costly and disruptive. DOE further agreed to meet with staff in May to discuss actions needed to resolve open items in the QA area and to provide a schedule for formal submittal of the DOE contractor QA plans, which need to be consistent with the NNWSI QA plan.

During a management meeting between DOE and NRC held in January, 1988, DOE agreed to a schedule for NRC to conduct observation audits of DOE audits of its contractors. In these observation

audits, the staff reviews the effectiveness of the DOE audit program in evaluating the performance of its contractors and in identifying deficiencies with contractors' programs. In the last quarter, the staff conducted observation audits of DOE audits of the Materials Characterization Center (MCC) at Pacific Northwest Laboratory, which furnishes corrosion data to the DOE; Holmes and Narver, the architect/engineer for the surface facilities at the repository; and Fenix and Scisson, the architect/engineer for the exploratory shaft. The audits by the DOE Nevada project office of Fenix and Scisson and Holmes & Narver were generally thorough. Several improvements have been suggested by the staff in its reports to DOE. The DOE Headquarters audit of the MCC was less effective. The staff is also making suggestions to DOE for improving future Headquarter audits. Most of the audits are conducted by the NNWSI project office. Finally, during the week of April 25th, the staff conducted an observation audit of the DOE audit of the USGS in Menlo Park, California. The staff is presently evaluating the results of this audit and will address it in the next quarterly report.

To have assurance that programs are being implemented adequately, before the start of extensive site characterization, the staff will be monitoring DOE's follow-up to the concerns identified in its audits. It is expected that DOE will conduct additional audits after its contractors have corrected deficiencies, which the staff will also observe.

Finally, on April 9, 1988, the NRC staff issued a final Technical Position on "Q-List." This Technical Position outlines the NRC staff's requirements on items and activities in the high-level waste geologic repository program subject to QA requirements. During development, the Q-List TP received extensive review from DOE and others, including the ACRS Waste Management Subcommittee.

#### 4. Early Establishment of Repository Design Parameters:

DOE, in its CDSCP, has implemented the performance allocation process (previously referred to as establishment of repository design parameters) previously agreed on by NRC and DOE. Specifically, it was agreed that in the SCP, DOE would specify tentative values for repository performance measures consistent with the contribution expected or desired from each of the natural and engineered barriers to the overall waste isolation performance of the site. Based on this allocation, a rationale would be presented for determining what investigations would be

needed during site characterization to support a license application. The NRC staff's review of the CDSCP indicated that DOE's implementation of performance allocation needs to include the following: (1) a full range of the present and future states of the repository site in identifying needed investigations; (2) the effects of a comprehensive set of anticipated processes and events on the waste package lifetime, the release rate from the engineered barriers, and the performance of seals; (3) sufficiently conservative design objectives to support an appropriate performance allocation for the waste package; (4) a direct, logical tie between the geohydrology program of investigations and the performance allocation process; and (5) a fully integrated testing program across technical disciplines and program areas to minimize the number of needed tests that could adversely affect the isolation capability of the site.

During the April 11-14 1988 workshop on alternative conceptual models, NRC, DOE and the State of Nevada participated in an open and useful exchange of technical information and views on the technical aspects of presenting a full range of conceptual models of present and future states of the repository and anticipated processes and events in identifying needed investigations. At this workshop, the NRC staff recommended that DOE provide in the statutory SCP a systematic treatment of alternative conceptual models, integrated across all technical disciplines, that establishes the following: (1) a description of what is known or thought to be the case about the present and future states of each element of the natural and engineered systems; (2) for each such element, a discussion of the uncertainties, including identification and influence of any assumptions made in the description; (3) for each such uncertainty, identification of and assessment of the significance of the alternative hypotheses, interpretations, or assumptions that are consistent with the existing data and the uncertainty associated with the existing data; (4) for each such hypothesis, information needs and investigations to discriminate between the alternatives; and (5) prioritization of the investigations based on avoidance of interference between tests and the need to resolve key issues early. DOE is scheduled to present to the NRC staff in June or July 1988 its plans for responding to our concerns. However, full resolution of this concern can only be determined on review of the SCP.

5. Early Resolution of State and Tribal Concerns:

Since the issuance of the CDSCP January 8, 1988, the State of Nevada has attended all of the workshops and meetings held to date between NRC and DOE. Nevada observed the first two workshops, and actively participated in the workshop on alternative conceptual models.

The State of Nevada has proposed to DOE a funding level for grant aid for FY 89 of \$23 million, for the State to conduct its own technical work and site characterization activities. Nevada representatives have informally requested the NRC staff to review the State's Quality Assurance Program, which is expected to be formally submitted in May, 1988. The staff plans to do so as part of the consultation required by the NWSA. With regard to the State's technical programs, it is our understanding that DOE plans to review the State of Nevada's site studies to assure that such programs do not impact the waste isolation capabilities of the site or the DOE's site studies. Further, DOE plans to submit the State study plans, along with DOE's review, to the NRC for review to confirm the DOE findings. Any cost incurred by NRC to undertake review of State programs would be reimbursed to the U. S. Treasury from the Nuclear Waste Fund.

