



Department of Energy

Washington, DC 20585

December 2, 2008

Michael F. Weber, Director
Office of Nuclear Material Safety and Safeguards
Division of High-Level Waste Repository Safety
U.S. Nuclear Regulatory Commission
Mail Stop T-7-F-3
Washington, DC 20555

Dear Mr. Weber:

The Department of Energy (DOE) is responsible for implementing the Nuclear Waste Policy Act of 1982, as amended (NWPAA). The NWPAA establishes the Federal policy for the management and disposal of spent nuclear fuel and high-level radioactive waste. Enclosed for your concurrence is the final draft of the DOE Office of Civilian Radioactive Management Project Decision Schedule (PDS) developed pursuant to section 114(e) of the NWPAA.

Section 114(e)(1) of the NWPAA requires the Secretary of Energy to "prepare and update, as appropriate, in cooperation with all affected Federal agencies, a project decision schedule that portrays the optimum way to attain the operation of the repository.... Such schedule shall include a description of objectives and a sequence of deadlines for all Federal agencies required to take action, including an identification of activities in which a delay in the start, or completion, of such activities will cause a delay in beginning repository operation." A copy is enclosed for your information.

This updated PDS identifies the specific actions that affected Federal agencies, including the DOE, must take in order to achieve the schedule presented in this PDS. The schedules are grouped by project in Section 2 and by Federal agency in Section 3. The Federal agency activities, schedules, and milestones in the PDS are based on the Yucca Mountain Project schedule approved by the DOE's Energy Systems Acquisition Advisory Board in July 2008.

DOE submitted a license application for authorization to construct the repository to the Nuclear Regulatory Commission (NRC) on June 3, 2008, and on September 8, 2008, the NRC docketed the application. This PDS anticipates that the repository will be operational by 2020 and is predicated upon the enactment of legislation, similar to previous legislation submitted to Congress that addresses funding reform and permanent land withdrawal. This schedule also assumes appropriations by the Congress consistent with optimum Project execution, the issuance of an NRC construction authorization consistent with the three-year period specified in the NWPAA for the licensing proceeding with an opportunity for a fourth year if needed, and the timely issuance by the NRC of a



receive and possess license amendment. This schedule is also dependent on a complete and timely submission by DOE of all necessary applications to the relevant agencies, the subsequent timely issuance of all other necessary authorizations and permits, and the absence of litigation related delays.

The preliminary draft PDS was reviewed by King Stablein within the U.S. Nuclear Regulatory Commission, and all comments have been addressed. Concurrence on this final draft represents agreement that the activities and schedules contained in the PDS reflect current Federal agencies' planning. Any remaining concerns should be provided in writing to me, no later than December 15, 2008. Subject to resolution of any open issues and receipt of your concurrence, the PDS will be finalized and issued to affected and interested parties.

The Department very much appreciates the cooperation and assistance you and your staff have provided in developing this revision of the PDS.

Sincerely,



Edward F. Sproat, III, Director
Office of Civilian Radioactive
Waste Management

Enclosures:
Preliminary Draft Project Decision Schedule
Section 114(e)(1) of the Nuclear Waste Policy Act

cc: Lawrence Kokajko
King Stablein