

Waste Technical Review Board, and Dr. Victor Gilinsky that deep geologic disposal of nuclear waste carries with it the possibility of irretrievable and irreparable error. The commenter stated that NRC, under the Nuclear Waste Policy Act, should reject the license application, because Yucca Mountain is unsuitable as a repository site because of water issues and earthquakes.

*Response.* NRC will evaluate the information submitted in a license application and any accompanying documents to determine whether the application satisfies regulatory requirements, *i.e.*, whether health and safety, and the environment will be protected. The regulations in 10 CFR part 63 and 10 CFR part 51 are protective of health and safety and the environment.

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

*Issue 11:* Have the key technical issues related to the Yucca Mountain site been omitted from the scope of the Yucca Mountain Review Plan?

*Comment:* Two commenters expressed concern that the key technical issues that were supposed to be addressed by DOE have been omitted from the Yucca Mountain Review Plan.

*Response.* Nine key technical issues which were identified during the precicensing consultation period are largely centered on individual scientific or engineering disciplines. The Yucca Mountain Review Plan has 14 physical processes (called model abstractions) that NRC staff considers most important to health and safety. These 14 model abstractions are multidisciplinary and are derived from the uncertainties associated with the key technical issues.

NRC staff would use these 14 model abstractions as the foundation for conducting its assessment of DOE's performance assessment during a licensing review. Therefore, the portion of the Yucca Mountain Review Plan that examines postclosure performance has been structured around these abstractions. Technical concerns associated with the key technical issues have been incorporated in the model abstractions.

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

*Issue 12:* Is there a difference between requests for additional information prepared during an acceptance review and those prepared during a detailed technical review?

*Comment.* One commenter noted that Section 1.2.1, "Acceptance Review Objectives," (now Appendix A, Section

A1.2.1) of the Yucca Mountain Review Plan directs NRC staff to identify additional information needed to make the application complete. The commenter noted that Section 1.2, "General Review Procedure," (now Appendix A, Section A1.2) states that gaps in information necessary to make a licensing conclusion should serve as the basis for NRC staff requests for additional information. The commenter asked if there are differences between these two types of information needs.

*Response.* These two types of information request have slightly different purposes. Requests for information stemming from an acceptance review generally would identify deficiencies in the application and ask the DOE to provide information that would make a license application complete enough to begin a detailed technical review. Examples might be missing maps of facility structure locations or missing historical meteorological data.

Requests for additional information prepared during detailed technical review would provide NRC staff with sufficient information to determine whether regulatory requirements have been met.

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

*Issue 13:* How can information from precicensing interactions be used during a licensing review for a high-level waste repository at Yucca Mountain?

*Comment.* One commenter noted that the many years of DOE and NRC precicensing interactions have given NRC a considerable opportunity to review the breadth and depth of DOE's work related to a Yucca Mountain repository. The commenter suggested that the Yucca Mountain Review Plan explicitly recognize the progress made during precicensing reviews and communicate the extent to which NRC staff should consider the results of these precicensing interactions.

*Response.* During precicensing issue resolution activities with DOE, NRC staff has become knowledgeable about technical issues associated with the repository and prepared to conduct a licensing review. No licensing decisions have been reached during precicensing interactions. NRC staff will conduct a licensing review for a proposed high-level waste repository at Yucca Mountain and make findings based on the information and compliance demonstrations presented in the license application and any other information submitted by DOE.

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

*Issue 14:* Will NRC staff have adequate resources to conduct a licensing review for a potential high-level waste repository at Yucca Mountain?

*Comment.* One commenter expressed concern regarding whether NRC staff would have adequate numbers of qualified staff to conduct a licensing review for a potential high-level waste repository at Yucca Mountain. Other commenters expressed concerns that NRC would be unable to obtain qualified reviewers or that all qualified reviewers would retire by the time a license application is submitted.

*Response.* NRC is taking steps to ensure that it has qualified staff sufficient to conduct a licensing review for a potential high-level waste repository at Yucca Mountain.

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

*Issue 15:* Are requirements on DOE for data traceability, transparency, retrievability, reproducibility, and consistency adequate?

*Comment.* One commenter raised several concerns related to requirements on DOE for data traceability, transparency, retrievability, reproducibility, and consistency. These concerns included: (i) Whether the license application would be hypertext linked to supporting documentation; (ii) whether access to DOE data tracking numbers is adequate; (iii) whether reference materials are kept updated and interrelated; (iv) whether historically defined quality system weaknesses are to be corrected; (v) whether data can be located; (vi) whether calculation or modeling results can be duplicated; and (vii) whether adequate technical bases will be available. The commenter suggested the use of DOE "road maps," to help resolve these concerns.

*Response.* There is a publicly available record of NRC and DOE interactions during the precicensing consultations on the commenter's concerns. Responses to similar comments on the Quality Assurance Program section of the Yucca Mountain Review Plan are addressed in response to issues above. Separate guidance is under development addressing the usage of hyperlinks in the license application.

NRC staff will continue to observe DOE's quality assurance program and will require compliance with quality assurance requirements in 10 CFR part 63, subpart G, "Quality Assurance