

April 8, 2005

Mr. Joseph D. Ziegler
Office of License Application and Strategy
Office of Repository Development
U.S. Department of Energy
1151 Hillshire Drive
North Las Vegas, NV 89134-6321

SUBJECT: PRE-LICENSING EVALUATION OF KEY TECHNICAL ISSUE AGREEMENTS:
STRUCTURAL DEFORMATION AND SEISMICITY 3.01 ADDITIONAL
INFORMATION NEEDED; RADIONUCLIDE TRANSPORT 3.05; AND
UNSATURATED AND SATURATED FLOW UNDER ISOTHERMAL
CONDITIONS 6.03

Dear Mr. Ziegler:

The Nuclear Regulatory Commission (NRC) staff evaluated U.S. Department of Energy's (DOE) responses to three key technical issue agreements. The agreement responses are contained in Appendix H to Bechtel SAIC Company, LLC (2003a). The specific agreements evaluated were Structural Deformation and Seismicity (SDS) 3.01 Additional Information Needed (AIN)-1, Radionuclide Transport (RT) 3.05, and Unsaturated and Saturated Flow Under Isothermal Conditions (USFIC) 6.03.

The NRC staff reviewed DOE's responses to these agreements, additional information needs and comments. Based upon our review of the information provided, NRC staff considers that DOE should provide additional information regarding SDS.3.01 AIN-1 and RT.3.05, and that USFIC.6.03 is closed. The staff considers that DOE was not responsive to the original concerns expressed in Agreements SDS.3.01 AIN-1 and RT.3.05, but was responsive to the concerns in Agreement USFIC.6.03. Additionally, DOE's responses to seven of eight comments were responsive to staff concerns, while the response to Comment 8 was found not to address the original staff concerns. Results of our review and specific feedback on DOE's responses are provided in the enclosure to this letter.

It is up to DOE to decide how, or whether, to respond to staff's feedback. Please note that NRC will make its final determination on any issues relevant to licensing during review of any potential 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 Publicly Available Records component of the NRC's document system (ADAMS). The ADAMS package accession number is ML050460161. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

J. Ziegler

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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 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: SDS.3.01 AIN-1, RT.3.05, and USFIC.6.03

cc: See attached list.

Letter to J. Ziegler from L. Kokajko, dated: April 8, 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.
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. Yarbrow, 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
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R. Loux, State of NV	D. Beckman, BSC/B&A
S. Frishman, State of NV	M. Voegelé, 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. 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

R. L. Craun, OPM&E

B. Gattoni, Burns & Roe

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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

J. C. Saulque, Benton Paiute Indian Tribe

C. Bradley, Kaibab Band of Southern Paiutes

R. Joseph, Lone Pine Paiute-Shoshone Tribe

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D. Buckner, Ely Shoshone Tribe

V. Guzman, Walker River Paiute

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L. Alfano, Lincoln County

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

D. Duquette, NWTRB

J. Ziegler

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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 email at dsr@nrc.gov.

Sincerely,

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

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