

March 17, 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 AGREEMENTS:
CONTAINER LIFE AND SOURCE TERM 5.01, 5.03, 5.04, AND 5.05; EVOLUTION
OF THE NEAR FIELD ENVIRONMENT 5.01 AND 5.03; RADIONUCLIDE
TRANSPORT 4.01 AND 4.03; PRE-CLOSURE 7.01; AND GENERAL 1.01,
COMMENTS 21 AND 64

Dear Mr. Ziegler,

This letter is in reference to Key Technical Issue (KTI) Agreements: Container Life and Source Term (CLST) 5.01, 5.03, 5.04, and 5.05; Evolution of the Near Field Environment (ENFE) 5.01 and 5.03; Radionuclide Transport (RT) 4.01 and 4.03; Pre-closure (PRE) 7.01; and GEN 1.01, Comments 21 and 64. The U.S. Department of Energy (DOE) responded to these KTI agreements through letters and their respective attachments dated November 17, 2003; February 18, March 12, May 26, August 31, and December 9, 2004; and January 11, February 7, and February 11, 2005. The DOE also made relevant information available on the website in January 2005.

The U.S. Nuclear Regulatory Commission (NRC) staff has reviewed DOE's responses to these agreements. Based on high level reviews of the information provided or made available, NRC staff considers pre-licensing activities associated with Agreements CLST 5.01, 5.03, and 5.05; ENFE 5.01; RT 4.01; PRE 7.01; and GEN 1.01, Comments 21 and 64 to be closed. Results of our review are provided in the attachment 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 the License Application (LA).

The NRC considers Agreements CLST 5.04, ENFE 5.03, and RT 4.03 to be open. Information that the NRC would find useful in preparing for the review of any potential LA associated with these agreements includes: (1) the geochemical reports identified in DOE's response; and (2) DOE's plans to address the additional information needs associated with the geochemical reports. Further information on these agreements is also provided in the attachment.

Staff pre-licensing activities specific to reviewing the adequacy of DOE's responses to the KTI agreements on criticality are complete. However, the staff intends to continue to review DOE information related to criticality for the purpose of preparing for a potential LA. As appropriate, the staff may provide DOE with feedback or request interactions to facilitate its understanding of DOE's approach to criticality safety.

J. D. Ziegler

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If you have any questions please contact Daniel S. Rom of my staff at (301) 425-6704 or by e-mail to dsr@nrc.gov or Dennis Galvin at (301) 415-6256 or by e-mail to djg3@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: CLST 5.01, 5.03, 5.04, and 5.05; ENFE 5.01 and 5.03; RT 4.01 and 4.03; PRE 7.01; and GEN 1.01, Comments 21 and 64

cc: See attached list.

Letter to J. D. Ziegler from L. E. Kokajko, dated: March 17, 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
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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)

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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

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B. Gattoni, Burns & Roe

R. Murray, DOE/ORD

R. Holden, NCAI

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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

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

D. Duquette, NWTRB

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Sincerely,

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Lawrence E. Kokajko, Deputy Director
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cc: See attached list.

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