



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

QA: N/A

JUL 29 2008

Mr. Robert D. Williams, Field Supervisor  
U.S. Department of the Interior  
Nevada Fish and Wildlife Office  
1340 Financial Boulevard, Suite 234  
Reno, NV 89502

Dear Mr. Williams:

In August 2001, the U.S. Department of Energy (DOE) and the U.S. Fish and Wildlife Service completed formal consultation for the construction, operation, monitoring, and closure of a geologic repository at Yucca Mountain, Nevada. As part of its obligation under the Nuclear Waste Policy Act, as amended, the DOE was the lead agency for that consultation, pursuant to 50 C.F.R. 402.07.

The DOE recently submitted a license application to the U.S. Nuclear Regulatory Commission (NRC) seeking authorization to construct a repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain. That application will now undergo an acceptance review, and if docketed, the NRC will conduct technical reviews and hearings to consider the scientific and design information in the application. If the NRC authorizes DOE to construct the repository, the NRC would be the regulator.

The construction activities that DOE described in the license application are covered in the scope considered during the 2001 formal consultation and during development of the *Final Biological Opinion for the Effects of Construction, Operation and Monitoring, and Closure of a Geologic Repository at Yucca Mountain, Nye County, Nevada (2001)*.

If you have any questions of the DOE or need additional information, please contact Marian J. Crawford of my staff at (702) 794-5585.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Hollrith".

James W. Hollrith, Director  
Construction Management and  
Site Operations Office

cc:

Cynthia Martinez, U.S. Fish and Wildlife Service,  
Southern Nevada Field Office, Las Vegas, NV