



Department of Energy
Washington, DC 20585

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John J. Linehan, Director
Repository Licensing and Quality
Assurance Project Directorate
Division of High-Level
Waste Management
Office of Nuclear Material
Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Linehan:

On May 1, 1989, the Department of Energy (Department) provided the Nuclear Regulatory Commission (NRC) a list of the 56 Exploratory Shaft Facility (ESF) open items. The list identified the Site Characterization Plan (SCP) Sections and other documentation that presented information on the open items. In the transmittal, the Department stated that based on the information presented in the identified SCP Sections, 45 of the 56 ESF open items could be closed. On September 6, 1989, you responded to the May 1, 1989, submittal stating that after reviewing the identified SCP Sections, 23 of those 45 items could be closed. In the process, all but 2 of the 23 open items were correlated to concerns expressed in the NRC Site Characterization Analysis (SCA) of the Department's SCP.

The Department has reviewed your September 6, 1989, ESF open items transmittal and, for the most part, understands the bases provided for not closing items. However, the Department believes that open items 31 and 32 could have also been closed. Open item 31 simply requested that the Department furnish the rationale for concluding that the ESF location is representative, while open item 32 requested the test plans for the ESF. This information was provided in the SCP, and therefore, the items should be closed.

The Department notes that the documentation identified in the May 1, 1989, letter was the best information available at that time, and that some of the open items can only be addressed as the program proceeds. For example, open items 18, 19, 20, 21, 22, 23, 24, 26, 28, 29, and 35 deal with sealing. The Department provided its position on the design and testing of seals in the SCP. However, at the present there are fundamental differences between the Department and the NRC regarding the time frame for design and testing of seals. Resolution of sealing related open items can only be accomplished upon agreement of basic principles.

The Department is presently evaluating the concerns expressed in

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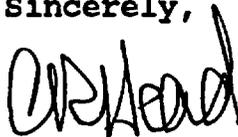
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the SCA and believes that documentation to be provided in the future to address the SCA concerns will also permit closure of the ESF open items. If not, responses to the ESF open items will be provided as they become available. In addition, as you know, the Secretary of Energy recently redirected the repository program, placing an early emphasis on surface-based testing and rescheduling the sinking of exploratory shafts. As part of this initiative, the Department is reevaluating certain aspects of the ESF, including the locations chosen for the exploratory shafts, the design of the shafts and other components of the ESF, the method of construction, the means of access (ramps or shafts) to the repository horizon, and the need for additional drifting. Many of the ESF open items and the corresponding ESF-related concerns expressed in the SCA will be considered in these reevaluations. Any changes to the site characterization program resulting from these reevaluations will be reported in future site characterization progress reports.

Please feel free to contact Steven Rossi of my staff on 586-9433 with any questions regarding this correspondence.

Sincerely,



for Gordon Appel, Chief
Licensing Branch
Office of Civilian Radioactive
Waste Management

cc: R. Loux, State of Nevada
M. Baughman, Lincoln County, NV
D. Bechtel, Clark County, NV
S. Bradhurst, Nye County, NV