



Department of Energy

Washington, DC 20585

October 17, 1994

Mr. Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20655-000

Dear Mr. Bernero:

I received your letter dated October 13, 1994 documenting the U.S. Nuclear Regulatory Commission (NRC) staff concerns regarding the Civilian Radioactive Waste Management System Management and Operation contractor's (M&O's) lack of an effective Quality Assurance (QA) program, and about the U.S. Department of Energy's (DOE's) oversight of the M&O's program.

I want to assure you that DOE is taking the concerns expressed in your letter very seriously. We have carefully reviewed your letter, the staff's recommendations, and the basis for your recommendations, and we have assessed our ability to respond to your concerns. We believe that with a focused effort, we can provide the required information to address your concerns in a timely manner. We note that you did not issue an objection, and that the staff believes there is an opportunity for us to resolve the problems and concerns in a manner that avoids either an adverse impact on waste isolation or future site characterization.

On that basis, I would like to affirm our willingness to meet with your staff to discuss these issues and develop an ongoing dialogue. Additionally, we propose a technical meeting with your staff on November 2, 1994, at which time we will be prepared to present our draft responses to the concerns raised in your letter. We could also continue these discussions at the technical exchange scheduled for November 7, 1994. Following these interactions, we will provide our written response to you by November 14, 1994.

In the ESF design, including the North Ramp Package 2C design, we have considered important interfaces between the GROA and the ESF, and have addressed controls to be placed on construction activities that are specifically designed to prevent irreparable adverse impacts on DOE's ability to perform site characterization and to maintain the waste isolation capability of the site. We are confident that we have addressed and corrected the deficiencies in Package 2C, and that our continuing efforts to address and correct the root causes of the implementation concerns in our Quality Assurance program, and the M&O implementation of that program, will be successful in the near term. We are confident in our position that controls are in place that are adequate to proceed with testing, shakedown, and operation of the tunnel boring machine.

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On this basis, I have made the decision to approve the request from Robert Nelson, YMSCO, Project Manager, to begin tunnel construction on Monday, October 17, 1994. As always, members of your staff are welcome to observe all aspects of construction activities underway at the site.

If you have questions about our plans or would like to discuss this further, please contact me at (202) 586-6842.

Sincerely,



Daniel A. Dreyfus, Director
Office of Civilian Radioactive
Waste Management

cc:

R. Loux, State of Nevada
T. J. Hickey, NV Legislative Committee
J. Meder, NV Legislative Counsel Bureau
M. Murphy, Nye County, NV
D. Bechtel, Clark County, NV
P. Niedzielski-Eichner, Nye County, NV
B. Mettam, Inyo County, CA
V. Poe, Mineral County, NV
F. Mariani, White Pine County, NV
R. Williams, Lander County, NV
L. Fiorenzi, Eureka County, NV
C. Schank, Churchill County, NV
L. Bradshaw, Nye County, NV
W. Barnard, NWTRB
E. Lowry, Nevada Indian Environmental Coalition
R. Holden, National Congress of American Indians
M. Knapp, NRC
J. Holonich, NRC