October 12, 2004

- MEMORANDUM TO: H. Lawrence McKague, Element Manager Geology and Geophysics Center for Nuclear Waste Regulatory Analyses 6220 Culebra Road San Antonio, TX 78228-5166
- FROM: Philip S. Justus, Program Element Manager /RA/ Division of High-Level Waste Repository Safety Office of Nuclear Material Safety and Safeguards
- SUBJECT: ACCEPTANCE OF DELIVERABLE "REVIEW BY THE OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS OF THE U.S. DEPARTMENT OF ENERGY'S RESPONSES TO KEY TECHNICAL ISSUE AGREEMENTS SDS.2.01 AND SDS.2.02 FOR A POTENTIAL GEOLOGIC REPOSITORY AT YUCCA MOUNTAIN, NEVADA, PROJECT NO. WM-11"

This memorandum documents the acceptance of Intermediate Milestone 06002.01.061.440, "Review by the Office of Nuclear Material Safety and Safeguards of the U.S. Department of Energy (DOE) Responses to Key Technical Issue Agreements SDS.2.01 and SDS.2.02 for a Potential Geologic Repository at Yucca Mountain, Nevada, Project No. WM-11," by John A Stamatakos (letter from L. McKague to P. Justus dated September 24, 2004). The title does not reflect the fact that the review provides the Center for Nuclear Waste Regulatory Analyses' (Center) assessment of the DOE's responses to Structural Deformation and Seismicity (SDS) Key Technical Issue agreement items 2.01 and 2.02. The purpose of this deliverable is to document Center staff's review of the SDS agreement items discussed by DOE in its Technical Basis Document (TBD) 14: Low Probability Seismic Events. The subject of the two SDS agreements are: assessment of seismic hazard and development of seismic design bases inputs, respectively. They are related to agreements in the Repository Design and Thermal Mechanical Effects Key Technical Issue (RDTME): RDTME.2.01, RDTME.2.02 and RDTME.3.03.

This deliverable is a PREDECISIONAL document intended for use by both the U.S. Nuclear Regulatory Commission (NRC) and Center staffs. It is not to be placed in the PDR. It was reviewed by SDS and RDTME staff at NRC Headquarters and at the Center.

NRC staff are using this review as input to its reassessment of the status of SDS agreements 2.01 and 2.02. While NRC staff would modify the wording in some review statements, and would use a range of acceleration values rather than the highest value stated, there is no need to revise such sentences in the deliverable. The deliverable is acceptable for its intended use, as written.

cc: A. Ibrahim (HLWRS) M. Nataraja (HLWRS) D. Rom (HLWRS) M. Bailey (HLWRS) B. Jagannath (HLWRS)

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HLWRS r/f

*See previous concurrence

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