

Changes have been made throughout the Yucca Mountain Review Plan, as necessary, to ensure that the use of conservatism is clearly stated.

*Issue 6:* How should requests for additional information be managed?

*Comment.* Commenters expressed concern about the NRC staff goal to limit requests for additional information to one round. One commenter stated that it is unacceptable for NRC staff to impose such a limit. Considering the complexity of issues associated with a potential high-level waste repository at Yucca Mountain, NRC staff should prepare requests for additional information as necessary until the licensing information is adequate. One commenter stated that DOE's performance record implies that one round will not be sufficient and asked (1) If a limited number of requests for additional information would be allowed and (2) if NRC would allow DOE to submit an incomplete license application and then tell it how to make it acceptable. Another commenter asked for information on how DOE's responses to requests for additional information would be addressed.

*Response.* Imposing a limit of one round of requests for additional information is not necessary. The Yucca Mountain Review Plan does not impose such a limit, but provides guidance that the goal is to complete an effective review with only a single round of requests for additional information. This is a goal in other NRC regulatory programs as well.

DOE responses to requests for additional information would be evaluated during the NRC licensing review.

The Yucca Mountain Review Plan has been revised to clarify that preparing a single round of requests for additional information is a goal for the licensing review.

*Issue 7:* Is there a timing constraint on the NRC licensing review and preparation of a safety evaluation report?

*Comment.* One commenter stated that it would be premature to publish a draft safety evaluation report before the licensee has produced the information necessary for a license. The commenter went on to state that early publication of a safety evaluation report would indicate a rush to judgement before necessary information is available. Two commenters questioned the schedule for a high-level waste repository licensing review. One commenter asked when the 3-year time limit begins. Another commenter noted that DOE should be prepared for one or more application rejections if the application is

inadequate and that the licensing process could require several 3-year cycles.

*Response.* The NRC detailed technical licensing review begins after the license application is found acceptable for review and is docketed. NRC plans to decide whether to docket the tendered application within 90 days from the receipt of the license application. If the license application is incomplete and not sufficient to support a detailed technical review, the application could be rejected or DOE could be informed of the deficiencies and given an opportunity to correct them. If DOE is unable to correct them within a reasonable period, the license application could be rejected. Section 114 of the Nuclear Waste Policy Act requires the Commission to issue a final decision approving or disapproving the issuance of a construction authorization not later than the expiration of three years after the date of submission of an application. A one-year extension from Congress may be requested by the NRC.

Preparation of a safety evaluation report depends on whether NRC staff has reached conclusions regarding whether the applicant has satisfied applicable regulatory requirements. The entire detailed licensing review need not be complete before NRC staff may begin preparation of the safety evaluation report. Conclusions on compliance with discrete regulatory requirements may be possible early in the review period and associated portions of the safety evaluation report may be prepared if those conclusions can be independently reached. Conclusions related to regulatory requirements that require complex, multidisciplinary, or integrated assessment may not be possible until late in the licensing review and would be documented in a safety evaluation at that time.

A safety evaluation report could conclude that a license should not be granted. In any event, a draft safety evaluation report, if published, would not contain final NRC staff conclusions on regulatory compliance and would be subject to revision.

The Yucca Mountain Review Plan text has been modified, as necessary, to clarify provisions regarding preparation of a safety evaluation report.

*Issue 8:* Would a license for a high-level waste repository at Yucca Mountain include an option to store wastes temporarily?

*Comment.* One commenter asked whether a license for a high-level waste repository at Yucca Mountain would include an option to store wastes temporarily.

*Response.* Since the NRC has not yet received a license application for a high-level waste repository at Yucca Mountain, it would be speculation to state whether the license would authorize temporary storage of wastes.

No changes have been made to the Yucca Mountain Review Plan in response to this comment.

*Issue 9:* What would be the term of a license for a high-level waste repository at Yucca Mountain and would the license be renewable?

*Comment.* One commenter asked that NRC define the period over which a license for a high-level waste repository at Yucca Mountain would be in effect and to state whether license renewal would be allowed.

*Response.* Requirements for issuance of a license for a high-level waste repository at Yucca Mountain are specified in 10 CFR part 63, subpart B. There are no provisions for renewal of a license. Rather, unless such a license is revoked or suspended, it would be in effect until an application for license termination satisfies the requirements of 10 CFR 63.52(c). At that time, NRC would terminate the license and NRC oversight of the site would end.

No changes have been made to the Yucca Mountain Review Plan in response to this comment.

*Issue 10:* Would a licensing review conducted using the Yucca Mountain Review Plan adequately consider available information about the Yucca Mountain site?

*Comment.* Two commenters expressed several concerns regarding the potential for and effects of the Yucca Mountain site failing to perform properly. The commenters noted a concern, shared by farmers in Amargosa Valley, that the potential damage from contaminated groundwater to the agricultural resource in well-irrigated land around Yucca Mountain has not been adequately evaluated, especially considering that the population is expected to double in 40 years.

The commenters stated that DOE ignored results of water surveys, by Lawrence Livermore National Laboratory, that proved the existence of interbasin groundwater flow from an aquifer under Yucca Mountain to the water supplies for Los Angeles and Las Vegas.

In a related concern, one commenter stated that DOE scientists had objected to the recent Yucca Mountain site recommendation because they needed at least six more years to complete enough scientific work to make a responsible rejection or recommendation. The commenter also urged that NRC consider the concerns of the Nuclear