

detailed licensing review), the license application would be rejected and returned to DOE, or NRC would identify the deficiencies and request additional information from DOE.

To allow NRC staff sufficient time to conduct a thorough acceptance review, NRC anticipates that the review can reasonably be completed within 90 days after the submission of the license application. During that time, the NRC staff will determine whether the application is complete and contains sufficient information for the NRC staff to conduct a detailed technical review. If the application is found acceptable for docketing, a notice would be published in the **Federal Register** offering an opportunity for a formal adjudicatory hearing and public participation in the licensing process.

The "Acceptance Review" section of the Yucca Mountain Review Plan has been modified to clarify the purpose of the acceptance review.

Issue 2: What does completeness of information mean with respect to the acceptance review?

Comment. One commenter questioned the validity of the option "Accept, request additional information" that is contained within the checklist in the draft Yucca Mountain Review Plan section on Acceptance Review. The commenter expressed concern that this option could lead to the incorrect impression that specific issues had been resolved, when in fact, more information is required for the detailed technical review.

Another commenter stated that use of the term "complete," in the Acceptance Review section of the draft Yucca Mountain Review Plan is confusing and recommended that this section be clarified to state that the degree of information available and appropriate for specific subject areas in the review plan may vary with the stage of repository development.

Response. The use of the option "accept, request additional information" is consistent with other NRC regulatory programs and the purpose of an acceptance review.

An acceptance review is conducted to determine whether the application is acceptable for docketing, that is, whether the application is complete and contains sufficient information to support a detailed licensing review. An application could be found deficient in an acceptance review due to the failure to submit required documents, or because there are omitted sections, illegible figures, or missing analyses.

If deficiencies are limited, NRC staff can proceed with a detailed licensing review while awaiting additional

specific information from the applicant, provided the applicant provides omitted information in a timely manner.

The NRC staff decision, at the acceptance review stage, to accept or reject an application would be based on consideration of the submitted information and the importance of the missing information for beginning the detailed technical review.

The "Acceptance Review" section of the Yucca Mountain Review Plan has been modified to clarify the purpose of the acceptance review.

3 General Information

3.1 Content of the General Information Section of the Yucca Mountain Review Plan

Issue: What is the nature of the inspection and testing, of waste forms and waste packages listed in the "General Information" section of the draft Yucca Mountain Review Plan?

Comment. One commenter asked the purpose of the inspection and testing of waste forms and waste packages included in the "General Information" section of the Yucca Mountain Review Plan. Another commenter asked whether Naval reactor fuel would be inspected.

Response. Section 3.1, "General Information," of the draft Yucca Mountain Review Plan provides procedures and acceptance criteria for review of general information that is required to be in a license application for a high-level waste repository at Yucca Mountain in accordance with 10 CFR 63.21(b)(1). Review Method 2, "General Nature of the Geologic Repository Operations Area Activities," of this section provides guidance to NRC staff to confirm that DOE has provided a summary description of the proposed geologic repository operations area operations, including information on plans for the inspection and testing of waste forms and waste packages as they are received. The associated Acceptance Criterion 2 specifies that these plans should have been provided. The "Review Method" indicates that a detailed technical review of this information would be conducted using Section 4.5.6, "Plans for Conduct of Normal Activities, Including Maintenance, Surveillance, and Periodic Testing," of the draft Yucca Mountain Review Plan.

The purpose of the inspection and testing plans is to ensure that waste forms and waste packages arriving at a repository are intact and are functioning properly. Should waste forms or waste packages not be intact or not functioning properly, DOE would be

required to take actions to place them in a safe condition.

DOE has the authority and the responsibility to characterize, inspect, and monitor Naval reactor fuel. Additionally, the characteristics of Naval fuel and its associated materials and compounds must be considered in DOE's demonstration of compliance with preclosure and postclosure performance objectives.

No changes to the Yucca Mountain Review Plan were made as a result of this comment.

3.2 Adequacy of Site Characterization

Issue 1: Would there be a need for additional site characterization work once a license application for a potential high-level waste repository at Yucca Mountain is submitted?

Comment. Commenters expressed concern about Acceptance Criterion 3 in Section 3.5, "Description of Site Characterization Work," of the draft Yucca Mountain Review Plan. This acceptance criterion addresses limitations that would qualify the descriptions of site characterization work and notes that the license application would have to identify any "additional site characterization work necessary to increase basic scientific understanding of any significant feature, event, and process." The commenters asked why a license application would be accepted if the applicant had not finished site characterization work or did not have a scientific understanding of any feature, event, or process. Other commenters noted that other licenses issued for shorter period are not granted until the applicants have completed their evaluations and that incomplete site characterization should not be relegated to the "Performance Confirmation Program" or to the "Research and Development Program to Resolve Safety Questions."

Response. A license for a potential high-level waste repository at Yucca Mountain can not be granted unless the applicant has demonstrated, and NRC has determined, regulatory requirements are met. Under 10 CFR 63.15, DOE is required to conduct a program of site characterization, with respect to the Yucca Mountain site, before DOE submits a license application. The statement in the review plan acknowledges that knowledge about the site and repository will evolve over the life-cycle of a repository as the required performance confirmation program continues in accordance with 10 CFR 63, subpart F. The objectives of the performance confirmation program is to confirm the assumptions, data and analyses that led to the findings that