

January 28, 2005

Mr. Joseph D. 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

SUBJECT: STAFF REVIEW OF INFORMATION ADDRESSING GENERAL AGREEMENT
GEN.1.01 COMMENTS 3, 8, 12, 15, 18, 41, 42, 50, 56, 75, 78, 83, 93, 96, 97, 98,
102, 103, 109, 110, 113, 116, 118, 120, 122, 123, 124, and 126 [STATUS:
COMPLETE]

Dear Mr. Ziegler:

In a letter dated September 30, 2004, the U.S. Department of Energy (DOE) submitted a revised report titled "Key Technical Issue Letter Report (Response to GEN 1.01), Revision 2," to satisfy the informational needs of General (GEN) Agreement GEN.1.01. The GEN.1.01 agreement contains 49 specific comments addressing topics and informational needs pertaining to numerous Key Technical Issue (KTI) agreements. The information was requested by the U.S. Nuclear Regulatory Commission (NRC) during a technical exchange in September 2001.

The majority of comments in GEN.1.01 have been addressed in DOE responses to agreements, either in individual KTI letter reports or in technical basis documents. NRC staff review of DOE responses to the 49 specific GEN 1.01 comments (Comments 3, 5, 8, 9, 10, 11, 12, 13, 15, 16, 18, 21, 24, 27, 36, 37, 41, 42, 45, 46, 50, 56, 64, 69, 75, 78, 81, 82, 83, 93, 95, 96, 97, 98, 102, 103, 104, 106, 109, 110, 111, 113, 116, 118, 119, 120, 122, 123, 124, and 126) are being documented in staff review letters, that are sent to DOE, for the specific related KTI agreements.

For all 49 comments, DOE stated in the submittal that it has satisfied the NRC information needs regarding the agreement and that GEN.1.01 should be considered for closure. NRC staff reviews have been completed for GEN.1.01 Comments 3, 8, 12, 15, 18, 41, 42, 50, 56, 75, 78, 83, 93, 96, 97, 98, 102, 103, 109, 110, 113, 116, 118, 120, 122, 123, 124, and 126. NRC evaluation of the extent to which the DOE submittal, and previous KTI agreement responses, satisfies the remaining GEN.1.01 comments will be provided in a separate document.

J. D. Ziegler

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Based upon the reviews identified in the enclosure, which have all been completed prior to the date of this letter, the information provided for several of the comments satisfies the intent of the agreement. Therefore, NRC staff considers agreement GEN.1.01 Comments 3, 8, 12, 15, 18, 41, 42, 50, 56, 75, 78, 83, 93, 96, 97, 98, 102, 103, 109, 110, 113, 116, 118, 120, 122, 123, 124, and 126 complete. Please note that NRC will make its final determination on any issue relevant to licensing during review of any Licence Application.

If you have any questions regarding this matter, please contact Daniel S. 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 DOE's KTI Agreement Response to GEN.1.01 Comments for a Potential Geologic Repository at Yucca Mountain, Nevada

cc: See attached list.

Letter to J. D. Ziegler from L. E. Kokajko, dated: January 28, 2005

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. Yarbro, 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

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

J. D. Ziegler

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