



Department of Energy
Washington, DC 20585

QA: N/A

September 18, 2008

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B. John Garrick, Ph.D.
Chairman
Nuclear Waste Technical Review Board
2300 Clarendon Boulevard, Suite 1300
Arlington, VA 22201-3367

Dear Dr. Garrick:

Thank you for your September 4, 2008, letter, in which you provided the U.S. Nuclear Waste Technical Review Board's (NWTRB) observations and comments on the Total System Performance Assessment for the License Application (TSPA-LA) presentations that the U.S. Department of Energy (DOE) provided during the May 29, 2008, meeting in Las Vegas, Nevada. In that letter, the NWTRB recommended specific actions for DOE to take to enhance confidence in the TSPA-LA methods and results.

On September 8, 2008, the U.S. Nuclear Regulatory Commission (NRC) formally docketed DOE's License Application (LA). The docketing of the LA commenced the NRC licensing proceeding for Yucca Mountain. As part of the proceeding, the NRC staff will conduct an extensive technical and safety review of the LA, including the TSPA-LA. If, during the review, NRC has questions about the LA including the TSPA-LA, the NRC staff will issue Requests for Additional Information; and DOE will respond. Also, as part of the proceeding, the Atomic Safety and Licensing Board will hold evidentiary hearings on issues raised in contentions on the LA. As you are aware, the NRC licensing proceeding provides a very structured process for raising and resolving LA-related issues. As such, DOE does not intend to formally respond to issues regarding the LA raised by the NWTRB or others outside the context of the NRC licensing proceeding.

If you have any questions regarding this matter, please contact William J. Boyle at (702) 794-5506 or e-mail william_boyle@ymp.gov.

Sincerely,

Edward F. Sproat, III, Director
Office of Civilian Radioactive
Waste Management

