

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 89134-6321

SUBJECT: PRE-LICENSING EVALUATION OF KEY TECHNICAL ISSUE AGREEMENTS:
THERMAL EFFECTS ON FLOW 2.04, 2.05, 2.07; AND GENERAL 1.01,
COMMENTS 5 AND 16

Dear Mr. Ziegler:

In a letter dated April 8, 2004, the U.S. Department of Energy (DOE) submitted a report titled "Ventilation Model and Analysis Report," which contains DOE's response to an agreement item reached between the U.S. Nuclear Regulatory Commission (NRC) and DOE pertaining to the Thermal Effects on Flow (TEF) Key Technical Issue (KTI) Agreement TEF.2.07. In addition, in a letter dated July 28, 2004, DOE submitted a report titled "Technical Basis Document No. 5: In Drift Chemical Environment," which contains DOE's responses to several agreement items reached between the NRC and DOE including KTI Agreements TEF.2.04, 2.05, and General (GEN) 1.01, Comments 5 and 16. The staff review of DOE's responses to the agreement items is based on information requests by NRC that are documented in the summary highlights of the NRC/DOE Technical Exchange and Management Meetings. The enclosure provides a summary of the NRC staff evaluation of DOE responses to these agreement items. The staff evaluation of DOE responses to any other agreement items contained in the referenced DOE reports will be provided separately.

The NRC staff has reviewed DOE's TEF related agreement responses to determine whether DOE's responses satisfy the intent of the TEF agreements and related comments. Based on our review of the information provided, NRC considers these agreements closed and provides comments in the enclosure to this letter.

Although these TEF related 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.

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 ML050960478. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

J. Ziegler

-2-

If you have any questions regarding this matter, please contact Daniel S. Rom, of NRC 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: TEF.2.04, 2.05, 2.07 and GEN.1.01, Comments 5 and 16

cc: See attached list.

Letter to J. Ziegler from L. Kokajko, dated: April 15, 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.
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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
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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)

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J. Kessler, EPRI

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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

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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

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I. Zabarte, Western Shoshone National Council

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D. Irwin, Hunton & Williams

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

D. Duquette, NWTRB

If you have any questions regarding this matter, please contact Daniel S. Rom, of NRC staff, at (301) 415-6704 or by email at dsr@nrc.gov.

Sincerely,

/RA/

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

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