6. Adoption of the Policy of Conservatism:

The NRC staff has had an ongoing concern that DOE needs to be conservative in treating uncertainty in its investigations and analyses. Incorporation of conservatism in initial assumptions and designs can compensate for inherent uncertainties in investigations and analyses. The staff's review of the DOE's CDSCP indicates that DOE still needs to take steps toward adopting conservatism in its program. A number of other specific concerns related to conservatism were raised in the staff's point papers on the CDSCP. For example, the staff objected to the CDSCP on grounds that the uncertainties in the existing limited data were not accounted for by considering a full range of alternative interpretations (or alternative conceptual models) in developing the site characterization program. In addition, the design objectives for waste package containment were not conservative, and thus may not allow sufficient margin for meeting performance objectives in 10 CFR 60.113. These concerns were clarified during the March 21-24 workshop on the



draft point papers. In the April 11-14 workshop on alternative conceptual models, a proposed approach (described in Item 4 above) for providing a conservative treatment of uncertainties in conceptual models was discussed. At a workshop to be held in June or July 1988, DOE is expected to present its plans for responding to the staff's concern. In addition, future workshops that the staff has proposed to the DOE will allow discussion of conservatism needed in the various technical areas. However, resolution of this concern can be better determined based on review of the SCP.

7. Early Resolution of Issues through a Program of Licensing Topical Reports and Other Mechanisms:

In previous quarterly reports, the staff has indicated that the CDSCP and SCP and DOE's proposed use of licensing topical reports and issue resolution reports are primary mechanisms to identify and resolve issues. The staff's review of the CDSCP and the CDSCP workshops with DOE have been effective mechanisms to identify and discuss our concerns with DOE, the State of Nevada, and other parties. Thus, for now the CDSCP review process appears to be an effective mechanism for working toward resolution of potential licensing issues during the early phase of DOE's site characterization program.

Another mechanism is the use of DOE Licensing Topical Reports and Issue Resolution Reports. Although DOE described the use of these reports and gave a preliminary list of them in the CDSCP, it appears that the majority of these reports would be issued in the later phases of site characterization, because they depend on the collection and analyses of site characterization data. Therefore, these reports appear to be most useful for resolving potential licensing issues in the future.

An ongoing mechanism, which will contribute to the early resolution of potential licensing issues, is the preparation of the NRC staff Technical Positions. These Positions will be used to clarify the meaning of certain requirements of 10 CFR Part 60 or to describe approaches the staff finds acceptable for demonstrating compliance with the requirements of 10 CFR Part 60. During the past quarter, the staff has completed work on a Final Technical Position on identification of items and activities subject to QA requirements (Q-list) and issued for

comment a Draft Technical Position on acceptable methods to classify "anticipated and unanticipated processes and events." These are terms used in the performance objectives of 10 CFR Part 60. In addition, Technical Positions on the following four topics are currently being prepared: substantially complete containment, groundwater travel time, disturbed zone, and repository sealing. DOE has indicated in the CDSCP workshops that guidance on these topics is needed soon.

In previous quarterly reports, the staff has also indicated that in its review of the CDSCP, it would determine whether DOE has provided an acceptable method for implementing its issue resolution strategy for the Yucca Mountain site. The issue resolution strategy is DOE's approach to planning the site characterization program. It starts with an issues hierarchy that is based on the regulatory requirements that must be met in siting and licensing a repository. It then identifies the information needed to resolve those issues and the investigations needed to obtain that information by using the performance allocation process. Based on its review of the CDSCP, the staff had two key concerns with the DOE's implementation of an issue resolution strategy. First, the DOE's issue resolution strategy relies on performance allocation to establish what information (and, in turn, what investigations) would be needed to make licensing decisions. As is discussed in Items 4 and 6 above, the staff was concerned that the CDSCP did not consider a full range of alternative conceptual models in carrying out its performance allocation. Second, the CDSCP did not discuss the DOE plans to use performance assessment during site characterization to aid in understanding the regulatory value of data collected, to assist in focusing the site characterization program on key areas of uncertainty, and to refine models as data are collected. Performance assessments are the analyses that will use site characterization data during licensing as the basis for determining compliance with 10 CFR Part 60 and the Environmental Protection Agency (EPA) standard. The NRC staff considers that performance assessment should be done iteratively throughout site characterization. Both concerns were raised in the staff's final point papers and discussed in the April 11-14 meeting on alternative conceptual models. The staff has also proposed a meeting, on this subject, to DOE, before issuance of the SCP.

