

Oct. 14

132

STATUTES AND REGULATIONS IDENTIFIED AS HAVING APPLICATION OR POTENTIAL
APPLICATION TO NRC'S HLW PROGRAM -- SUMMARY TABLE

<u>NRC STATUTORY AUTHORIZATION</u>			(5)
5			
<u>REPOSITORY SUBSYSTEM REGULATIONS</u>			(28)
<u>PRIMARY</u> 1	<u>IBR*</u> 13	<u>POTENTIAL</u> 14	
<u>WEST VALLEY DEMONSTRATION SUBSYSTEM REGULATIONS</u>			(3)
<u>PRIMARY</u> 1	<u>POTENTIAL</u> 2		
<u>INDEPENDENT SPENT FUEL STORAGE INSTALLATION (ISFSI) SUBSYSTEM REGULATIONS (including Monitored Retrievable Storage -- MRS)</u>			(17)
<u>PRIMARY</u> 1	<u>IBR*</u> 5	<u>POTENTIAL</u> 11	
<u>TRANSPORTATION SUBSYSTEM REGULATIONS</u>			(26)
<u>PRIMARY</u> 1	<u>IBR*</u> 20	<u>POTENTIAL</u> 5	
<u>DEFENSE WASTE SUBSYSTEM REGULATIONS</u> (includes Savannah River and Hanford facilities)			(1)
<u>PRIMARY</u> 1			
<u>SUBSEABED SUBSYSTEM REGULATIONS</u>			(1)
<u>PRIMARY</u> 1			
TOTAL**			81

* Incorporated by reference (IBR) in primary regulation.

** Numbers do not add up to total shown due to double counting of some statutes and regulations and inclusion of 14 regulations contained in 40CFR Chapters J & V. Total does not include an additional 13 regulations which have not been allocated to any particular subsystem.



STATUTES AND REGULATIONS IDENTIFIED AS HAVING APPLICATION OR POTENTIAL
APPLICATION TO NRC'S HLW PROGRAM

NRC STATUTORY AUTHORIZATION

Atomic Energy Act of 1954, As amended
Energy Reorganization Act of 1974, As amended
Nuclear Waste Policy Act (NWPA) of 1982
Nuclear Waste Policy Act Amendments (NWPAA) of 1987
PL 96-164

REPOSITORY SUBSYSTEM REGULATIONS

<u>PRIMARY</u>	<u>IBR*</u>	<u>POTENTIAL</u>
10CFR60	10CFR20 10CFR50, Appendix B 10CFR51 (10CFR960) 30CFR56 30CFR57 30CFR740 30CFR745 30CFR746 30CFR750 30CFR755 40CFR191 PL 91-173	10CFR50, Appendix F 10CFR61 10CFR70 10CFR100, Appendix A 29CFR1926 40CFR61 40CFR131 40CFR141 40CFR Chapters J & V 44CFR351 PL 99-240 Safe Drinking Water Act RCRA

WEST VALLEY DEMONSTRATION SUBSYSTEM REGULATIONS

<u>PRIMARY</u>	<u>POTENTIAL</u>
PL 96-368	10CFR50, Appendix F PL 99-240

INDEPENDENT SPENT FUEL STORAGE INSTALLATION (ISFSI) SUBSYSTEM
REGULATIONS (including Monitored Retrievable Storage -- MRS)

<u>PRIMARY</u>	<u>IBR*</u>	<u>POTENTIAL</u>
10CFR72	10CFR2 10CFR9 10CFR20 10CFR50, Appendix B 10CFR51	10CFR50, Appendix F 10CFR70 10CFR961 29CFR1926 30CFR43 40CFR61 40CFR131 40CFR141 40CFR Chapter J Clean Water Act RCRA

TRANSPORTATION SUBSYSTEM REGULATIONS

<u>PRIMARY</u>	<u>IBR*</u>	<u>POTENTIAL</u>
10CFR71	49CFR107	10CFR50, Appendix F
	49CFR171	10CFR70
	49CFR172, Subpart D	10CFR73 (§§ 73.25-73.37)
	49CFR173, Subparts A,B,H,I	Hazardous Materials Transportation
	49CFR174, Subparts A-D,K	Act
	49CFR175, Subpart C	RCRA
	49CFR176, Subparts A-D,M	
	49CFR177	
	49CFR178	

DEFENSE WASTE SUBSYSTEM REGULATIONS
(includes Savannah River and Hanford facilities)

PRIMARY
PL 93-438

SUBSEABED SUBSYSTEM REGULATIONS

PRIMARY
NWPAA

* Incorporated by reference (IBR) in primary regulation.

