

July 11, 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: U.S. DEPARTMENT OF ENERGY, OFFICE OF REPOSITORY DEVELOPMENT
REQUEST FOR SPECIFIC U.S. NUCLEAR REGULATORY COMMISSION
REPORTS

Dear Mr. Ziegler:

I am responding to your letter dated May 26, 2005, in which you requested that the U.S. Nuclear Regulatory Commission (NRC) provide the U.S. Department of Energy (DOE) with certain Safeguards Information (SGI) documents related to analyses developed during licensing activities for the Private Fuel Storage (PFS) facility in Utah. Specifically, you requested access to the following documents:

Structural Consequences

1. NRC Staff's Evaluation of Jettisoned Ordinance Impact Effects on the Proposed Private Fuel Storage Facility, Shewmaker, R. E. (U.S. Nuclear Regulatory Commission, Washington, DC, May 11, 2004).
2. NRC Staff's Evaluation of the Structural Consequences of an Accidental F-16 Aircraft Crash Event at the Proposed Private Fuel Storage Facility, Shewmaker, R. E., Bjorkman, G. S. (U.S. Nuclear Regulatory Commission, Washington, DC, May 11, 2004).
3. Confirmatory Structural Analyses of an Accidental F-16 Crash Event onto the Proposed Private Fuel Storage Facility (HI-STORM 100 Dry Cask Storage System), Kalan, R. J., Gwinn, K. W., Metzinger, K. E., and Ammerman, D. J. (Sandia National Laboratories, Albuquerque, NM, May 11, 2004).
4. Confirmatory Analysis of an Accidental F-16 Crash Event onto the Proposed Private Fuel Storage Facility - Canister Transfer Building, Aramayo, G. A. (Oak Ridge National Laboratory, Oak Ridge, TN, May 11, 2004).

Evaluation of State of Utah's Analyses of Structural Consequences

5. NRC Staff's Evaluation of the State of Utah's Report: Structural Evaluation of Impacts from F-16 Aircraft and Military Ordnance on Holtec HI-STORM 100 Overpack and Multi-Purpose Canister, Bjorkman, G. S. (U.S. Nuclear Regulatory Commission, Washington, DC, May 11, 2004).
6. Review of State of Utah's Analysis of the Private Fuel Storage Facility for Impact from MK-84 Ordnance and F-16 Aircraft Consequences, Aramayo, G. A. (Oak Ridge National Laboratory, Oak Ridge, TN, May 11, 2004).

Jet Fuel Fire

7. NRC Staff's Evaluation of a Potential Fuel Fire at the Proposed Private Fuel Storage Facility in an Accidental F-16 Aircraft Crash Event, Bajwa, C. S. (U.S. Nuclear Regulatory Commission, Washington, DC, May 11, 2004).
8. Confirmatory Thermal Analyses of an Accidental F-16 Crash Event onto the Proposed Private Fuel Storage Facility (HI-STORM 100 Dry Cask Storage System), Lopez, C., Kalan, R. J. (Sandia National Laboratories, Albuquerque, NM, May 11, 2004).

Event Probability

9. NRC Staff's Evaluation of Private Fuel Storage, L.L.C. Aircraft Crash Probability Assessment, Damon, D. R. (U.S. Nuclear Regulatory Commission, Washington, DC, May 11, 2004).

In your letter you state that the aging system and surrounding air space for the geological repository at Yucca Mountain are similar to the conditions proposed by the PFS facility. Due to these similarities and information generated during the licensing activities at the PFS facility, you state that the reason for requesting the documents referenced above is to facilitate interaction between DOE and NRC.

Upon review of your request, the NRC has determined that you have not provided the information necessary for the NRC staff to make the determination of your "need to know" in accordance with 10 CFR 73.21©), as further defined in 10 CFR Part 73.2, to justify access to these SGI documents.

In order for the NRC to make a determination of your "need to know" in accordance with 10 CFR 73.21©), DOE must provide to the NRC the following information:

- C Provide justification for its need to know for each document.
- C Explain how these documents will facilitate interactions between DOE and NRC.
- C Explain the intended use of each document and how the information will be used.

In addition, please note that some of the requested documents may contain proprietary information.

J. Zeigler

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In conclusion, DOE did not provide sufficient information in its May 26, 2005 letter for NRC staff to make the prerequisite "need to know" determination for DOE to be given access to these documents. We would be pleased to meet with you to discuss your request further. Please contact Alex Sapountzis (301) 415-7822 of my staff to make arrangements for such a meeting.

Sincerely,

/RA/

C. William Reamer, Director
Division of High-Level Waste Repository Safety
Office of Nuclear Material Safety
and Safeguards

cc: See attached list.

In conclusion, DOE did not provide sufficient information in its May 26, 2005 letter for NRC staff to make the prerequisite "need to know" determination for DOE to be given access to these documents. We would be pleased to meet with you to discuss your request further. Please contact Alex Sapountzis (301) 415-7822 of my staff to make arrangements for such a meeting.

Sincerely,

/RA/

C. William Reamer, Director
 Division of High-Level Waste Repository Safety
 Office of Nuclear Material Safety
 and Safeguards

cc: See attached list.

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Memorandum/Letter to J. Ziegler from C.W. Reamer, dated: July 11, 2005

cc:

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cc: (Continued)

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W. Booth, Engineering Svcs, LTD

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K. Finrock, NV Congressional Delegation

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