In addition to the above discussion of the seven items, enclosed is information on the current status of NRC's activities required by the NWPA. In a memorandum to V. Stello from S. Chilk (See COMKC-88-1), dated April 27, 1988, SECY requested that issues or activities appropriate for Commission involvement and the mechanism and timing for such involvement be noted in future Quarterly Progress Reports. As noted in Item 5 of the enclosed status, DOE is currently scheduled to publish draft amendments to its Mission Plan in May 1988. This will require Commission involvement, soon, since the referenced SECY memorandum also requested that NRC comments to DOE on the revised draft Mission Plan be reviewed by the Commission and signed by the Chairman. The staff will continue to highlight issues or activities appropriate for Commission involvement in future Quarterly Progress Reports.



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Enclosure:  
Status of NRC's Activities Required  
by NWPA

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**ENCLOSURE**

NRC'S ROLE UNDER THE NUCLEAR WASTE POLICY ACT AMENDMENTS OF 1987

I. Repository Development Program

<u>Provision</u>	<u>MWPAÁ Date</u>	<u>Current Schedule</u>	<u>NRC Role</u>
1. Section 112(a)-NRC must concur in Siting Guidelines promulgated by DOE.	7/6/83	Completed 12/84	<p><u>Action Taken:</u> After review and comment on draft DOE Guidelines in early 1983, NRC received final Siting Guidelines on 11/23/83. NRC held oral presentations on 1/11/84, and public comments were received through 2/1/84. On 2/29, 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 5/15/84. The Commission voted to concur on the Guidelines on 6/22/84. <u>Current Status-</u> DOE published the final Guidelines on 12/6/84. On 12/24/84, 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. Nine petitions challenging the DOE Siting Guidelines have been consolidated into one suit in the 9th Circuit. DOE's motion to transfer the suit to the DC Circuit Court of Appeals was denied by the Ninth Circuit on 10/29/86. A government motion to consolidate the Siting Guidelines case with Environmental Assessment-related cases was denied. In September '87, Court upheld DOE's authority to prohibit use of MWPA funds to assist states in litigation activities. The Nuclear Waste Policy Act Amendments Act of 1987 requires DOE to phase out site-specific activities for the first repository at all candidate sites other than the Yucca Mountain site, and directs DOE to proceed with site characterization at that site. Pending litigation on the Siting Guidelines could result in DOE having to repromulgate the Guidelines. If so, NRC would have to reconcur.</p>

Previous Version 88/01/21  
 Current Version 88/04/22

<u>Provision</u>	<u>NWPAA Date</u>	<u>Current Schedule</u>	<u>NRC Role</u>
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. <u>Current Status-</u> The regulations, which were under development by the staff for several years, were published in the <u>Federal Register</u> on 6/21/83 (48 FR 28194). The regulations are found in 10 CFR Part 60, "Disposal of High-Level Radioactive Wastes in Geologic Repositories Technical Criteria." An Advance Notice of Proposed Rulemaking (ANPR) for the definition of high-level waste (HLW) was published in the <u>Federal Register</u> on 2/27/87 (52 FR No.39, pp.5992-6001). The revision to Part 60 for the definition of HLW has been terminated. An amendment to Part 61 requiring disposal of Greater-than-Class C wastes in the HLW repository, unless the Commission approves an alternative means of disposal, has received Commission approval and is to be published for comment in the <u>Federal Register</u> in May 1988.

<u>Provision</u>	<u>NWPAA Date</u>	<u>Current Schedule</u>	<u>NRC Role</u>
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. <u>Action Taken:</u> NRC's comments on the proposed standards were transmitted to EPA on 5/10/83. <u>Current Status:</u> EPA final high-level waste standards were signed on 8/15/85, published in the <u>Federal Register</u> on 9/19/85 (50 FR 38066), and became effective 11/18/85. NRC staff reviewed its high-level waste criteria (10 CFR Part 60) for conformance with EPA standards, and provided a proposed rule (SECY-86-92) to the EDO and the Commission on 3/21/86, which the Commission approved on 5/15/86 without modification. The proposed revisions were published in the <u>Federal Register</u> on 6/19/86 (51 FR 22288) and comments were due by 8/18/86. In July, 1987 a Federal Appeals Court invalidated EPA's standards. Further action by NRC has been postponed until EPA revises its standards or is able to have parts of them reinstated.
4. Section 114(e)(1)-DOE Project Decision Schedule (PDS). Any agency that can not meet a PDS deadline must notify Congress and DOE why it can not comply.	None Specified	Completed. Revision due August 1988.	<u>NRC must coordinate with DOE on the development of the PDS. Action Taken:</u> DOE submitted a preliminary draft PDS for NRC comment on 1/15/85. NRC comments were transmitted to DOE on 3/4/85 (JDavis to BRusche). DOE issued the draft PDS on 7/18/85. NRC comments were approved by the Commission (with modifications) on 9/19/85, and the final comments were transmitted to DOE on 10/24/85. The final PDS was issued on 4/3/86 (51 FR 11466) and copies were available on 4/10/86. <u>Current Status-</u> Staff reviewed the PDS for DOE response to previous NRC comments, and also for any NRC milestones that are subject to Sec.114(e)(2). NRC and DOE staff worked together to resolve specific PDS concerns. On 4/3/87, B. Rusche sent letter to H. Thompson informing him that DOE had initiated a revision to the PDS. As a result of the NWPAA of 1987, DOE is preparing a new draft PDS to be released in August 1988.

