

September 18, 2002

Dr. George M. 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 AUGUST 2, 2002, ON THE YUCCA MOUNTAIN REVIEW
PLAN, REVISION 2

Dear Dr. Hornberger:

I am responding to your letter dated August 2, 2002, which provides four observations and recommendations on the Yucca Mountain Review Plan, Revision 2. As the staff considers and completes changes in response to all public comments received on the draft Yucca Mountain Review Plan, specific details of the responses to your observations and recommendations may be refined or modified. The Commission will review and approve final Revision 2 of the Yucca Mountain Review Plan before its release. The following are U.S. Nuclear Regulatory Commission (NRC) staff responses.

Observation/Recommendation 1:

The Yucca Mountain Review Plan is very repetitive. Although this repetitiveness supports uniform reviews, it adds to the length and complexity of the review plan. Tables, charts, and graphics could be used to communicate the completeness and improve the understanding of the plan.

NRC Staff Response 1:

The NRC staff agrees that the draft Yucca Mountain Review Plan is lengthy and complex. In preparing it, the staff examined a variety of NRC standard review plans used for other regulatory programs. Although these plans vary slightly, they commonly incorporate areas of review, review methods, acceptance criteria, evaluation findings, and references for each review plan section. While this approach is standard practice throughout NRC, the staff will look for opportunities to economize on the document's repetitiveness and thus reduce its overall length.

The staff agrees that tables, charts, and graphics can be helpful tools for explaining the use of the Yucca Mountain Review Plan. They will be incorporated as appropriate in final Revision 2 of the Yucca Mountain Review Plan.

Observation/Recommendation 2:

The Yucca Mountain Review Plan reflects the risk perspectives of 10 CFR Part 63 and allows the applicant flexibility in demonstrating compliance. However, the manner in which the review plan is applied will determine whether a risk-informed, performance-based process is used for a licensing decision. An abbreviated example review would help reviewers and the applicant understand how the review plan would be used.

NRC Staff Response 2:

An example review could be useful to both staff reviewers and the applicant. It is important to note that the staff must be careful to avoid creating an impression that it has reached conclusions and that portions of a safety evaluation report are being prepared before a license application is submitted. In finalizing Revision 2 of the Yucca Mountain Review Plan, the staff will make every attempt to provide an example review which does not go beyond appropriate pre-licensing actions.

Observation/Recommendation 3:

The level of detail associated with review of a specific subject will be determined by the importance of the subject to repository safety. The scope of a review will also be determined, in part, by staff risk insights and analyses. The staff should continue to build its own risk insights about important contributors to risk at the proposed repository, and should ensure that all reviewers of an applicant have these insights as a common background.

NRC Staff Response 3:

The staff agrees with the Committee and continues to build its own risk insights. Independent staff analyses and performance assessments have been vital to the issue resolution process throughout the pre-licensing period. In addition, risk insights from these independent analyses will provide an important basis for review during the licensing process.

Observation/Recommendation 4:

The staff relied on Agency experience and existing programs to develop acceptance criteria for administrative and programmatic and preclosure subjects for which 10 CFR Part 63 does not provide performance objectives. These acceptance criteria may not be applicable to a high-level waste repository. The Yucca Mountain Review Plan should be revised, where appropriate, to ensure that non-applicable acceptance criteria are removed from these sections. For material that is deemed relevant, the staff should explicitly defend its use and relevance in the Yucca Mountain Review Plan.

NRC Staff Response 4:

The staff agrees with the Committee. The staff will modify the final Revision 2 of the Yucca Mountain Review Plan, as necessary, to ensure that acceptance criteria for administrative, programmatic and preclosure areas are appropriate for a high-level waste repository.

We look forward to your continued involvement in the development of the Yucca Mountain Review Plan.

Sincerely,

/RA by Carl J. Paperiello Action For/

William D. Travers
Executive Director
for Operations

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

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