



Mr. Robert G. Card, Under Secretary for Energy, Science, and Environment
U.S. Department of Energy
1000 Independence Avenue
Washington, D.C. 20585

Dear Mr. Card:

As required by the amended (42 U.S.C. 20142) U.S. Nuclear Regulatory Commission, Nevada, characterization and inclusion in any application for a repository. As DOE believes that sufficient information, all application su

There is making the suitability of information

The Nuclear Regulatory Commission provided a “sufficiency letter” to the DOE on November 13, 2001, describing the sufficiency of information for inclusion in a license application, as required by the Nuclear Waste Policy Act.

NUCLEAR WASHINGTON

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Q: *How can the DOE move forward with a site recommendation if there are a number of technical items yet to complete for the NRC?*

A: The Nuclear Regulatory Commission provided a sufficiency letter to the DOE on November 13, 2001, that concluded that existing and planned work, upon completion, would be sufficient to apply for a construction authorization. The agreed-upon course of action by the DOE and the Nuclear Regulatory Commission is intended to assist in the license application phase of the project, not site recommendation. In consultation with the Nuclear Regulatory Commission staff concerning **licensing**, the DOE agreed it would obtain certain additional information relating to nine “key technical issues” to support a license application. To address these nine technical issues, the DOE agreed to undertake 293 activities that would resolve the issues to the Nuclear Regulatory Commission’s satisfaction.

The Nuclear Regulatory Commission has never stated that this was work that the DOE needed to complete before **site recommendation**. To the contrary, in its letter to the DOE, which the Nuclear Waste Policy Act specifies the DOE must have in order to proceed with site recommendation, it listed **all** of these issues as “**closed pending**.” Closed pending means the Nuclear Regulatory Commission staff had confidence that the DOE’s proposed approach, together with the agreement to provide additional information, acceptably addressed the Nuclear Regulatory Commission’s issue such that no additional information beyond that provided or agreed to would likely be required for a license application.

Over one third of the necessary actions to fulfill the 293 agreements have been completed by the DOE and submitted to the Nuclear Regulatory Commission for review (of which, 23 agreements have been formally documented as “closed” by the Nuclear Regulatory Commission). The nature of the remaining work consists of documentation (improve technical positions and provide additional plans and procedures) and confirmation (enhance understanding with additional testing or analysis or additional corroboration of data or models). The DOE believes, based on its existing suite of site recommendation documentation and analyses, that the potential impacts of the additional work will not affect the conclusion on whether the site is likely to meet the radiation protection standards.