

April 8, 2003

MEMORANDUM TO: Chairman Diaz  
Commissioner Dicus  
Commissioner McGaffigan  
Commissioner Merrifield

FROM: William D. Travers */RA by Carl J. Paperiello Acting For/*  
Executive Director for Operations

SUBJECT: PARTIAL STAFF RESPONSE TO MARCH 19, 2003, STAFF  
REQUIREMENTS MEMORANDUM ON THE WASTE ARENA  
BRIEFING - M030303A

In the subject Staff Requirements Memorandum (SRM), the Commission directed the staff, in part, to provide a report documenting the status of Key Technical Issue (KTI) Agreements. This memorandum responds to that portion of the SRM direction.

As the Commission is aware, NRC has structured its pre-licensing program around nine KTIs. NRC is tracking the U.S. Department of Energy's (DOE) progress on these issues to further its understanding of the DOE program and the issues before submittal of the license application, currently expected in December 2004. NRC, with assistance from the Center for Nuclear Waste Regulatory Analyses, reviews the DOE work relevant to each issue and conducts independent research and technical reviews to determine the completeness of the information provided. NRC documents its review results and the status of issue resolution through publicly available letters to DOE.

NRC has identified information gaps related to the nine KTIs which are relevant to the pre-licensing application process for a geologic repository at Yucca Mountain. To close the information gaps, NRC and DOE established 293 discrete Agreements, which are DOE obligations to answer specific questions germane to the nine KTIs. Agreements between NRC and DOE to address these information gaps vary widely in their complexity and, thus, the level of effort needed to address them. In public technical exchanges and management meetings during Calendar Year 2000 and 2001, DOE agreed to address the information gaps (Agreements) before submitting the license application.

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A complete listing of the 293 KTI Agreements are attached. In July 2002, DOE submitted a schedule for addressing Agreements during the remainder of Fiscal Year (FY) 2002, and in September 2002, it submitted a schedule for addressing the remaining Agreements during FY 2003 (63); FY 2004 (93); and FY 2005(13).

Below is the status of the 293 Agreements divided into three categories: 1) "*complete*" (no additional information needed from DOE at this time, therefore, Agreement considered resolved for pre-licensing purposes); 2) "*in process*" (under NRC review in whole or in part; in some cases, DOE needs to submit additional information to meet intent of Agreement); and 3) "*scheduled but not yet submitted.*" As is obvious by the data, the "in-process" category contains 50 Agreement submittals received before FY 2003 and 11 in FY 2003. NRC staff maintains a tracking system which is updated on an ongoing basis to reflect the current status of each agreement.

To facilitate the timely and efficient closure of KTI Agreements, NRC and DOE routinely conduct public technical exchange meetings, typically in Nevada, to ensure clear understandings and mutual expectations regarding the information needed to address outstanding Agreements. After the January 2003 public NRC/DOE quarterly management meeting, DOE proposed an accelerated meeting schedule, for conducting public meetings with NRC through this summer. NRC has provided feedback to DOE on its proposed schedule and the scheduled meetings are underway. In addition, it is the staff's understanding that DOE is conducting further planning for public meetings on the KTI Agreements through FY 2004.

#### **Status of Active KTI Agreements**

74	Complete (as of March 24, 2003)
61	In process
<u>158</u>	Scheduled but not yet submitted
293	

#### **DOE's Schedule for Submittal of Remaining Agreements**

52	FY2003 (11 of 63 received as of March 24, 2003)
93	FY2004
<u>13</u>	FY2005
158	Scheduled but not yet submitted

Attachment:  
List of Agreements

cc:    SECY  
      OCA  
      OGC  
      OPA  
      CFO

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\*See previous concurrence

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**ML030790228**

OFC	HLWB		Tech ED		DWM		OGC	
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OFC	NMSS		DEDMRS		EDO			
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DATE	03/28/03		04/03/03		04/08/03			