



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 07, 1994

Mr. Robert Loux, Director
Agency for Nuclear Projects
Nuclear Waste Project Office
State of Nevada
Carson City, NV 89710

SUBJECT: EXPLORATORY STUDIES FACILITY DESIGN

Dear Mr. Loux:

I am responding to your letter dated August 15, 1994, in which you express your continued concern regarding the US Department of Energy (DOE) Management and Operating Contractor's (M&O's) design process, and the apparent lack of a US Nuclear Regulatory Commission response to this matter. We have delayed this response, in accordance with the agreement between Susan Zimmerman and Joe Holonich of our respective staffs, until Mr. Bernero issued his letter of October 13, 1994, to Dr. Dreyfus. That letter expressed NRC's concerns with the M&O's lack of an effective quality assurance (QA) program and with DOE's oversight of the program. As noted in Mr. Bernero's letter, the concerns had been discussed in the August 31, 1994, meeting with DOE. Also discussed at that meeting was the plan that DOE and the M&O had developed to correct the identified problems.

After that meeting and in consideration of the ideas expressed in your letter, the staff determined what further action should be taken by the NRC staff in light of our concerns. Your suggestion that we either reinstate Site Characterization Analysis Objection 1 regarding the Exploratory Studies Facility (ESF) design process or initiate a new objection regarding the ESF design process was one possible action that was considered.

However, as Mr. Bernero's letter states, the staff believes that there is an opportunity for DOE to resolve our concerns before any major impact on site characterization or the waste isolation capability of the site occurs. Therefore, the NRC issued the comment (Enclosure 1 of Mr. Bernero's letter) and the questions (Enclosure 2 of that letter) that request more details on various aspects of the concerns.

The NRC's position is that, prior to beginning construction work that might cause irreparable adverse effects on waste isolation or site characterization, the comment, the questions, and earlier related concerns must be resolved to the NRC's satisfaction. If resolution cannot be obtained, the NRC still has the option of issuing an objection to any further ESF work.

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R. Loux

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We share your concern regarding the ESF design and related QA matters. We believe that the steps we are taking are timely and appropriate. If you have any questions or further comments in this regard, please do not hesitate to contact me on (301) 415-7437.

Sincerely,
ORIGINAL SIGNED BY
John T. Greeves

for

Malcolm R. Knapp, Director
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

cc: L. Barrett, DOE
R.A. Milner, DOE
T.J. Hickey, NV
J. Meder, NV
R. Nelson, YMSCO
M. Murphy, NV
M. Baughman, NV
D. Bechtel, NV
D. Weigel, GAO
P. Niedzielski-Eichner, NV
B. Mettam, CA
V. Poe, NV
F. Mariani, NV
R. Williams, NV
L. Fiorenzi, NV
J. Hoffman, NV
C. Schank, NV
L. Bradshaw, NV
W. Barnard, NWTRB
R. Holden, NCAI
E. Lowery, NIEC
S. Brocoum, YMPO

Ticket No. D-072

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| DATE | 10/24/94 | H | 10/24/94 | H | 10/24/94 | H | 10/26/94 | | 11/7/94 |

* See previous concurrence.

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R.

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