<u>Provision</u>	<u>NWPAA Date</u>	<u>Schedule</u>	<u>NRC Role</u>
5. Sections 216(a) and 301(b)- Draft Mission Plan published by DOE.	4/7/84	Published 5/84. NWPAA draft amendments due May '88.	NRC must coordinate with DOE on the development of the Mission Plan, and specify, with precision, any objections to the Plan. <u>Action Taken:</u> NRC received a preliminary draft on 12/23/83 and sent comments directly to DOE on 2/8/84. The draft Mission Plan required by the Act was released by DOE on 5/8/84 and forwarded to NRC for review and comment by 7/9/84. DOE briefed the Commission on the draft Mission Plan on 6/27/84. Staff comments were signed by the Chairman and forwarded to DOE on 7/31/84. DOE plans to release a new draft Mission Plan to conform to the NWPAA of '87 in May 1988.
6. Section 301(b)-Submission of DOE Mission Plan to Congress.	6/7/84	To be submitted to Congress after public comments on draft (August '88).	Following Congressional approval of the Mission Plan, NRC will, wherever necessary, conform its waste management program planning guidance to Plan. DOE submitted a final version of the original Mission Plan to Congress on 7/9/85. NRC testified before the Senate Committee on Energy and Natural Resources concerning the Mission Plan on 9/12/85; before the House Subcommittee on Energy and the Environment on 9/13/85; before the Senate Subcommittee on Nuclear Regulation on 10/30/85; and before the House Subcommittee on Energy Research and Production on 11/6/85. DOE issued a draft amendment to the Mission Plan for public comment on 1/28/87 with a 60-day comment period. Staff prepared a response from Chairman Zech to Ben Rusche, DOE, with attached comments. Letter was issued on 4/7/87. DOE submitted Mission Plan Amendment to Congress on June 9, 1987. On 12/22/87, the NWPAA was enacted. The Mission Plan is being revised to conform to the amendments. After comment period on draft, DOE plans to submit Final Mission Plan to Congress in August 1988.



<u>Provision</u>	<u>NWPAA Date</u>	<u>Current Schedule</u>	<u>NRC Role</u>
7. Section 117(a)-Provision of information to States/Tribes. NRC must provide timely and complete information regarding siting, development, or design for licensing, construction, operation, regulation, or decommissioning.	In a timely manner.	Ongoing	The Commission met with State and Tribal officials on 6/16/87 to discuss the status of the national program, and NRC staff held its Second Annual Meeting of State and Tribal Representatives in the High-Level Waste Program on 6/30/87. NRC staff met with the Nevada Commission on Nuclear Projects on 9/17/87. NRC and the State of Nevada attended DOE's plenary meeting on the Consultation Draft Site Characterization Plan (CDSCP) for Yucca Mt. on 1/28-29/88 in Reno, NV. NRC staff, State of Nevada representatives, and DOE attended meetings: 1) to discuss DOE's QA plan on 3/18/88; 2) to discuss NRC's comments on the CDSCP on 3/21-24/88; and 3) to discuss alternative conceptual models of the Yucca Mt. site on 4/11-13/88. Significant HLW documents are routinely distributed to State reps., e.g. the draft Generic Technical Position "Guidance for Determination of Anticipated Processes and Events and Unanticipated Processes and Events", draft point papers on the CDSCP for Yucca Mt., and the "Third Quarterly Progress Report on the Pre-Licensing Phase of DOE's Civilian High Level Radioactive Waste Management Program." In addition, upcoming meeting notices are sent to reps. on a weekly basis.
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 (EA).	1/1/85	Site recommendation 5/28/86	<u>Background:</u> DOE to develop draft EAs on sites under consideration after Commission concurrence on the Siting Guidelines. NRC staff to review and comment on EAs. <u>Action Taken:</u> DOE issued draft EAs for 9 potential repository sites on 12/20/84, and the NRC review was completed on 3/20/85. According to the draft PDS, DOE had planned to publish final EAs and nominate and recommend sites in 11/85. However, on 10/30/85, DOE announced that the final EAs and site recommendation would be delayed until late 2/86 to accommodate for the National Academy of Sciences (NAS) review of the ranking methodology. The EAs were issued on 5/28/86, and Washington, Nevada, and Texas were recommended to the President who approved them for characterization. The affected States and Indian Tribes have challenged the EAs in the Ninth Circuit. NRC comments on the Final EAs (SECY-86-357) were transmitted to DOE on 12/22/86. DOE submitted a motion in the Ninth Circuit to dismiss the EA litigation because of the NWPAA. Responses to DOE's motion have been filed by petitioners. Resolution of the DOE motion is pending.

