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**LICENSING PROCESS TOPICS FOR FUTURE U.S. NUCLEAR REGULATORY
COMMISSION (NRC)/U.S. DEPARTMENT OF ENERGY (DOE) INTERACTIONS**

In the Quarterly Management Meeting held on June 14, 2007, DOE and NRC agreed to develop a list of licensing process issues to be used for discussion in interactions over the next 2 to 3 months. The enclosed list of topics addresses a variety of licensing processes and issues that are of interest for discussion with the NRC before and after License Application (LA) submittal:

1. Protocol for Interactions during the LA Acceptance and Review Periods
2. Content in Safety Analysis Report (SAR) and References
3. Organizational Structure
4. Consideration of Future Interim Staff Guidance (ISG)
5. Handling Sensitive Information in the LA and Other Technical Documents
6. Key Technical Issue (KTI) Status and Open Items
7. Plans for Technical Specifications
8. Electronic Information Exchange (EIE) Process
9. Timing of 10 CFR 63.44 Applicability

The purpose of the discussions is to ensure our understanding of the approach for these issues and to facilitate DOE's response and support to NRC review of the LA. A brief description of each topic is included in the enclosure.

Some of the topics may be grouped and discussed in a single interaction. The results of these interactions would be summarized at the next Quarterly Management Meeting, currently scheduled on September 25, 2007.

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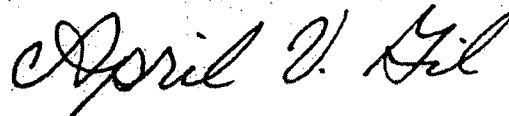
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As agreed to in the June 14, 2007, Quarterly Management Meeting, DOE agrees to NRC's request for a multi-day meeting to be held approximately one month after the LA submittal date for the DOE to present an overview of the content and structure of the LA in order to facilitate NRC's reviews. This presentation will provide a detailed description of the LA, describe the licensing approach and rationale, discuss results that demonstrate regulatory compliance, and provide the opportunity for NRC staff to ask clarifying questions on the LA structure and content.

There is one new regulatory commitment in this letter and its enclosures. Please contact Jeffrey Williams at (202) 586-9620 or e-mail at jeff_williams@ymp.gov for additional information or to schedule interactions on these issues.



April V. Gil, Acting Director
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RAO:AVG-1223

Enclosure:
Licensing Process Topics for Future NRC/DOE
Interactions

JUL 10 2007

cc w/encl:

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Licensing Process Topics for Future NRC/DOE Interactions

1. Interactions during LA Acceptance and Review Periods

a) Development of Interactions Processes:

- The Prelicensing Agreement expires upon submittal of the LA;
- Development of “Rules of Engagement” for interactions between DOE and NRC are needed to ensure effective communication.

b) NRC Review Schedules and Key Milestones:

- Acceptance review schedule and duration;
- Opportunities for clarification by DOE prior to NRC docketing decision;
- Opportunities for clarification prior to Request for Additional Information (RAI) issuance during licensing review.

c) Development of a DOE Schedule Aligned with NRC Milestones

d) Availability of DOE Reference Information:

- Availability of supporting documents in the DOE Licensing Support Office (LSO) in Rockville, Maryland.

e) LA Update Frequency

f) Escalation of Technical Issues

- The process and points of contact for escalating and communicating technical issues between the NRC and the DOE should be clearly defined and agreed upon by both the NRC and DOE.

2. Content in LA and Supporting References

- Sufficient information will be provided in the LA to support docketing and the subsequent safety evaluation by the NRC;
- Supporting references will be available for NRC inspection and review and promptly provided upon request to support the detailed NRC review of specific LA topics.

Licensing Process Topics for Future NRC/DOE Interactions

3. Organizational Structure

- Alignment of DOE with the NRC licensing organization to ensure timely responses and support for NRC's LA reviews.
- Interfaces between NRC and DOE, including DOE's Licensing Support Office in Rockville, MD.

4. Consideration of Future Interim Staff Guidance (ISG)

- Topics and schedule for NRC's plans for ISG's.

5. Handling Sensitive Information in SAR and Other Technical Documents

- The LA and supporting documents are likely to contain information determined by the DOE to be not suitable for public dissemination (e.g., Official Use Only, Classified, and in the future, Safeguards Information);
- Process to ensure proper handling of this information.

6. Key Technical Issues Status and Open Items

- Discuss DOE's approach to final disposition of KTI's, e.g.
 - Transmittal of a table correlating Key Technical Issue (KTI) agreements to the SAR, as appropriate;
 - Disposition of agreements that no longer pertain to current approaches or technical conclusions.

7. Plans for Technical Specifications

- Discuss DOE's proposed approach for including a list and associated justification for the candidate license specification items within the SAR.

Licensing Process Topics for Future NRC/DOE Interactions

8. Electronic Information Exchange (EIE) Process and Details

- Ensure that LA submittal meets NRC's EIE requirements, with the exception of classified information;
- DOE understands that the LA may initially be submitted on optical storage media (CD-ROM), but that subsequent submittals must be via EIE. Discussion should confirm or clarify this understanding.

9. Timing of 10 CFR Part 63.44: *Changes, tests, and experiments*:

- DOE will be required to maintain records of changes in the geologic repository operations area and changes in procedures and tests and experiments;
- Timing of reporting requirements under 10 CFR 63.44 is at issue.