

Department of Energy
Office of Civilian Radioactive Waste Management
Office of Repository Development
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QA: N/A
Project No. WM-00011

JUL 23 2004

OVERNIGHT MAIL

ATTN: Document Control Desk
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**DISPOSITION OF KEY TECHNICAL ISSUE (KTI) AGREEMENTS AND ASSOCIATED
"ADDITIONAL INFORMATION NEED" (AIN)**

Reference: Ltr, Ziegler to Reamer, dtd 4/2/04 (Key Technical Issue Agreement Response Schedule)

During the period from August 2000 to September 2001, 16 public meetings were held between the U.S. Department of Energy (DOE) and the U.S. Nuclear Regulatory Commission (NRC) specifically to address those issues most important to the performance of the geologic repository, or "Key Technical Issues." The purpose of these meetings was to resolve NRC staff questions and concerns related to the KTIs in the precicensing period to the extent practical, and thus help assure that DOE has assembled a sufficient level of information to allow NRC to accept the License Application (LA) for review. As a result of these meetings, 293 "KTI Agreements" were established in which DOE agreed to provide additional information to address remaining NRC staff questions and concerns.

As of the date of this letter, DOE has submitted responses to 264 of the 293 agreements, and NRC has determined that 105 of the agreements are complete. By the end of August 2004, DOE plans to submit responses for the remaining agreements, along with supplemental responses for those 17 previously submitted agreement responses that were identified by the NRC staff prior to April 2, 2004, as AIN. This is consistent with our schedule provided to you by the referenced letter. We believe that the previously submitted and forthcoming responses to the agreements are responsive to your staff's questions and concerns.

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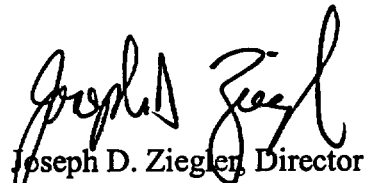
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During the precicensing period, the KTI resolution process has served an important role in facilitating resolution of many of NRC staff questions and concerns. With the submission of information pertaining to the last remaining set of outstanding KTI agreements by the end of August 2004, DOE believes that the intended purpose of the KTI agreement process will be met and the process complete for DOE. The DOE would, however, appreciate NRC feedback on agreements that NRC has categorized as "high risk significance" as soon as possible. This will facilitate any necessary DOE actions as we proceed to the licensing process.

Once submitted, the LA and its supporting documentation will be the authoritative source of information upon which the NRC staff will base their review. Since the provision of information from DOE to the NRC in response to the KTI agreements is at a close, DOE expects that any questions or concerns of the NRC will be addressed within the context of the licensing process.

In the May 11, 2004, DOE/NRC Management Meeting, DOE proposed that any future questions or AINs related to KTI agreements that are not closed by the NRC by this summer be addressed after DOE submittal of the LA. Therefore, DOE does not intend to provide direct responses to any additional KTI agreement AINs received after the date of this letter. However, if the NRC staff has any remaining questions or concerns, DOE will evaluate those questions or concerns and determine an appropriate way to address the NRC staff's issue. For example, DOE may elect to address the issue directly in the LA, or in any future modifications to documents supporting the LA. In either case, the NRC staff will have the opportunity to review DOE's technical basis. We believe this approach is appropriate and necessary at this point in time, and in accord with our intent to continue open and productive interactions with the NRC staff during the precicensing period on matters relating to DOE's LA.

This letter contains no new regulatory commitments. Please direct any questions concerning this letter to Timothy C. Gunter at (702) 794-1343 or e-mail timothy_gunter@ymp.gov.



Joseph D. Ziegler, Director
Office of License and Application Strategy

OLA&S:TCG-1613

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