



AGENCY FOR NUCLEAR PROJECTS
NUCLEAR WASTE PROJECT OFFICE

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December 28, 1992

John Bartlett, Director
Office of Civilian Radioactive
Waste Management
U.S. Department of Energy
1000 Independence Avenue
Washington, DC 20585

Dear Dr. Bartlett:

In the November 5, 1992 letter from John Roberts, U. S. Department of Energy, to Joseph Holonich, U. S. Nuclear Regulatory Commission, the DOE indicated its intent to use the Site Characterization Progress Report as the means to notify the NRC (and I assume other parties) of changes in the Exploratory Studies Facility (ESF) design. The State of Nevada has concern whether this proposal will satisfy the needs of the NRC and other parties for timely knowledge of ESF design changes.

The Site Characterization Progress Report as discussed in 10 CFR 60.11(g) requires DOE to inform the NRC semiannually on the progress of site characterization including study results, identification and plans for resolving new issues, and identification of decision points and changes in schedule. The Report should also discuss the design of a geologic repository operations area appropriate for the site. The ESF is an integral part of site characterization and a prerequisite for design of a geologic repository operations area. The State is supportive of the 10 CFR 60.11(g) method for reporting site characterization progress and changes. However, the State condones the approach the DOE has chosen to implement the requirement of 10 CFR 60.11(g).

The semiannual progress reports issued to date by the DOE have not been issued in a timely manner. The reports have historically lagged six to ten months behind the reporting period. As an example, the Progress Report (DOE/RW-0307P-6) for the period October 1, 1991 - March 31, 1992 is dated September 1992, but was

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received by this Agency on December 14, 1992. Hardly a schedule compatible with a realistic consideration of constructive comment by oversight parties on progress during the reporting period, and timely reporting of ESF design changes.

If the DOE prepared a semiannual progress report consistent with the intent of 10 CFR 60.11(g) and issued such a report in a timely manner, i.e. within thirty (30) days after the reporting period, then the State could support the use of the semiannual progress report to announce changes in ESF design. We cannot support the proposal contained in the November 5 letter and request that the DOE explore other methods for timely notification of ESF design changes.

Sincerely,



Robert R. Loux
Executive Director

RRL:cs

cc: J. Youngblood, NRC