

April 8, 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 89134-6321

SUBJECT: PRE-LICENSING EVALUATION OF KEY TECHNICAL ISSUE AGREEMENT:
STRUCTURAL DEFORMATION AND SEISMICITY 3.03, REGARDING
FRACTURE GEOMETRY ANALYSIS

Dear Mr. Ziegler:

The U.S. Department of Energy (DOE) indicated that its responses to eight additional information needs (AIN) contained in Agreement Structural Deformation and Seismicity (SDS) 3.03 would be provided to the U.S. Nuclear Regulatory Commission (NRC) in either a fracture analysis report, or a revision of the Drift Degradation Analysis report. The fracture analysis report has not been submitted. The NRC staff reviewed the Drift Degradation report (Bectel SAIC Company, LLC, REV 03, 2004), and this analysis model report does not provide responses that specifically address any of the eight AINs. The NRC staff considers that Agreement SDS.3.03 has not been addressed by DOE.

In your letter to the Director, Division of High-Level Waste Repository Safety, dated July 23, 2004, you state that "any questions or concerns of the NRC will be addressed within the context of the licensing process" and also, "DOE does not intend to provide direct responses to any additional KTI agreement AINs received after the date of this letter (ibid.)." Therefore, the NRC staff anticipate that the technical issues of this agreement will be considered in DOE's proposed "...LA (License Application), or in any future modifications to documents supporting the LA (ibid.)." A brief explanation of our evaluation of Agreement SDS.3.03 is provided in the enclosure to this letter.

It is up to DOE to decide how, or whether, to respond to staff's feedback. Please note that NRC will make its determination on any issues that are relevant to licensing during review of any potential LA.

In accordance with 10 CFR 2.390 of the NRC's "Rules of General Applicability," a copy of this letter and its enclosure will be available electronically in the NRC Public Document Room or from the Publically Available Records component of the NRC's document system (ADAMS). The ADAMS package accession number is ML050320217. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

J. Ziegler

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If you have any questions regarding this matter, please contact Daniel S. Rom of my staff, at 301-415-6704, or by email at 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:

The U.S. NRC NMSS Review of the U.S. DOE's KTI Agreement Responses Related to the Potential Geologic Repository at YM NV: SDS.3.03

cc: See attached list.

Letter to J. Ziegler from L. Kokajko, dated: April 8, 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. 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
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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. Bacoeh, 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

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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

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J. Leeds, Las Vegas Indian Center

J. C. Saulque, Benton Paiute Indian Tribe

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L. Tom, Paiute Indian Tribes of Utah

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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

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L. Alfano, Lincoln County

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

D. Duquette, NWTRB

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

Enclosure:

The U.S. NRC NMSS Review of the U.S. DOE KTI Agreement Responses Related to the Potential Geologic Repository at YM NV: SDS.3.03 -11

cc: See attached list.

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