



Department of Energy
Office of Civilian Radioactive Waste Management
1551 Hillshire Drive
Las Vegas, NV 89134-6321

QA: N/A

AUG 15 2007

OVERNIGHT MAIL

ATTN: Document Control Desk
Director, Division of High-Level Waste
Repository Safety
U.S. Nuclear Regulatory Commission
EBB-2B2
11545 Rockville Pike
Rockville, MD 20852-2738

U.S. DEPARTMENT OF ENERGY (DOE) SUBMITTAL OF SUPPLEMENTAL INFORMATION TO SUPPORT THE U.S. NUCLEAR REGULATORY COMMISSION'S (NRC) FINDING ON ISSUANCE OF A LICENSE TO RECEIVE AND POSSESS SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE AT YUCCA MOUNTAIN, NEVADA, REPOSITORY

As you are aware, the DOE anticipates submitting a license application (LA) on or before June 30, 2008. In accordance with 10 CFR 63.21(a), DOE will submit an LA that is as complete as possible in light of the information that is reasonably available at the time of tendering. The purpose of this letter is to inform you that DOE intends to submit supplemental information and detail beyond that contained in the initial tender with respect to Emergency Planning to support the NRC's decision on issuance of a license (10 CFR 63.41(d)).

The initial tender will be fully responsive to 10 CFR 63.21(c)(21) and the guidance contained in the *Yucca Mountain Review Plan* (NUREG-1804). The DOE will go beyond simply providing commitments in Section 5.7 of the Safety Analysis Report (SAR) to develop an Emergency Plan (EP) and to submit the EP at a later date. Section 5.7 will also contain a description of how DOE intends to meet each acceptance criterion in NUREG-1804, consistent with information reasonably available at the time of tendering and the time frame for when the EP will be fully developed. The DOE intends to meet all acceptance criteria for the EP contained in NUREG-1804, and SAR Section 5.7 will document and expand on these commitments.

The EP will be submitted no later than six months prior to submittal of the updated LA. The EP requires information at the level of detail that will be available only after issuance of a construction authorization. At that time, the design of the facilities and the development of operational programs will be sufficiently mature to allow for finalization and submittal of the EP. The DOE believes that submittal of an EP with an insufficient level of detail or preliminary

NM5507

AUG 15 2007

information at the time of LA submittal would be counterproductive. Moreover, 10 CFR 72.32(b)(14) requires DOE to allow offsite responders to comment on the draft EP before it is submitted to the NRC.

The DOE will keep NRC informed of progress made in developing the EP and its components, e.g., memoranda of understanding with units of local government to provide emergency services, etc., through meetings, teleconferences, etc. The DOE is also prepared to meet with NRC during the period following docketing of the LA through EP submittal to inform the NRC staff of progress being made in finalizing and completing the EP.

We believe the approach described above complies with the NRC's regulations and expectations in light of the multi-staged licensing process for a repository at Yucca Mountain. There is one commitment in this letter: the EP will be submitted no later than six months prior to submittal of the updated LA.

Please contact me at (702) 794-5578 or e-mail april_gil@ymp.gov, or contact David W. Crawford at (202) 586-8795 or e-mail david.crawford@rw.doe.gov.



April V. Gil, Acting Director
Regulatory Authority Office

RAO:DWK-1371

AUG 15 2007

cc:

M. G. Bailey, NRC, Rockville, MD
B. J. Benney, NRC, Rockville, MD
A. C. Campbell, NRC, Rockville, MD
J. H. Chen, NRC, Rockville, MD
J. R. Davis, NRC, Rockville, MD
Jack Guttman, NRC, Rockville, MD
R. K. Johnson, NRC, Rockville, MD
David Misenhimer, NRC, Rockville, MD
A. S. Mohseni, NRC, Rockville, MD
J. L. Rubenstone, NRC, Rockville, MD
N. K. Stablein, NRC, Rockville, MD
S. A. Whaley, NRC, Rockville, MD
M. C. Wong, NRC, Rockville, MD
D. B. Spitzberg, NRC, Arlington, TX
L. D. Wert, Jr., NRC, Arlington, TX
NRC O/R, NRC, Las Vegas, NV
J. D. Parrott, NRC, Las Vegas, NV
M. P. Lee, ACNW, Rockville, MD
M. T. Ryan, ACNW, Rockville, MD
W. C. Patrick, CNWRA, San Antonio, TX
Budhi Sagar, CNWRA, San Antonio, TX
J. R. Egan, Egan, Fitzpatrick, Malsch & Cynkar, Naples, FL
J. H. Kessler, EPRI, Charlotte, NC
M. J. Apted, Monitor Scientific, LLC, Denver, CO
Rod McCullum, NEI, Washington, DC
W. D. Barnard, NWTRB, Arlington, VA
Pat Guinan, State of Nevada, Carson City, NV
R. R. Loux, State of Nevada, Carson City, NV
Alan Kalt, Churchill County, Fallon, NV
Irene Navis, Clark County, Las Vegas, NV
Ed Mueller, Esmeralda County, Goldfield, NV
Ron Damele, Eureka County, Eureka, NV
Susan Cash, Inyo County, Bishop, CA
Chuck Chapin, Lander County, Battle Mountain, NV
Wade Poulsen, Lincoln County, Pioche, NV
Linda Mathias, Mineral County, Hawthorne, NV
Darrell Lacy, Nye County, Pahrump, NV
Clinton Eldridge, White Pine County, Ely, NV
R. I. Holden, National Congress of American Indians, Washington, DC