BIBLIOGRAPHY OF STATUTES AND REGULATIONS IDENTIFIED AS HAVING APPLICATION
OR POTENTIAL APPLICATION TO NRC's HLW PROGRAM

<u>Statutes/Regulations</u> (Titles/Part)	<u>Description</u>
NRC Regulations (18)	
10 CFR Sec. 1.6	Statement of Organization - Office of Nuclear Material Safety and Safeguards.
10 CFR Part 2	Rules of Practice for Domestic Licensing Proceedings
10 CFR Part 4	Nondiscrimination in Federally Assisted Commission Programs
10 CFR Part 9	Public Records
10 CFR Part 10	Criteria and Procedures for Determining Eligibility for Access to Restricted Data of National Security Information of an Employment Clearance
10 CFR Part 11	Criteria and Procedures for Determining Eligibility for Access to or Control Over Special Nuclear Material
10 CFR Part 19	Notices, Instructions, and Reports to Workers; Inspections
10 CFR Part 20	Standards for Protection Against Radiation
10 CFR Part 21	Reporting of Defects and Noncompliance
10 CFR Part 50, Appendix B	Domestic Licensing of Production and Utilization Facilities (Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants)
10 CFR Part 50, Appendix F	Domestic Licensing of Production and Utilization Facilities (Policy relating to the Siting of Fuel Reprocessing Plants and Related Waste Management Facilities) [Original definition of HLW]

HLW TABLE APPENDIX

- 2 -

10 CFR Part 51	Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions
10 CFR Part 60	Disposal of High-Level Radioactive Wastes in Geologic Repositories
10 CFR Part 70	Domestic Licensing of Special Nuclear Material
10 CFR Part 71	Packaging and Transportation of Radioactive Material
10 CFR Part 72	Licensing Requirements for the Storage of Spent Fuel in an Independent Spent Fuel Storage Installation (ISFSI)
10 CFR Part 73	Safeguards Requirements for Fuel Facilities Possessing Formula Quantities of Strategic Special Nuclear Material [§§ 73.25-73.37 includes requirements for the physical protection of spent nuclear fuel in transit]
10 CFR 100, Appendix A	Reactor Site Criteria (Seismic and Geologic Siting Criteria for Nuclear Power Plants) [Siting criteria in 10CFR70 rely upon 10CFR100, Appendix A]

DOE Regulations (6)

10 CFR Part 960	General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories
10 CFR Part 961	Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste
10 CFR Part 1005	Intergovernmental Review of Department of Energy Programs and Activities
10 CFR Part 1008	Records Maintained on Individuals (Privacy Act)
10 CFR Part 1016	Safeguarding of Restricted Data
10 CFR Part 1021	Compliance with the National Environmental Policy Act

DOL Regulations (10)

29 CFR Part 1926	Safety and Health Regulations for Construction
30 CFR Part 43	Procedures for Processing Hazardous Conditions Complaints
30 CFR Part 48	Training and Retraining of Miners
30 CFR Part 56	Safety and Health Standards--Surface Metal and Nonmetal Mines
30 CFR Part 57	Safety and Health Standards--Underground Metal and Nonmetal Mines
30 CFR Part 740	General Requirements for Surface Coal Mining and Reclamation Operations on Federal Lands
30 CFR Part 745	State-Federal Cooperative Agreements
30 CFR Part 746	Review and Approval of Mining Plans
30 CFR Part 750	Requirements for Surface Coal Mining and Reclamation Operations on Indian Lands
30 CFR Part 755	Tribal-Federal Intergovernmental Agreements

EPA Regulations (17)

40 CFR Part 61	National Emission Standards for Hazardous Air Pollutants
40 CFR Part 131	Water Quality Standards
40 CFR Part 141	National Primary Drinking Water Regulations
40 CFR Part 191	Environmental Radiation Protection Standards of Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes
40 CFR Part 300, Subchapter J	National Oil and Hazardous Substances Pollution Contingency Plan [Superfund Program, Emergency Planning, and Community Right-To-Know Programs]

