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Department of  
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10 CFR Parts 960 and 963  
Office of Civilian Radioactive Waste  
Management; General Guidelines for the  
Recommendation of Sites for Nuclear  
Waste Repositories; Yucca Mountain Site  
Suitability Guidelines; Final Rule

**T**he DOE changed its siting guidelines because these guidelines must be consistent with the EPA radiological protection standards and the Nuclear Regulatory Commission licensing requirements and approach.

**Q:** *Why have the DOE's siting guidelines changed?*

**A:** In 1987 and 1992, Congress changed the law governing evaluation and selection of a repository site. This change required the Environmental Protection Agency and Nuclear Regulatory Commission to issue new regulations solely for Yucca Mountain, and those regulations became final in 2001. In concert with these changes, the DOE proposed new, Yucca Mountain-specific suitability guidelines in 1999. The DOE guidelines were finalized shortly after those of the Environmental Protection Agency and the Nuclear Regulatory Commission, in order to ensure their consistency.

Congress, and the Environmental Protection Agency and the Nuclear Regulatory Commission acting pursuant to congressional direction, have changed the regulatory framework in such a way that the prior suitability guidelines at 10 CFR part 960 no longer fit comfortably within that framework. In addition, the 1987 amendments to the Nuclear Waste Policy Act have eliminated any obligation on the DOE's part to make comparative judgments about sites in the course of making the suitability determination.

Accordingly, the DOE changed its siting guidelines to be consistent with this new framework. Indeed, it would have been impermissible and unreasonable not to have changed the prior guidelines that were based on out-of-date standards and licensing regulations. The revised guidelines, at 10 CFR 963, reflect the 1987 amendments' directive to DOE to focus on Yucca Mountain alone, the basic analysis for assessing repository performance recommended by the National Academy of Sciences, which differs from that embedded in the 1984 Guidelines, the adoption by the Environmental Protection Agency of Yucca Mountain specific radiological protection standards, as mandated by the Energy Policy Act of 1992, and the adoption by the Nuclear Regulatory Commission of new regulations for licensing repositories which, under the NWPA's structure, must define the areas and methodology of the DOE's inquiries into Yucca Mountain's suitability.