December 22, 2004

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

SUBJECT: PRE-LICENSING EVALUATION OF "CONTAINER LIFE AND SOURCE TERM" KEY TECHNICAL ISSUE AGREEMENTS [CLST.1.02, 1.03, 1.04, 1.10, AND 1.11]

Dear Mr. Ziegler:

This letter is in reference to Container Life and Source Term (CLST) Key Technical Issue (KTI) agreements CLST.1.02, 1.03, 1.04, 1.10, and 1.11. The U.S. Department of Energy (DOE) responded to these KTI agreements in Technical Basis Document No. 6, Appendices I, O, R, and V.

The U.S. Nuclear Regulatory Commission (NRC) staff has reviewed DOE's responses to these agreements. Based on our review of the information provided, NRC staff considers the pre-licensing activities associated with these agreements to be closed. Results of our review and specific feedback on DOE's responses are provided in the enclosure to this letter.

Although these agreements are considered closed, please note that NRC will make its final determination on any issues relevant to licensing during review of any License Application.

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.

Sincerely,

/RA/

Lawrence E. Kokajko, Deputy Director
Division of High-Level Waste Repository Safety
Office of Nuclear Material Safety
and Safeguards

Enclosure:
NMSS Review of the DOE KTI Agreement Response to CLST.1.02, 1.03, 1.04, 1.10, and 1.11, for a Potential Geologic Repository at Yucca Mountain, Nevada

cc: See attached list

Letter to J. Ziegler from C.W. Reamer, dated: December 22, 2004
cc:

A. Kalt, Churchill County, NV
R. Massey, Churchill/Lander County, NV
I. Navis, Clark County, NV
E. von Tiesenhausen, Clark County, NV
G. McCorkell, Esmeralda County, NV
R. Damele, Eureka County, NV
L. Marshall, Eureka County, NV
A. Johnson, Eureka County, NV
A. Remus, Inyo County, CA
M. Yarbro, Lander County, NV
S. Hafen, Lincoln County, NV
M. Baughman, Lincoln County, NV
L. Mathias, Mineral County, NV
D. Swanson, Nye County, NV
M. Maher, Nye County, NV
D. Hammermeister, Nye County, NV
M. Simon, White Pine County, NV
J. Ray, NV Congressional Delegation
B. J. Vonderheide, NV Congressional Delegation
T. Story, NV Congressional Delegation
R. Herbert, NV Congressional Delegation
M. Murphy
S. Joya, NV Congressional Delegation
K. Kirkeby, NV Congressional Delegation
R. Loux, State of NV
S. Frishman, State of NV
S. Lynch, State of NV
P. Guinan, Legislative Counsel Bureau
R. Clark, EPA
R. Anderson, NEI

A. Elzeftawy, Las Vegas Paiute Tribe
J. Treichel, Nuclear Waste Task Force
W. Briggs, Ross, Dixon & Bell
M. Chu, DOE/Washington, D.C.
G. Runkle, DOE/Washington, D.C.
C. Einberg, DOE/Washington, D.C.
S. Gomberg, DOE/Washington, D.C.
W. J. Arthur, III , DOE/ORD
R. Dyer, DOE/ORD
J. Ziegler, DOE/ORD
A. Gil, DOE/ORD
W. Boyle, DOE/ORD
D. Brown, DOE/OCRWM
S.A. Wade,, DOE/ORD
C. Hanlon, DOE/ORD
T. Gunter, DOE/ORD
A. Benson, DOE/ORD
N. Hunemuller, DOE/ORD
R. L. Craun, DOE/ORD
M. Mason, BSC
S. Cereghino, BSC
N. Williams, BSC
E. Mueller, BSC
J. Mitchell, BSC
D. Beckman, BSC/B&A
M. Voegele, BSC/SAID
B. Helmer, Timbisha Shoshone Tribe
R. Boland, Timbisha Shoshone Tribe
R. Arnold, Pahrump Paiute Tribe
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. Bacoch, 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. Finfrock, 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

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

L. Alfano, Lincoln County

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

D. Duquette, NWTRB

December 22, 2004

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

SUBJECT: PRE-LICENSING EVALUATION OF "CONTAINER LIFE AND SOURCE TERM" KEY TECHNICAL ISSUE AGREEMENTS [CLST.1.02, 1.03, 1.04, 1.10, AND 1.11]

Dear Mr. Ziegler:

This letter is in reference to Container Life and Source Term (CLST) Key Technical Issue (KTI) agreements CLST.1.02, 1.03, 1.04, 1.10, and 1.11. The U.S. Department of Energy (DOE) responded to these KTI agreements in Technical Basis Document No. 6, Appendices I, O, R, and V.

The U.S. Nuclear Regulatory Commission (NRC) staff has reviewed DOE's responses to these agreements. Based on our review of the information provided, NRC staff considers the pre-licensing activities associated with these agreements to be closed. Results of our review and specific feedback on DOE's responses are provided in the enclosure to this letter.

Although these agreements are considered closed, please note that NRC will make its final determination on any issues relevant to licensing during review of any License Application.

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.

Sincerely,
/RA/
Lawrence E. Kokajko, Deputy Director
Division of High-Level Waste Repository Safety
Office of Nuclear Material Safety
and Safeguards

Enclosure:
NMSS Review of the DOE KTI Agreement Response to CLST.1.02, 1.03, 1.04, 1.10, and 1.11, for a Potential Geologic Repository at Yucca Mountain, Nevada

cc: See attached list

DISTRIBUTION:

HLWRS r/f	ACNW	OSR	CNWRA	LKokajko	ECollins
KMcConnell	JGuttmann	KStablein	ACampbell	MBailey	FBrown
LChandler	MYoung	JMoore	MZobler	MWoods	TCombs
BSpitzberg	WMaier	GMorell	GHiggs	SRohrer	GHatchett
VJain	SMohanty	DDunn	LYang		

ML043410055 *See Previous Concurrence

OFC	HLWRS		HLWRS		HLWRS		HLWRS		HLWRS	
NAME	TAhn*		RCodell*		DRom*		MBailey*		DDancer*	
DATE	12/08/04		12/08/04		12/08/04		12/09/04		12/09/04	
OFC	HLWRS		OGC		HLWRS					
NAME	TMcCartin*		JMoore*		LKokajko*					
DATE	12/22/04		12/20/04		12/22/04					