November 15, 2007

Dr. April V. Gil, Acting Director
Regulatory Authority Office
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Drive
North Las Vegas, NV 89134-6321

SUBJECT: THE U.S. DEPARTMENT OF ENERGY REPORT, *FREQUENCY ANALYSIS OF AIRCRAFT HAZARDS FOR LICENSE APPLICATION*

Dear Dr. Gil:

The purpose of this letter is to provide U.S. Nuclear Regulatory Commission (NRC) staff feedback (see Enclosure) on the U.S. Department of Energy's (DOE's) letter, dated July 24, 2007, regarding the U.S. Department of Energy report, "Frequency Analysis of Aircraft Hazards for License Application."

The NRC staff understands that DOE plans, in the Yucca Mountain License Application (LA) submittal, to screen out aircraft crashes into surface facilities, on the basis of probability, and thus DOE does not plan to evaluate the consequences of such crashes. Also, DOE is deferring responses to items 2 through 5 of NRC's letter, dated December 15, 2006, related to issues concerning pilot actions, effectiveness of a flight-restricted airspace, future flight activities, and the Solomon model, until LA submittal. As indicated previously, the NRC staff believes that, if these issues are not adequately resolved, the screening out of aircraft crashes may not be appropriate and the consequences of such crashes may have to be evaluated. The NRC staff proposes having an Appendix 7 meeting to discuss these issues before LA submittal.

DOE should also note that the NRC staff intends to continue reviewing DOE information, related to aircraft hazards, for the purpose of preparing to review a potential LA. As such, the NRC staff would like to receive any updates to DOE supporting documents and related analyses.

In accordance with 10 CFR 2.390 of NRC's "Rules of General Applicability," a copy of this letter will be available electronically, in the NRC Public Document Room, or from the Publicly Available Records component of NRC's document system, Agencywide Documents Access and Management System (ADAMS). The ADAMS package accession number is ML072530854. ADAMS is accessible from the NRC Web site, at http://www.nrc.gov/reading-rm/adams.html.

If you have any questions about this matter, please contact David M. Dancer, at 301-492-3142, or by e-mail, at dmd@nrc.gov.

Sincerely,

/RA/ E. Peters for

Jack R. Davis, Deputy Director
Technical Review Directorate
Division of High-Level Waste Repository Safety
Office of Nuclear Material Safety
and Safeguards

Enclosure:
"U.S. Nuclear Regulatory Commission Staff Feedback on U.S. Department of Energy's July 24, 2007, Letter on Aircraft Crash Frequencies"

cc: See attached list.

Letter to A. Gil from J. Davis dated: November 15, 2007
cc:

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If you have any questions about this matter, please contact David M. Dancer, at 301-492-3142, or by e-mail, at dmd@nrc.gov.

Sincerely,

/RA/ E. Peters for

Jack R. Davis, Deputy Director
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