<u>Provision</u>	<u>MWPA Date</u>	<u>Current Schedule</u>	<u>NRC Role</u>
9. Section 8(b)-President must evaluate the possibility of developing a defense-waste only repository.	1/7/85	Final EIS received Dec. '87.	DOE submitted a final report to the President in 2/85, recommending a combined commercial and defense repository. On 4/30/85, the President found no basis that a defense-only repository is needed and agreed with DOE's recommendation of a combined repository. DOE issued for public comment a Draft Environment Impact Statement (DEIS) on "Disposal of Hanford Defense High-Level, Transuranic and Tank Wastes" in 3/86. NRC comments were approved by the Commission and transmitted to DOE on 9/24/86, and were made available to affected state and Tribal representatives soon thereafter. On 9/3/87, DOE briefed NRC staff on how they plan to handle NRC comments on the draft EIS. Final EIS was received in late Dec. '87. NRC staff will perform a limited review to evaluate DOE response to NRC comments on the draft EIS. NRC staff comments due late April.
10. Section 113(b)-Submission to NRC by DOE of site characterization plan (SCP), waste form or package description, and conceptual repository design.	Before sinking shaft	Consultation Draft SCP received 1/8/88.	NRC must review and comment on the statutory SCP. <u>Current Status-</u> A Draft Technical Review Plan and Administrative Plan for CDSCP review was issued by the NRC staff in 12/87. DOE issued a "Consultation Draft" SCP for Yucca Mt. on 1/8/88. The NRC staff and State of Nevada reps. attended a plenary meeting held by DOE on the CDSCP on 1/28-29/88 in Reno, NV. NRC issued their preliminary concerns on the Yucca Mt. CDSCP as draft "point papers" on 3/7/88. Two workshops were held during March and April with DOE and the State of Nevada to discuss the NRC draft "point papers". NRC staff plans to issue final "point papers" following a briefing for the Commission on 5/4/88. DOE currently plans on issuing the statutory SCP in January 1989.
11. Section 114(a)(1)(E)-DOE submits to the President and the public the Commission's preliminary comments concerning sufficiency of at-depth SCA and waste form proposal for inclusion in application.	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.

<u>Provision</u>	<u>NWPAA Date</u>	<u>Current Schedule</u>	<u>NRC Role</u>
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	Final EIS 10/94 <sup>1</sup>	NRC must review and comment on the draft EIS, wh. It is anticipated in 10/93 <sup>1</sup> . NRC is allowed 3 months for review and comment, but had requested 5 months (in draft PDS comments) to allow for Commission involvement and for consultation with host states and affected Indian tribes. In the June 1987 Mission Plan Amendment to Congress, DOE had retained only the 3 months for draft EIS review and comment. The Final EIS is anticipated in 10/94 <sup>1</sup> .
13. Section 114(a)(2)-President recommends site to Congress for construction.	3/31/87 (may be extended one year if necessary)	10/94 <sup>1</sup>	N/A
14. Sections 116(b) and 118(a)-Submission of notice of disapproval by State or Indian tribe.	Up to 60 days after Presidential recommendation	12/94 <sup>1</sup>	(See 15 below.)
15. Section 115(g)-Congress may obtain any comments of the Commission with respect to a State/Tribal site disapproval.	Prior below	16. 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 within 90 calendar days of continuous session after the date of receipt by Congress of a notice of disapproval.		4/95 <sup>1</sup>	(See 15 above.)

<sup>1</sup> Dates are estimates which will have to be revised to reflect DOE NWPAA Mission Plan and PDS (see items 4 and 6).

<u>Provision</u>	<u>NWPAA Date</u>	<u>Current Schedule</u>	<u>NRC Role</u>
17. Section 114(b)-Secretary submits license application (LA) to NRC.	No later than 90 days after date site recommendation is effective.	1/95 <sup>1</sup>	An NRC licensing proceeding will be initiated on the license.
18. Section 114(c)-NRC must submit status report to Congress.	One year after submittal of the license application and annually thereafter.	1996 <sup>1</sup>	NRC must submit an annual status report to Congress describing the proceedings undertaken through the date of such report regarding the construction authorization application, including a description of: 1) any major unresolved safety issues, and the explanation of the Secretary with respect to design and operation plans for resolving such issues; 2) any matters of contention regarding such application; and 3) any Commission actions regarding the granting or denial of such authorization.
19. Section 114(d)-Commission must issue decision on construction authorization (CA).	Three years after application submitted, or 4 years after submittal (if extended) unless CA is for negotiated site (Section 405(b)(2)).	1998 <sup>1</sup>	The 3-year time period for an NRC licensing decision dictates an aggressive program of involvement with DOE and State of Nevada 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.

<sup>1</sup> Dates are estimates which will have to be revised to reflect DOE NWPAA Mission Plan and PDS (see Items 4 and 6).

