

November 27, 2007

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE PRE-LICENSE APPLICATION PRESIDING OFFICER BOARD

In the Matter of)	
U.S. DEPARTMENT OF ENERGY)	Docket No. PAPO-00
)	ASLBP No. 04-829-01-PAPO
(High Level Waste Repository:)	
Pre-Application Matters))	

**U. S. DEPARTMENT OF ENERGY’S RESPONSE
TO QUESTIONS IN PAPO BOARD ORDER OF NOVEMBER 16, 2007**

In its November 16, 2007 Order (Terms, Logistics and Questions for Oral Argument) (“Order”) (unpublished), the Pre-License Application Presiding Officer Board (“Board”) identified three questions to be answered by the Department of Energy (DOE) before oral argument. The questions relate to DOE’s anticipated remaining production of documents to the LSN prior to filing of the Yucca Mountain License Application (LA). These questions, and DOE’s answers, are as follows:

Question 1: By DOE’s best approximation, indicate how many of the “limited amount” of documents, to be made available on the LSN between certification and LA filing, are “intended to be cited or relied on in the LA” versus those that are “extensive underlying calculations, data, and other material”?

Answer 1: DOE estimates, based on its tracking system for LA references and its current projections, that since certification on October 19, 2007 approximately 113 documents that are expected to be LA references (i.e., documents that DOE will “cite or rely on”) have been made available on the LSN; that there are an additional approximately 239 expected LA references that are completed and in process for production on the LSN; and that as of November 26, 2007,

there are approximately 79 expected LA references that remain in development or are under revision.

Question 2: Of the “limited amount” of documents made available on the LSN between certification and LA filing to be “cited or relied on”, what is DOE’s best approximation of the number of those documents that will be used to directly support the LA?

Answer 2: See answer to Question 1 for an explanation of the extent of completion of the documentation on which DOE expects to be referenced in its LA. DOE does not distinguish between referenced documents and those that “directly support the LA.”

Question 3: By DOE’s best approximation, how many of these “limited amount” of documents that will be promptly placed on the LSN between certification and LA filing does DOE consider simply confirmatory rather than direct fundamental support for the LA?

Answer 3: DOE does not use the term “direct fundamental support for the LA” as a criterion for its documents. To the extent that DOE refers to the term “confirmatory” in its Opposition (Opposition at 27), this refers only to seismic analyses that are due to be completed in May 2008 which are “confirmatory” of existing analyses.

Respectfully submitted,

U.S. DEPARTMENT OF ENERGY

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**THE U.S. DEPARTMENT OF ENERGY'S RESPONSE
TO QUESTIONS IN PAPO BOARD ORDER OF NOVEMBER 16, 2007
CERTIFICATE OF SERVICE**

I certify that copies of the foregoing THE DEPARTMENT OF ENERGY'S RESPONSE TO QUESTIONS IN PAPO BOARD ORDER OF NOVEMBER 16, 2007 in the above-captioned proceeding have been served on the following persons on November 27, 2007 by Electronic Information Exchange.

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