

April 19, 2004

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

SUBJECT: SEISMIC DESIGN TOPICAL REPORTS

Dear Mr. Ziegler:

The U.S. Nuclear Regulatory Commission (NRC) staff have received your letter of March 26, 2004, informing us of the U.S. Department of Energy's (DOE) intent to revise and reissue the topical report (TR) related to the preclosure seismic design methodology. This TR is the second in a series of three TRs originally planned by DOE and agreed to by NRC. Your letter also informed NRC that DOE no longer intends to issue the third seismic TR, which was expected to cover the details of the implementation of the design methodology presented in the second TR and also present the summary of seismic inputs used in repository design and performance assessment. Per your letter, the information that was to be contained in the third TR would be available for NRC review when DOE submits its Technical Basis Document (TBD) No. 14 for NRC review. Additional supporting material would be available in technical data presented in two other reports, according to your letter.

Based on previous discussions related to DOE efforts on seismic design, NRC understands that DOE does not expect NRC staff to follow the standard TR review process, which culminates in the issuance of a Safety Evaluation Report. Considering the time and resources needed if a formal TR review process were adopted and the importance of addressing the issue of seismic design in a timely fashion, NRC has decided to review the TR-2 as we would review a TBD or other supporting technical reports. If DOE intends to submit TR-2 or other associated companion reports such as the references to TBD-14 cited in your letter to address any open agreements, it should clearly identify which ones are addressed in TR-2, TBD-14, or supporting documents and where they are addressed. In addition, since DOE intends to present an entirely different approach from the one presented in the previous revision of TR-2 that was approved by NRC, we expect that a complete rationale and technical basis would be presented for the new seismic design approach that will be used in the DOE license application.

J. Ziegler

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We have reviewed the annotated outline of the proposed revised TR-2 and do not see any obvious omissions. However, we are not in a position to comment on the details of the seismic design methodology or the completeness of the report without actually reviewing it. We look forward to reviewing the completed report and providing timely feedback via our normal interactions with DOE. If you have any questions on the contents of this letter, please contact Dr. Mysore Nataraja, of my staff at (301) 415-6695 or via e-mail at msn1@nrc.gov.

Sincerely,

/RA/

C. William Reamer, Director
Division of High Level Waste Repository Safety
Office of Nuclear Material Safety
and Safeguards

cc: See attached list

Letter to J. Ziegler from C.W. Reamer, dated: April 19, 2004

cc:

A. Kalt, Churchill County, NV	A. Elzeftawy, Las Vegas Paiute Tribe
R. Massey, Churchill/Lander County, NV	J. Treichel, Nuclear Waste Task Force
I. Navis, Clark County, NV	W. Briggs, Ross, Dixon & Bell
E. von Tiesenhausen, Clark County, NV	M. Chu, DOE/Washington, D.C.
G. McCorkell, Esmeralda County, NV	G. Runkle, DOE/Washington, D.C.
L. Fiorenzi, Eureka County, NV	C. Einberg, DOE/Washington, D.C.
A. Johnson, Eureka County, NV	S. Gomberg, DOE/Washington, D.C.
A. Remus, Inyo County, CA	W. J. Arthur, III , DOE/ORD
M. Yarbro, Lander County, NV	R. Dyer, DOE/ORD
S. Hafen, Lincoln County, NV	J. Ziegler, DOE/ORD
M. Baughman, Lincoln County, NV	A. Gil, DOE/ORD
L. Mathias, Mineral County, NV	W. Boyle, DOE/ORD
L. Bradshaw, Nye County, NV	D. Brown, DOE/OCRWM
M. Maher, Nye County, NV	S. Mellington, DOE/ORD
D. Hammermeister, Nye County, NV	C. Hanlon, DOE/ORD
M. Simon, White Pine County, NV	T. Gunter, DOE/ORD
J. Ray, NV Congressional Delegation	A. Benson, DOE/ORD
B. J. Gerber, NV Congressional Delegation	N. Hunemuller, DOE/ORD
F. Roberson, NV Congressional Delegation	M. Mason, BSC
T. Story, NV Congressional Delegation	S. Cereghino, BSC
R. Herbert, NV Congressional Delegation	N. Williams, BSC
L. Hunsaker, NV Congressional Delegation	E. Mueller, BSC
S. Joya, NV Congressional Delegation	J. Mitchell, BSC
K. Kirkeby, NV Congressional Delegation	D. Beckman, BSC/B&A
R. Loux, State of NV	M. Voegele, BSC/SAID
S. Frishman, State of NV	B. Helmer, Timbisha Shoshone Tribe
S. Lynch, State of NV	R. Boland, Timbisha Shoshone Tribe
P. Guinan, Legislative Counsel Bureau	R. Arnold, Pahrump Paiute Tribe
J. Pegues, City of Las Vegas, NV	J. Birchim, Yomba Shoshone Tribe
M. Murphy, Nye County, NV	R. Holden, NCAE

cc: (Continued)

R. Clark, EPA

R. Anderson, NEI

R. McCullum, NEI

S. Kraft, NEI

J. Kessler, EPRI

D. Duncan, USGS

R. Craig, USGS

W. Booth, Engineering Svcs, LTD

L. Lehman, T-Reg, Inc.

S. Echols, Esq

C. Marden, BNFL, Inc.

J. Bacoeh, Big Pine Paiute Tribe of the Owens Valley

P. Thompson, Duckwater Shoshone Tribe

T. Kingham, GAO

D. Feehan, GAO

E. Hiruo, Platts Nuclear Publications

G. Hernandez, Las Vegas Paiute Tribe

K. Finrock, NV Congressional Delegation

P. Johnson, Citizen Alert

A. Capoferri, DOE/ Washington, DC

C. Meyers, Moapa Paiute Indian Tribe

R. Wilder, Fort Independence Indian Tribe

D. Vega, Bishop Paiute Indian Tribe

J. Egan, Egan, Fitzpatrick & Malsch, PLLC

J. Leeds, Las Vegas Indian Center

J. C. Saulque, Benton Paiute Indian Tribe

C. Bradley, Kaibab Band of Southern Paiutes

R. Joseph, Lone Pine Paiute-Shoshone Tribe

L. Tom, Paiute Indian Tribes of Utah

E. Smith, Chemehuevi Indian Tribe

D. Buckner, Ely Shoshone Tribe

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

S. Devlin

G. Hudlow

D. Irwin, Hunton & Williams

J. Ziegler

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Sincerely,

/RA/

C. William Reamer, Director
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Office of Nuclear Material Safety
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cc: See attached list

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*See Previous Concurrence

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DATE	04/15/04	04/15/04	04/19/04