HLW TABLE APPENDIX

- 4 -

40 CFR Part 302, Subchapter J	Designation Reportable Quantities, and Notification [Superfund Program, Emergency Planning, and Community Right-To-Know Programs]
40 CFR Part 305, Subchapter J	Comprehensive Environmental Reposome, Compensation and Liability Act (CERCLA) Arbitration Procedures [Superfund Program, Emergency Planning, and Community Right-To-Know Programs]
40 CFR Part 306, Subchapter J	Comprehensive Enviromental Response, Compensation and Liability Act (CERCLA) Natural Resource Claim Procedures [Superfund Program, Emergency Planning, and Community Right-To-Know Programs]
40 CFR Part 1500, Chapter V	Purpose, Policy, and Mandate [Council on Environmental Quality]
40 CFR Part 1501, Chapter V	NEPA and Agency Planning [Council on Environmental Quality]
40 CFR Part 1502, Chapter V	Environmental Impact Statement [Council on Environmental Quality]
40 CFR Part 1503, Chapter V	Commenting [Council on Environmental Quality]
40 CFR Part 1504, Chapter V	Predecision Referrals to the Council of Proposed Federal Actions Determined to be Environmentally Unsatisfactory [Council on Environmental Quality]
40 CFR Part 1505, Chapter V	NEPA, and Agency Decisionmaking [Council on Environmental Quality]
40 CFR Part 1506, Chapter V	Other Requirements of NEPA [Council on Environmental Quality]
40 CFR Part 1507, Chapter V	Agency Compliance [Council on Environmental Quality]
40 CFR Part 1508, Chapter V	Terminology and Index [Council on Environmental Quality]

FEMA Regulations (1)

44 CFR Part 351	Radiological Emergency Planning and Preparedness
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DOT Regulations (18)

49 CFR Part 107	Hazardous Materials Program Procedures
49 CFR Part 171	General Information, Regulations, and Definitions [Hazardous Materials Regulations]
49 CFR Part 172, Subpart D	Hazardous Materials Tables and Hazardous Materials Communications and Regulations (Marking)
49 CFR Part 173, Subpart H	Shippers - General Requirements for Shipments and Packaging (Poisonous Materials, Etiological Agents, and Radioactive Materials; Definition and Preparation)
49 CFR Part 173, Subpart I	Shippers - General Requirements for Shipments and Packaging (Radioactive Material)
49 CFR Part 174, Subpart A	Carriage by Rail [Hazardous Materials Regulations] (General Requirements)
49 CFR Part 174, Subpart B	Carriage by Rail [Hazardous Materials Regulations] (General Operating Requirements)
49 CFR Part 174, Subpart C	Carriage by Rail [Hazardous Materials Regulations] (General Handling and Loading Requirements)
49 CFR Part 174, Subpart D	Carriage by Rail [Hazardous Materials Regulations] (Handling of Placarded Cars)
49 CFR Part 174, Subpart K	Carriage by Rail [Hazardous Materials Regulations] (Detailed Requirements for Radioactive Materials)
49 CFR Part 175, Subpart C	Carriage by Aircraft [Hazardous Materials Regulations] (Specific Regulations Applicable According to Classification of Material)

HLW TABLE APPENDIX

- 6 -

49 CFR Part 176, Subpart A	Carriage by Vessel [Hazardous Materials Regulations] (General)
49 CFR Part 176, Subpart B	Carriage by Vessel [Hazardous Materials Regulations] (General Operating Requirements)
49 CFR Part 176, Subpart C	Carriage by Vessel [Hazardous Materials Regulations] (General Handling and Storage)
49 CFR Part 176, Subpart D	Carriage by Vessel [Hazardous Materials Regulations] (General Segregation Requirements)
49 CFR Part 176, Subpart M	Carriage by Vessel [Hazardous Materials Regulations] (Detailed Requirements for Radioactive Materials)
49 CFR Part 177	Carriage by Public Highway [Hazardous Materials Regulations]
49 CFR Part 178	Shipping Container Specifications

Statutory Authorization (16)

