

personnel security programs. Additionally, the review schedule may need to be modified based on the changing threat environment. NRC staff review of the physical protection aspects of a license application for a high-level waste repository at Yucca Mountain would be consistent with results from the comprehensive review.

Protection against terrorism and sabotage were discussed by the Commission in the "Statement of Considerations" for 10 CFR part 63 (66 FR 55771, November 2, 2001):

As regards the potential risk of radiological sabotage to the repository during the preclosure phase of operations, the Commission's regulations for Yucca Mountain at Section 63.21(b)(3) require that licensees have in place adequate physical security plans and attendant procedures to protect against radiological sabotage, consistent with Section 73.51—NRC's requirements for the physical protection of stored spent nuclear fuel and high-level radioactive waste. In light of the terrorist attacks of September 11, 2001, the Commission has directed the staff to conduct a comprehensive reevaluation of NRC physical security requirements. If this effort indicates that NRC's regulations or requirements warrant revision, such changes would occur through a public rulemaking or other appropriate methods.

The physical security plan required by 10 CFR 63.21(b) and 10 CFR 73.51

would not be made publicly available, but would be reviewed to determine whether the regulatory requirements are met.

The technical bases and assumptions for identifying initiating events and evaluating Category 2 event sequences do not need to include acts of war. As the Commission stated in issuing 10 CFR part 63 (66 FR 55776, November 2, 2001), "[c]onsideration of the effects of wars and military actions is beyond the scope of NRC's responsibility. NRC has not taken into account the effects of war in developing Part 63."

Events such as criticality and contamination of the operations area are addressed in responses to other comments.

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

#### 11.10 Editorial Comments

*Issue:* Will editorial corrections be made to the Yucca Mountain Review Plan?

*Comment.* Several commenters suggested editorial improvements to the Yucca Mountain Review Plan.

A partial list of these comments follows.

(1) Remove review plan Section 1, "Introduction," and Section 2, "Acceptance Review," from the front of

the plan and include them as appendixes, to avoid detracting from the actual licensing review.

(2) Change the bullet and dash system to a numerical outline format similar to that in other NRC staff guidance documents.

(3) Clarify the language of Review Method 3 in Section 3.1, "General Description," of the draft Yucca Mountain Review Plan, regarding the basis for the Commission's licensing authority.

(4) Make specific provisions in the Yucca Mountain Review Plan for evaluating information that is classified, such as the characteristics of naval fuel.

(5) Update the Yucca Mountain Review Plan to reflect the current status of activities under the Nuclear Waste Policy Act.

*Response.* NRC staff has incorporated those editorial comments that add clarity to the Yucca Mountain Review Plan.

Dated at Rockville, Maryland, this 23rd day of July 2003.

For the Nuclear Regulatory Commission.

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