

March 13, 2002

Dr. George Hornberger, Chairman
Advisory Committee on Nuclear Waste
U.S. Nuclear Regulatory Commission
Washington, DC 20555

SUBJECT: RESPONSE TO THE ADVISORY COMMITTEE ON NUCLEAR WASTE
LETTER DATED JANUARY 17, 2002, ON TOTAL SYSTEM PERFORMANCE
ASSESSMENT AND CONSERVATISM

Dear Dr. Hornberger:

I am responding to your letter, dated January 17, 2002, providing us with clarification of the Advisory Committee on Nuclear Waste's views on what it considers a "risk-informed regulatory decision" and what is meant by "realistic and reasonable risk-informed performance assessment." These clarifications were provided for additional context to the Committee's overarching concerns, as expressed in letters dated August 13, 2001, September 18, 2001, and September 28, 2001, that over-reliance and inconsistent use of "conservative" assumptions in the Total System Performance Assessment - Site Recommendation (TSPA-SR) prepared by the U.S. Department of Energy (DOE) precludes a risk-informed analysis. The Nuclear Regulatory Commission (NRC) staff appreciates the clarification and supports the Committee's view that analyses, which support regulatory decisions, need to be based on evidence rather than assumptions.

The NRC staff also appreciates the Committee's support of its approach to issue resolution, and use of analytical tools as a means to conduct the sufficiency review, indicated in your letters of September 18, 2001, and September 28, 2001. With regard to TSPA-SR, the Committee noted, similar to the NRC staff, that substantial additional work by DOE was needed prior to the submission of a potential license application. The staff noted that the issues raised in the Committee's letters were focused on the adequacy of a potential license application, and we expect that resolution of these issues can be achieved in the intervening period between site recommendation and submission of the license application.

Sincerely,

/RA/

William D. Travers
Executive Director
for Operations

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
SECY

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/RA/
William D. Travers
Executive Director for Operations

cc: Chairman Meserve, Commissioner Dicus, Commissioner Diaz, Commissioner
McGaffigan, Commissioner Merrifield, SECY

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Ltr. To G. Hornberger from W. Travers dtd March 13, 2002

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