U.S. NUCLEAR REGULATORY COMMISSION STAFF FEEDBACK ON U.S. DEPARTMENT OF ENERGY 'S JULY 24, 2007 LETTER ON AIRCRAFT CRASH FREQUENCIES

1. **Implementation of Restricted Fly Zones:** U.S Nuclear Regulatory Commission (NRC) staff appreciates the update provided by the U.S. Department of Energy (DOE) on the implementation of the restricted fly zones and looks forward to further DOE updates on the outcome of the application to the Federal Aviation Administration (FAA) and the proposed legislative actions.

2. **Pilot Actions:** NRC staff understands that DOE is revising its rationale for its assertion that the DOE pilot actions model (i.e., the pilot ejects immediately after engine failure or the cause of the in-flight emergency that leads to a crash) is conservative. DOE does not plan to communicate to NRC its revised rationale until the time of the license application (LA) submittal.

3. **Effectiveness of a Flight-Restricted Airspace:** NRC staff understands that DOE plans to clarify its methodology for estimating the frequencies of aircraft crashes into surface facilities by revising the frequency analysis report. DOE does not plan to communicate to NRC its clarification until the LA submittal.

4. **Future Flight Activities:** NRC staff understands that DOE is revising its report to include additional FAA flight data in the Beatty Corridor and plans to provide this data at the time of LA submittal. However, DOE has not identified its plans to justify the assumption of the 2.5 percent growth factor for commercial aircraft landing in the Las Vegas area or the assumption of a uniform crash-frequency density for military flight activities in the Nevada Test and Training Range, the Nevada Test Site, and the Military Operations Area surrounding the flight-restricted airspace, without accounting for future growth of activities at the Nellis Air Force Base or future aircraft designs.

5. **Solomon Model:** NRC staff understands that DOE is developing additional justification for its use of the Solomon Model to estimate aircraft crash frequencies for flights in the Beatty Corridor. DOE does not plan to communicate to NRC its justification for using the Solomon model until the LA submittal.

6. **Sensitivity Analysis:** DOE has addressed this issue in its July 24, 2007 response. NRC staff has no further comments on this issue at this time. NRC staff will continue to evaluate the effects of the sensitivity analysis on the aircraft crash frequency, and make a final determination on this issue, if it is still relevant to licensing, during the review of the LA.

Enclosure