

April 15, 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 AGREEMENT GENERAL  
1.01 COMMENTS 5, 9, 10, 13, 16, 21, 24, 27, 36, 45, 46, 64, 69, 81, 82, 95, 104,  
106, 111, and 119; COMMENT 37 ADDITIONAL INFORMATION NEEDED

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 Agreement General (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's 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, 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) has been documented in staff review letters, that have been sent to DOE, for the specific related KTI agreements.

For all 49 comments, DOE stated in the submittal that it has satisfied NRC's information needs regarding the agreement and that GEN.1.01 should be considered for closure. The status of the NRC staff review of 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 was provided to DOE in a letter dated January 28, 2005, which indicated that those comments were considered complete. NRC evaluation of the extent to which the DOE submittal, and previous KTI agreement responses, satisfies the remaining GEN.1.01 comments (Comments 5, 9, 10, 13, 16, 21, 24, 27, 36, 37, 45, 46, 64, 69, 81, 82, 95, 104, 106, 111, and 119) is provided in this document. This document, together with our previous letter to DOE (letter dated January 28, 2005), documents the status of all comments of the GEN.1.01 agreement.

Based upon the reviews identified in the enclosure the information provided for several of the comments satisfies the intent of the agreement. Therefore, NRC staff considers agreement GEN.1.01 Comments 5, 9, 10, 13, 16, 21, 24, 27, 36, 45, 46, 64, 69, 81, 82, 95, 104, 106, 111,

J. Ziegler

-2-

and 119 closed. The staff identify in the enclosure that Comment 37 of GEN.1.01 needs additional information. With the exception of Comment 37, all 49 comments of GEN.1.01 are considered closed. Please note that NRC will make its final determination on any issue relevant to licensing during review of any Licence Application.

In accordance with 10 CFR 2.390 of the NRC's "Rules of General Applicability," a copy of this letter will be available electronically in the NRC Public Document Room or from the Publicly Available Records component of the NRC's document system (ADAMS). The ADAMS package accession number is ML050880385. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions regarding this matter, please contact Daniel S. Rom of my staff at 301-415-6704 or by e-mail at [dsr@nrc.gov](mailto: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 Response Related to the Potential Geologic Repository at YM, NV: GEN.1.01

cc: See attached list.

Letter to J. D. Ziegler from L. E. Kokajko, dated: 04/15/05

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

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-2-

and 119 closed. The staff identify in the enclosure that Comment 37 of GEN.1.01 needs additional information. With the exception of Comment 37, all 49 comments of GEN.1.01 are considered closed. Please note that NRC will make its final determination on any issue relevant to licensing during review of any Licence Application.

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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 e-mail to [dsr@nrc.gov](mailto: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.

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**ML050880385**

\*See previous concurrence

<b>OFC</b>	HLWRS	HLWRS	HLWRS	OGC	HLWRS
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<b>DATE</b>	03/30/05	03/30/05	03/30/05	04/04/05	04/15/05