<u>Provision</u>	<u>NWPAA Date</u>	<u>Current Schedule</u>	<u>NRC Role</u>
20. Section 114(d)- NRC decision approving first application shall prohibit emplacement in first repository of a quantity of spent fuel in excess of 70,000 MTHM until such time as a second repository is in operation.		1998 <sup>1</sup>	(DOE to report to Congress between 1/1/07 and 1/1/10 on need for second repository. See Items 22 and 23.)
21. Section 114(f)- Any EIS prepared in connection with a repository proposed to be constructed by the Secretary under this subtitle will, to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a construction authorization and license for such repository.	At time of construction authorization.	(1998) <sup>1</sup>	NRC staff (Office of the General Counsel) has developed an amendment to Part 51 to establish what is meant by "to the extent practicable". Staff proposed to adopt DOE's EIS, without undertaking any independent analysis of environmental issues, unless new information or considerations have arisen which require an independent analysis. The proposed rule has been approved by the Commission and is to be published for comment in the <u>Federal Register</u> in mid-May 1988.
22. Section 161(a)- Secretary may not conduct site-specific activities with respect to 2nd repository unless Congress has specifically authorized and appropriated funds for such activities.	N/A	N/A	<u>Background</u> - Sec.112(b)(1)(c) of the NWSA of '82 required the Secretary to recommend 3 sites for characterization to the President for a second repository. DOE issued the Area Recommendation Report (ARR) on 1/16/86, which identified 12 possible second repository sites, and subsequently conducted public hearings concerning the second repository. On 5/28/86, DOE announced an indefinite postponement of the Crystalline Project until the need for a second repository could be better assessed. This postponement was legally challenged by States and Tribes in the first repository program. The Mission Plan Amendment of June '87 discussed the basis for extending the schedule for site-specific work on the second repository. In the Mission Plan Amendment, DOE stated that "If affirmative Congressional action is not taken [on the Amendment in FY'87], the DOE will review the more than 60,000 comments received on the ARR issued in January 1986 and prepare a final ARR that identifies potentially acceptable sites for subsequent field work." On 10/1/87, DOE notified governors of potential second repository states that DOE was resuming review of comments on the ARR. This action is now superseded by Section 161 of the NWPAA of '87.

<sup>1</sup> Dates are estimates which will have to be revised to reflect the DOE NWPAA Mission Plan and PDS (see Items 4 and 6).

<u>Provision</u>	<u>NWPAA Date</u>	<u>Current Schedule</u>	<u>NRC Rule</u>
23. Section 161(b)-Secretary must report to Congress on need for second repository.	On or after 1/1/07, but not later than 1/1/10.		None specified. DOE and/or Congress may seek NRC views, however.
24. Section 180(a)-No spent fuel or HLW may be transported by or for DOE under Subtitle A (Repository) or Subtitle C (MRS) except in packages that have been certified for such purpose by NRC.	Not specific.		Under an existing NRC/DOE procedural agreement, (48 FR 51875, November 14, 1983), DOE was planning to use packaging approved by NRC in accordance with 10 CFR Part 71, rather than DOE-certified packaging, for all DOE shipments performed under the NWPA from NRC-licensed facilities to an NRC-licensed repository, MRS, or interim storage facility. (Prior to the NWPAA of '87, DOE was required under Sec.137(a) of the NWPA of '82 to obtain NRC certification only for transportation to interim away-from-reactor storage facility. See Item 35.) The Procedural Agreement stipulated, however, that DOE might have to reexamine this intent if it appeared that "such packaging will not be available or if [DOE] can not accomplish its mandate under the NWPA using NRC-certified packaging." Section 180(a) of the NWPAA of '87 appears to eliminate DOE's option to reexamine the intent described in the Procedural Agreement.

II. Test and Evaluation Facility Program

<u>Provision</u>	<u>NWPAA Date</u>	<u>Current Schedule</u>	<u>NRC Role</u>
25. Section 213(a)- DOE is authorized but not required to issue T&E facility siting guidelines.	7/7/83	DOE has not announced	<u>Current Status-</u> No guidelines have been issued. NRC will provide the required consultation if and when the guidelines are issued. (See 27 below)
26. Section 216(a)-Cooperation and Coordination.	None specified		NRC shall assist the Secretary by cooperating and coordinating on any reports under Title II (Research, Development, and Demonstration Regarding Disposal of High-Level Radioactive Waste and Spent Nuclear Fuel) including Test and Evaluation facilities.
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. <u>Current Status-</u> No agreement has been reached. DOE reported to Congress on 4/6/84 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 until the program's data needs are better established. As of 4/21/88, decision was still on hold.
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. Interim Spent Fuel Storage

<u>Provision</u>	<u>MWPAA Date</u>	<u>Current Schedule</u>	<u>NRC Role</u>
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. (See also Item 37.)
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 procedures apply to applications 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 12/5/83. Comment period was extended to 2/20/84. A final rule was submitted to the Commission on 7/8/85. <u>Current Status:</u> The Commission approved the final rule on 9/5/85, and the final edited rule was published in the <u>Federal Register</u> on 10/15/85 (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.	4/7/83	Final criteria published 2/11/85	As provided. A proposed rule was published 4/29/83. Comments received during the public comment period which ended 6/28/83 have been reviewed. Final criteria were submitted to the Commission on 11/7/84. The criteria were approved by the Commission on 1/10/85. <u>Current Status:</u> The final rule, 10 CFR Part 53, was published on 2/11/85 establishing procedures and criteria for making NRC's determination that a utility is eligible to contract with DOE for Federal Interim storage capacity.