Pub. L. 96-164	Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 [Section 210 bars the use of funds for licensing defense activities of facilities]
Pub. L. 83-703	Atomic Energy Act of 1954, As amended
Pub. L. 93-438	Energy Reorganization Act of 1974, As amended
Pub. L. 97-425	Nuclear Waste Policy Act of 1982
Pub. L. 100-203	Nuclear Waste Policy Act Amendments of 1987
Pub. L. 91-190	National Environmental Policy Act of 1969, as amended

HLW TABLE APPENDIX

- 7 -

Pub. L. 96-368

West Valley Demonstration Project Act
[NRC will be regulating the wastes
generated at the site]

5 U.S.C. 4701-4771

Intergovernmental Personnel Program

33 U.S.C. 1251-1376
[see sec. 1311 (F)]

Federal Water Pollution Control Act
[Clean Water Act]

42 U.S.C. 300 g-1,
g-3, j-4, & j-9

Safe Drinking Water Act

42 U.S.C. 961

Superfund

43 U.S.C. 1701 et seq.

Federal Land Policy and Management Act

49 U.S.C. 1761-1762 &
1801-1812

Hazardous Materials Transportation
Act

Pub. L. 98-616

The Hazardous and Solid Waste
Amendment of 1984 [to the Resource
Conservation and Recovery Act -- RCRA]

Pub. L. 91-173

Federal Mine Safety and Health Act of
1977, As amended [previously known as
the Federal Coal Mine Health and Safety
Act of 1969]

Pub. L. 99-240

Low-Level Radioactive Waste Policy
Amendments Act of 1985 [Federal
Government responsibility for
greater-than-class "C" wastes]

NOTE CONCERNING GLOSSARY OF TERMS FOR "STATUTES AND REGULATIONS" FOR TABLE AND BIBLIOGRAPHY

TERM

DEFINITION

Primary

Regulations that have direct application to a particular program subelement for which NRC has regulatory authority.

IBR

NRC and non-NRC regulations that have been incorporated by reference (IBR) into the PRIMARY regulation and hence have direct application to a particular program subelement. Because several non-NRC regulations have been incorporated (by reference) into NRC regulations, NRC thus shares dual regulatory authority for these regulations for the purposes of the applicable subelement program.

Potential

Predominantly non-NRC regulations that this agency should be cognizant of owing to the potential impact they may have on how NRC manages a particular subelement program. NRC should be aware of these regulations as they interface with their respective subelement programs but do not always lie within the realm of NRC's regulatory authority. Potential impact on NRC's regulatory program has not been evaluated but it needs to. (The uncertainty factor here is an unknown.)



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

May 2, 1991

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MEMORANDUM FOR: Chairman Carr
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick

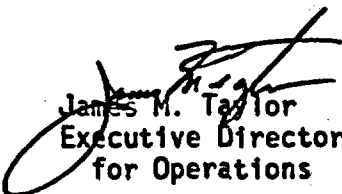
FROM: James M. Taylor
Executive Director
for Operations

SUBJECT: STAFF REQUIREMENTS -- BRIEFING ON ACTIVITIES OF THE CENTER
FOR NUCLEAR WASTE REGULATORY ANALYSES (CNWRA) AND ACTIVITIES
OF THE U.S. NUCLEAR REGULATORY COMMISSION (NRC) IN THE HIGH-
LEVEL WASTE PROGRAM [REFERENCE M910314A]

By Staff Requirements Memorandum dated April 19, 1991, the Commission requested that the staff provide it with the expected date of the next progress report of the U.S. Department of Energy's (DOE's) Site Characterization Plan (SCP). In response to this request, it should be noted that the staff received the first progress report on site characterization activities at Yucca Mountain in March 1990, and in June 1990 provided comments to DOE. The second progress report was provided to the staff by letter dated March 27, 1991.

Although 10 CFR Part 60 requires the submittal of reports by DOE on the progress of site characterization activities every six months, the staff considers the time between the submittal of the first and second progress reports as acceptable because there is no new site characterization work at Yucca Mountain. Therefore, the first two progress reports did not contain any detailed information on DOE's site characterization activities.

DOE anticipates issuing the third SCP Progress Report in the May-June 1991 time frame.


James M. Taylor
Executive Director
for Operations

cc: SECY
OGC

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