

Program” during the license application review.

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

Issue 16: What are the penalties for exceeding radiation exposure limits?

Comment. One commenter asked what the penalties would be for exceeding radiation protection limits. The commenter also asked for the criteria for revocation of a repository license.

Response. NRC has a rigorous inspection and enforcement program for licensed facilities. The enforcement program reflects a hierarchy of violations and penalties based on the severity of a violation. Depending on the circumstances, enforcement actions could include the imposition of civil penalties or revocation of a license. If warranted, violations would be referred to the U.S. Department of Justice for prosecution. Information on the NRC inspection program can be obtained by visiting NRC's Web site at <http://www.nrc.gov>.

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

Issue 17: What enforcement action will be taken if the DOE violates NRC regulations?

Comment. One commenter asked whether the Yucca Mountain Review Plan states the actions NRC would take if DOE violated regulations or was untruthful.

Response. The Yucca Mountain Review Plan is guidance for the NRC staff review of a DOE license application and does not address possible enforcement actions. Pursuant to 10 CFR 63.10, information provided to NRC, or required to be maintained by law, by a license, or license applicant, must be complete and accurate in all material aspects. Deliberate violations of NRC requirements are addressed in 10 CFR 63.11. Enforcement action depends on the severity of a violation and could range from issuance of a notice of violation to the issuance of an order to impose a civil penalty (or to modify, suspend, or revoke a license), or other appropriate action.

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

Issue 18: What would be the extent of NRC on-site presence at the repository and the NRC staff role after the licensing process?

Comment. One commenter stated that NRC should provide personnel for site monitoring on a continuous basis from the time the Yucca Mountain project starts until it is completed. The

commenter also asked whether NRC staff conducted unexpected on-site inspections during the various stages of a project. One commenter asked that NRC staff specify its role after the licensing process.

Response. The Commission discussed the nature of its on-site activities at Yucca Mountain in its “Statement of Considerations” for 10 CFR part 63 (66 FR 55768, November 2, 2001) by stating:

The NRC maintains a local onsite representative's office, with a small staff, in Las Vegas, Nevada, as a means of keeping abreast of DOE activities and interacting with other stakeholders. This office allows our onsite representatives physical proximity to the site and the opportunity to interact on various site characterization activities. At this time, the NRC has no plans to expand the size of the onsite representative's office. However, the size of the office, as well as the scope of NRC's activities conducted there, is [are] subject to reexamination.

If a license is granted for a high-level waste repository at Yucca Mountain, NRC staff will carry out its statutory and regulatory responsibilities to ensure adequate protection of health and safety, to promote the common defense and security, and to protect the environment. NRC staff plans to have onsite representatives based in Las Vegas, Nevada, and would implement an inspection program that would continue for the operational lifetime of a repository. These measures are similar to those employed at other nuclear facilities.

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

Issue 19: What is NRC staff's plan if it cannot complete the licensing review for a high-level waste repository at Yucca Mountain within the legally mandated time frame?

Comment. One commenter asked whether NRC staff had a plan for the possibility that it might not complete a Yucca Mountain licensing review within the legally mandated time frame.

Response. NRC staff plans to complete its review of an application for a proposed repository at Yucca Mountain in sufficient time to enable the Commission to decide whether to issue a construction authorization within the legally mandated three-four year time frame. If additional time is needed to fully consider issues raised in the adjudicatory proceeding, NRC will seek appropriate relief.

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

Issue 20: How will NRC staff handle a change to repository design or operations during the licensing proceeding?

Comment. One commenter asked how NRC staff would respond if, during the licensing process, DOE requested more space for a larger repository footprint.

Response. NRC response to this hypothetical situation would depend on whether the change was encompassed by the analysis in the license application and was addressed in the environmental impact statement. NRC would expect DOE to revise or supplement its application to address such changes. NRC would then determine whether the application, as revised, satisfies regulatory requirements.

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

Issue 21: Why would radioactive wastes be generated during operations at a high-level waste repository at Yucca Mountain?

Comment. One commenter expressed concern that NRC is expecting DOE to reprocess spent fuel or to operate a nuclear reactor at a Yucca Mountain repository. The commenter cites a portion of Review Method 1 in the draft Yucca Mountain Review Plan, Section 4.1.1.6, “Identification of Structures, Systems, and Components Important to Safety, Safety Controls, and Measures to Ensure Availability of the Safety Systems,” which notes that a license application must include adequate consideration of “* * * means to control radioactive waste and radioactive effluents * * * such as: * * * liquid waste management system to handle the expected volume of potentially radioactive liquid waste generated during normal operations * * *.” The commenter stated that the public does not expect the Yucca Mountain site to be generating radioactive waste during normal operations and asked if there was another explanation for this review method.

Response. A license for a geologic repository at Yucca Mountain would not authorize the reprocessing of spent fuel or operation of a nuclear power reactor at the site. Experience from other nuclear facilities where high-level radioactive waste and spent fuel handling and packaging take place, however, indicates that small amounts of radioactive waste (e.g., gloves) will be generated during fuel handling, packaging, testing, and decontamination activities. These materials generally may be classified as low-level waste and would be disposed of appropriately. This review method addresses a regulatory requirement at 10 CFR 63.112, “Requirements for Preclosure Safety Analysis of the Geologic