



Department of Energy
Office of Civilian Radioactive Waste Management
Office of Repository Development
1551 Hillshire Drive
Las Vegas, NV 89134-6321

QA: N/A
Project No. WM-00011

DEC 23 2003

OVERNIGHT MAIL

ATTN: Document Control Desk
Chief, High-Level Waste Branch DWM/NMSS
U.S. Nuclear Regulatory Commission
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**AVAILABILITY OF REFERENCES TO TECHNICAL BASIS DOCUMENTS (TBDOc)
SUPPORTING KEY TECHNICAL ISSUE (KTI) AGREEMENT RESOLUTION**

Reference: (1) Ltr, Schlueter to Ziegler, dtd 10/01/03

The U.S. Department of Energy (DOE) discussed our revised resolution strategy for addressing the KTI agreements at the "DOE/U.S. Nuclear Regulatory Commission (NRC) Technical Exchange on Fiscal Year 2003-2005 Key Technical Issue Agreement Response Approach" held September 23, 2003 (Reference 1). At that meeting, we stated that we would make available to NRC certain primary documents referenced in the KTI agreement responses and the associated TBDOc (for example, the Analysis and Model Reports [AMR]), but that some of these documents may still be in preparation. Since DOE is in the process of preparing the License Application (LA), the use of some preliminary or draft documentation is necessary to provide for a reasonable schedule for submittal of KTI agreement responses and their resolution through the NRC staff review. Information that evolves through subsequent revision of the referenced documents will be reflected in the LA, which will be based upon approved analyses of record at the time of application submittal. This approach is also documented in the TBDOc that have been submitted to NRC.

In order to facilitate the NRC staff review of the TBDOc and to support KTI agreement closure, DOE is in the process of making approved AMRs publicly available on the Office of Civilian Radioactive Waste Management (OCRWM) website. This website is readily accessible by NRC, the NRC contractors, and external parties. References for the Biosphere TBDOc and associated KTI agreement responses have already been posted to the OCRWM website. The DOE will place additional documents referenced in KTI agreement responses and the other TBDOc on the OCRWM website as they are approved, and ready for public release.

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It is DOE policy not to make preliminary or draft material generally available. DOE may make preliminary or draft documents available for NRC staff review at the DOE offices. In accordance with Appendix 7 of the November 16, 1998, *Agreement Between DOE/OCRWM and NRC/NMSS Regarding Prelicensing Interactions*, the DOE would like to provide the NRC staff more convenient access to the needed references to support review of the KTI agreement responses and the TBDoc. Accordingly, DOE will make requested documents available to NRC or the NRC contractor representatives for review in the NRC Onsite Representative's office in Las Vegas, Nevada, or at a mutually agreed offsite location.

The suite of documents being provided should provide an adequate level of detail for the NRC staff review of the TBDoc and the KTI agreement responses. However, requests for additional or lower-level references will be considered on a case-by-case basis.

There are no new regulatory commitments in this letter. Please contact me at (702) 794-5567 or April V. Gil at (702) 794-5578 if you have any questions.


Joseph D. Ziegler, Director
Office of License Application and Strategy

OLA&S:TCG-0407

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