<u>Provision</u>	<u>MWPA Date</u>	<u>Current Schedule</u>	<u>NRC Role</u>
34. Section 135(a and b)-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. A Final Rule on "Criteria and Procedures for Determining Adequacy of Available Spent Nuclear Fuel Storage Capacity", 10 CFR Part 53 was published in the Federal Register (50 FR 5563, Feb. 11, 1985).
35. Section 137(a)(1)-Transportation of spent nuclear fuel to a DOE interim away-from-reactor storage facility shall be subject to licensing by NRC and by the Department of Transportation as provided for commercial fuel under existing law.	Not specific		NRC will certify packaging and approve physical security measures for DOE spent fuel transport to a DOE interim away-from-reactor storage facility.
36. Section 137(a)(2)-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		No direct role.

<u>Provision</u>	<u>MWPA Date</u>	<u>Current Schedule</u>	<u>NRC Role</u>
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	Final Rule due Spring 1989.	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. On June 17, 1987, NRC's Office of Research was requested to initiate a rulemaking through amendments to 10 CFR Part 72 to streamline the licensing process for use of spent fuel dry storage casks at reactor sites. <u>Current Status-</u> A Proposed Rule is due to the Commission in Summer 1988. The Final Rule is scheduled for Spring 1989.
38. Section (5064)(b)(3)- DOE must consult with Commission and include views of Commission in report to Congress on use of dry cask storage.	Report due 10/1/88.		NRC will consider mission-related portions of DOE report for possible comment as requested.

IV. Monitored Retrievable Storage Program

<u>Provision</u>	<u>NWPAA Date</u>	<u>Current Schedule</u>	<u>NRC Role</u>
39. Section 141(b)(3)-DOE shall consult with the Commission and EPA in formulating the MRS proposal and shall submit their comments on the MRS proposal to Congress along with the proposal.	6/1/85	Completed.	NRC consulted with DOE on development of the MRS proposal, and provided comments (SECY-86-9) to DOE on 2/5/86 for submittal with the proposal to Congress soon thereafter. However, legal challenges by the State of Tennessee delayed the submittal of the MRS proposal to Congress. DOE filed an appeal to expedite a decision on the District Court injunction in the 6th Circuit Court of Appeals in Cincinnati, and oral arguments were held on 7/24/86. The 6th Circuit decided in favor of DOE on 11/25/86, but an appeal by Tennessee to the Supreme Court further delayed the issuance of the proposal to Congress. The Supreme Court denied the appeal on 3/30/87. DOE submitted the proposal to Congress on 3/31/87, proposing to locate the MRS at a site on the Clinch River in Oak Ridge, TN with alternative sites on the Oak Ridge Reservation of DOE and the former site of a proposed nuclear power plant in Hartsville, TN. Congressional hearings took place on May 28 and June 18. Section 142(a) of the NWPAA of '87 annulled and revoked the DOE proposal.
40. Section 141(c)(1)-Submission by Secretary of an environmental assessment with respect to the MRS proposal to Congress.	6/1/85	Completed.	On 2/5/86, NRC staff commented on DOE's MRS proposal which included the .
41. Section 141(d)-DOE shall file for license with NRC for MRS.	No sooner than 60 days from date of site selection which may not take place prior to DOE recommendation to the President of a site for a repository.	12/94 <sup>1</sup>	NRC has developed revisions to 10 CFR Part 72 to provide the licensing framework for the MRS, and will review DOE's application and make the necessary licensing determinations. <u>Current Status-</u> The proposed rule on 10 CFR Part 72 was submitted to the Commission (SECY-85-374) on 11/25/85, and a supplement (SECY-85-374A) concerning state/tribal involvement was submitted on 3/14/86. Both papers have been approved by the Commission, the Staff Requirements memo was received on 4/21/86, and the proposed revisions were published in the <u>Federal Register</u> on 5/27/86 (51 FR 19106). The comment period closed on 8/25/86, with 196 comments received. The Final Rule was revised by the Office of the General Counsel to reflect the NWPAA and is currently before the Commission.

<sup>1</sup> Dates are estimates which will have to be revised to reflect the DOE NWPAA Mission Plan and PDS (see items 4 and 6).

