

December 20, 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: PRE-LICENSING EVALUATION OF "EVOLUTION OF THE NEAR-FIELD ENVIRONMENT" KEY TECHNICAL ISSUE AGREEMENTS 3.05 and 4.05 [STATUS: COMPLETE], "RADIONUCLIDE TRANSPORT" KEY TECHNICAL ISSUE AGREEMENTS 1.03 and 3.07 [STATUS: COMPLETE], AND GENERAL AGREEMENT 1.01, COMMENTS 43 and 46 [STATUS: COMPLETE]

Dear Mr. Ziegler:

In a letter dated October 3, 2003, the U.S. Department of Energy (DOE) submitted a report titled, "Technical Basis Document No. 8: Colloids," which contains DOE's responses to several agreement items reached between DOE and the U.S. Nuclear Regulatory Commission (NRC) and pertaining to the following key technical issues: Evolution of the Near-Field Environment (ENFE), Radionuclide Transport, and Total System Performance Assessment and Integration. The staff review of DOE's responses to the agreement items is based on information requests by NRC that are documented in the summary highlights of DOE and NRC technical exchange and management meetings. This report provides a summary of NRC staff evaluation of DOE responses to Comments 43 and 46 of General Agreement 1.01 (GEN.1.01) and the following agreement items: ENFE.3.05, ENFE.4.05, RT.1.03, and RT.3.07. The staff evaluation of the remaining DOE responses in "Technical Basis Document No. 8: Colloids" will be provided separately.

NRC reviewed DOE's key technical issue agreement responses within the report to determine whether any aspect of the agreements was excluded from the response. No omissions were found. Based on our review of the information provided, NRC staff considers these agreements and comments complete and has no further questions at this time. Results of our review are provided in the enclosure of this letter. Although these agreements are considered complete, please note that NRC will make its final determination on any issues relevant to licensing during review of the license application.

J. Ziegler

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If you have any questions regarding this matter, please contact Daniel Rom, of my staff at (301) 415-6704 or by e-mail to [DSR@nrc.gov](mailto:DSR@nrc.gov).

Sincerely,

**/RA/**

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

Enclosure:

Review by the NRC NMSS of the DOE's Agreement Responses Related to the Proposed Geologic Repository at YM, NV

cc: See attached list

Letter to J. Ziegler from C.W. Reamer, dated: December 20, 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.
R. Damele, Eureka County, NV	C. Einberg, DOE/Washington, D.C.
L. Marshall, Eureka County, NV	S. Gomberg, DOE/Washington, D.C.
A. Johnson, Eureka County, NV	W. J. Arthur, III , DOE/ORD
A. Remus, Inyo County, CA	R. Dyer, DOE/ORD
M. Yarbrow, Lander County, NV	J. Ziegler, DOE/ORD
S. Hafen, Lincoln County, NV	A. Gil, DOE/ORD
M. Baughman, Lincoln County, NV	W. Boyle, DOE/ORD
L. Mathias, Mineral County, NV	D. Brown, DOE/OCRWM
D. Swanson, Nye County, NV	S.A. Wade,, DOE/ORD
M. Maher, Nye County, NV	C. Hanlon, DOE/ORD
D. Hammermeister, Nye County, NV	T. Gunter, DOE/ORD
M. Simon, White Pine County, NV	A. Benson, DOE/ORD
J. Ray, NV Congressional Delegation	N. Hunemuller, DOE/ORD
B. J. Vonderheide, NV Congressional Delegation	R. L. Craun, DOE/ORD
T. Story, NV Congressional Delegation	M. Mason, BSC
R. Herbert, NV Congressional Delegation	S. Cereghino, BSC
M. Murphy	N. Williams, BSC
S. Joya, NV Congressional Delegation	E. Mueller, BSC
K. Kirkeby, NV Congressional Delegation	J. Mitchell, BSC
R. Loux, State of NV	D. Beckman, BSC/B&A
S. Frishman, State of NV	M. Voegele, BSC/SAID
S. Lynch, State of NV	B. Helmer, Timbisha Shoshone Tribe
P. Guinan, Legislative Counsel Bureau	R. Boland, Timbisha Shoshone Tribe
R. Clark, EPA	R. Arnold, Pahrump Paiute Tribe
R. Anderson, NEI	J. Birchim, Yomba Shoshone Tribe

cc: (Continued)

R. McCullum, NEI

S. Kraft, NEI

J. Kessler, EPRI

D. Duncan, USGS

R. Craig, USGS

W. Booth, Engineering Svcs, LTD

C. Marden, BNFL Inc.

J. Bacocho, 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

L. Lehman, T-REG, Inc.

J. Donnell, DOE/ORD

R. L. Craun, OPM&E

B. Gattoni, Burns & Roe

R. Murray, DOE/ORD

R. Holden, NCAI

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

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D. Crawford, Inter-Tribal Council of NV

I. Zabarte, Western Shoshone National Council

S. Devlin

G. Hudlow

D. Irwin, Hunton & Williams

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

D. Duquette, NWTRB

If you have any questions regarding this matter, please contact Daniel Rom, of my staff at (301) 415-6704 or by e-mail to [DSR@nrc.gov](mailto:DSR@nrc.gov).

Sincerely,

**/RA/**

C. William Reamer, Director  
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