

January 6, 2004

Mr. Joseph Ziegler, Director
Office of License Application and Strategy
Office of Repository Development
U.S. Department of Energy
1551 Hillshire Drive
Las Vegas, NV 89134-6321

SUBJECT: CORRECTION TO OCTOBER 29, 2003, LETTER ON PRE-LICENSING
EVALUATION OF CONTAINER LIFE AND SOURCE TERM (CLST) 5.04,
EVOLUTION OF THE NEAR-FIELD ENVIRONMENT (ENFE) 5.03, AND
RADIONUCLIDE TRANSPORT (RT) 4.03 KEY TECHNICAL ISSUE
AGREEMENTS

Dear Mr. Ziegler:

You were recently sent a letter dated October 29, 2003, on the above subject. Unfortunately, there was a typographical error that identified CLST 5.04 as CLST 5.03.

Please replace the first page of the October 29, 2003, with the enclosed first page that contains the corrected information.

We appreciate your understanding and apologize for any inconvenience this may have caused. If you have any questions, please contact Gregory Hatchett at 301-415-3315 or via email to gxh@nrc.gov.

Sincerely,

/RA/

Janet Schlueter, Chief
High-Level Waste Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosure:
Corrected Oct. 29, 2003 Ltr. to DOE

cc: See attached distribution list

Letter to J. Ziegler from J. Schlueter, dated: January 6, 2004

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V. Guzman, Walker River Paiute
D. Eddy, Jr., Colorado River Indian Tribes
H. Jackson, Public Citizen
J. Wells, Western Shoshone National Council
D. Crawford, Inter-Tribal Council of NV
I. Zabarte, Western Shoshone National Council
NRC On-Site Representatives
S. Devlin
G. Hudlow

October 29, 2003

Mr. Joseph Ziegler, Director
Office of License Application and Strategy
U.S. Department of Energy
Office of Repository Development
PO Box 364629 MS 523
North Las Vegas, NV 89036-8629

SUBJECT: PRE-LICENSING EVALUATION OF CONTAINER LIFE AND SOURCE TERM (CLST) 5.04, EVOLUTION OF THE NEAR-FIELD ENVIRONMENT (ENFE) 5.03, AND RADIONUCLIDE TRANSPORT (RT) 4.03 KEY TECHNICAL ISSUE AGREEMENTS

Dear Mr. Ziegler:

The U.S. Nuclear Regulatory Commission (NRC) has completed its evaluation of the U.S. Department Of Energy's (DOE's) July 14, 2003, submittal on Key Technical Issue (KTI) Agreements, Container Life and Source Term (CLST) 5.04, Evolution of the Near-Field Environment (ENFE) 5.03, and Radionuclide Transport (RT) 4.03. NRC found that the information provided in support of the above agreements did not satisfy the intent of the original agreements. As a result, NRC considers the status of the agreements as remaining "Partly Received". NRC also identified the need for additional information as discussed within the enclosed NRC evaluation of the agreement submittal.

In the enclosure to the DOE letter, DOE provided a list and schedule of Model (Validation) Reports supporting the Disposal Criticality Analysis Methodology Topical Report (Topical Report). NRC found that the information provided by DOE does not satisfy the agreements for the following reasons:

- The validation reports are identified as providing the details of the criticality analysis methodology and supporting the Topical Report (expected Oct. 2003); however, only 5 of the 17 validation reports have been provided;
- It is unclear to the NRC if DOE will or will not develop external criticality model reports as a result of external events being screened out of the total system performance assessment. If risk information will be provided in lieu of the information identified by the agreement it should be provided prior to the license application (LA) submittal in order to address these agreements; and
- The list and schedule does not necessarily indicate that the validation reports will be provided prior to LA as stated in the agreement.

If DOE intends to provide risk information in lieu of information identified in an agreement, DOE should: (i) address the combined effects of uncertainties; (ii) provide transparent and traceable documentation that allows the results to be independently verified; and (iii) provide information pertaining to the variability in the results.

Enclosure

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Sincerely,
/RA/
Janet Schlueter, Chief
High-Level Waste Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosure: As stated

cc: See attached distribution list

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