<u>Provision</u>	<u>NWPAA Date</u>	<u>Current Schedule</u>	<u>NRC Role</u>
42. Section 148(d)- License conditions for issuance of construction authorization for MRS.		1/95 <sup>1</sup>	Any license issued by NRC shall provide that construction not begin until NRC has issued a license for repository construction. Construction or acceptance of spent fuel or HLW shall be prohibited if repository license is revoked by NRC or repository construction ceases.

<sup>1</sup> Dates are estimates which will have to be revised to reflect DOE NWPAA Mission Plan and PDS (see Items 4 and 6).

V. Nuclear Waste Negotiator

<u>Provision</u>	<u>NWPAA Date</u>	<u>Current Schedule</u>	<u>NRC Role</u>
43. Section 405(b)(2)- NRC must issue final decision approving or dis-approving issuance of a construction authorization for a repository or MRS, subject to a negotiated and enacted agreement, not later than 3 years after date of submission of application.		1998 <sup>1</sup>	As provided
44. Section 407(c)(2)(B)- In EIS prepared with respect to a repository to be constructed at a site other than the Yucca Mt. site, NRC shall consider the Yucca Mt. site as an alternative to such site in the preparation of such statement.		(Will depend on whether Negotiator obtains agreement for repository at a site other than Yucca Mt.)	As provided

<sup>1</sup> Dates are estimates which will have to be revised to reflect the DOE NWPAA Mission Plan and PDS (see Items 4 and 6).

VI. Low-Level Waste Program

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

Provisions

45. 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.
46. 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 custody for such following license termination.
47. 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; 3) that Federal ownership and management is necessary, or desirable to protect the public health and safety.

NRC Role

Preliminary work was begun on a rulemaking related to Section 151(a). Discussions were held with the Office of State Programs and the Office of the General Counsel. The Executive Director for Operations terminated the rulemaking on November 5, 1986 until further research could be completed.

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.

Likely to require rulemaking/guidance to provide basis for required determinations. Such rulemaking/guidance would require close coordination with DOE which appears to have independent discretion to accept sites following Commission determination.

Provisions

48. Section 151(c)-Adequate financial arrangements for long-term maintenance and monitoring, as well as decontamination and stabilization 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.

NRC Role

Similar to Item 47 above.

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

<u>Provisions</u>	<u>NWPA Date</u>	<u>Current Schedule</u>	<u>NRC Role</u>
49. Section 5062-Transportation of Pu by aircraft through United States airspace.			This section of the NWPA does not directly impact the civilian nuclear waste program.
50. Section 223(b)-By April 7, 1983, DOE and NRC must publish a joint notice in the <u>Federal Register</u> 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, w/annual updates.	NRC will prepare a joint <u>Federal Register</u> 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. <u>Action Taken:</u> A FR notice was published following coordination with DOE, ACDA, and the State Department on 3/30/83. Annual updates of the notice were published in the <u>Federal Register</u> on 4/6/84, 4/5/85, 4/3/86, and 4/3/87. The fifth and final update required by the Act was published on 4/6/88 (53 FR 11398). As of 4/6/88, fifteen countries had responded to the offer.
51. 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 <u>Federal Register</u> on 4/18/83. All necessary contracts were signed and recorded by the DOE on or before the 6/30/83 statutory deadline.



<u>Provision</u>	<u>NWPA Date</u>	<u>Current Schedule</u>	<u>NRC Role</u>
52. 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. <u>Actions Taken</u> -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 11/13-14/84, including a meeting with Secretary Hodel on 11/14/84 to discuss their recommendations and forthcoming report. A final draft of the report received by NRC on 12/5/84 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 2/19/85. The staff provided comments to the Chairman on 3/8/85. The Chairman transmitted his comments to Secretary Herrington on 3/22/85, which were forwarded to the President along with DOE's recommendations on 4/18/85. DOE recommended retaining the present management structure at least through the siting and licensing phase of the program.
53. Section 306-NRC is required to promulgate regulations or other suitable guidance for the licensing and qualifications of civilian nuclear power plant personnel and submit a report to congress on its activities under this action.	1/6/84	Completed	As provided. The Commission issued a policy statement on 2/7/85, concerning personnel training and qualifications (10 CFR Part 50). This policy statement was published in the <u>Federal Register</u> on 3/20/85. Proposed amendments to Part 55 dealing with simulator training requirements were published in the <u>Federal Register</u> on 11/26/84. <u>Current Status</u> : The final rulemaking package on Part 55 and 3 associated Regulatory Guides was approved by the ACRS on 12/5-7/85, and final Office review has been completed. The final amendment to Part 55 was submitted to CRGR for review on 2/26/86, which recommended several modifications. The edited final rule was approved by CRGR on 3/19/86, and approved by the EDO on 4/17/86. The Commission approved SECY-86-123 with modifications on 10/17/86. Staff resubmitted the final paper (SECY-86-338) to OCM in late 11/86. Commission affirmed paper on 2/12/87. Rule was published in Federal Register on 3/25/87.