

September 13, 2004

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

SUBJECT: RESPONSE TO U.S. DEPARTMENT OF ENERGY LETTER CONCERNING THE  
DISPOSITION OF KEY TECHNICAL ISSUE AGREEMENTS AND ASSOCIATED  
U.S. NUCLEAR REGULATORY COMMISSION STAFF REQUEST FOR  
ADDITIONAL INFORMATION

Dear Mr. Ziegler:

I am responding to your letter, dated July 23, 2004, informing us of the U.S. Department of Energy's (DOE) plans for, and status of, responses to key technical issue (KTI) agreements, and proposals for processing the U.S. Nuclear Regulatory Commission (NRC) staff requests for additional information. The purpose of this letter is to provide NRC's response to DOE's proposals.

We expect that issue resolution including the KTI agreement information exchanges will continue as pre-licensing activities until the license application (LA) is submitted. The staff will provide feedback to DOE concerning DOE's KTI agreement responses. It will be up to DOE to decide how, or whether, to respond to the staff's feedback. The NRC will make its final determination on any issues relevant to licensing during review of the LA.

The pre-licensing consultation phase has been intended to provide DOE with an understanding of the information expected in an LA. The pre-licensing phase has used various mechanisms (such as identifying KTIs, establishing KTI agreements, holding technical exchanges and public meetings) to help the NRC staff identify potential licensing issues. When DOE files an LA, the pre-licensing phase, along with the KTI resolution process, will end, and the KTIs and the related agreements will no longer be the focus of NRC staff attention. Indeed, some KTIs will likely remain unresolved at the end of the pre-licensing phase. From then onward, NRC will evaluate whether the application adequately addresses NRC regulations. Consequently, requirements contained in 10 CFR Part 63, and not the KTI process, will provide the basis for a licensing determination.

J. Ziegler

-2-

If you have any questions about this letter, please feel free to contact me by telephone at (301) 415-6537.

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: September 13, 2004

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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.
R. Damele, 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

J. Williams, DOE/Washington, DC

A. Robinson, Robinson-Seidler

M. Dayton, City of Las Vegas

D. Wilson, Sen. Reid's Office

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

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D. Buckner, Ely Shoshone Tribe

V. Guzman, Walker River Paiute

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Council

D. Crawford, Inter-Tribal Council of NV

I. Zabarte, Western Shoshone National  
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S. Devlin

G. Hudlow

D. Irwin, Hunton & Williams

L. Alfano, Lincoln County

M. Henderson, Cong. J. Gibbon's Office

B. Vonderheide, Cong. J. Gibbon's Office

D. Duquette, NWTRB

J. Ziegler

-2-

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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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