



**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:

The Department of Energy (Department) is preparing comments on the Nuclear Regulatory Commission's (NRC) draft technical position on tectonic models, published on June 19, 1989, (54 FR 25762). The Department recognizes the importance of the issue and is concerned with a number of elements in the proposed technical position.

The development of a common understanding regarding the conceptual development and completeness of tectonic models will be an important element of our program. However, the draft technical position does not appear to facilitate achieving this goal, and discusses a number of items that appear only tangentially related to tectonic models. For example, the role and use of probabilistic techniques is discussed, as well as the use of models in completing performance allocation to guide site investigations. Both of these topics are more generic issues and do not appear solely or directly related to the topic of tectonic models.

The draft position also discussed the regulatory term "anticipated processes and events", with which we have expressed a number of concerns in our comments on the draft technical position on that topic. We are unaware of the status of this technical position and believe it may be premature to include this discussion in the tectonics position until we have had further discussion.

As you are aware, at our July 26, 1989, meeting on DOE/NRC interactions we scheduled four interactions on the topic of tectonics throughout the remainder of 1989. The following are examples of some of the Department's concerns resulting from our preliminary review of the draft tectonics technical position that we believe should be included in our upcoming discussions.

- a) It appears that NRC staff positions regarding the needed level of conservatism are being formulated which may result in positions that may not be representative of regulatory requirements or may be technically unattainable;

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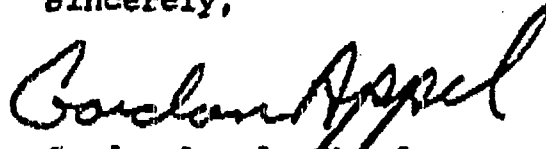
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- b) the importance and role of uncertainty in making decisions is not clearly defined and appears to have resulted in the NRC staff developing the position that the use of probabilistic techniques is limited or not applicable; and,
- c) certain elements of the NRC staff position appear to anticipate the outcome of site characterization, whereas we believe that the forthcoming results of site characterization should determine the level of conservatism.

The Department is in the process of preparing its final comments on this subject to be provided to you by September 29, 1989. Considering the importance of the tectonic models topic and the nature of our concerns, we believe that it would be more appropriate to defer finalizing this technical position pending the outcome of our planned discussions.

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

Sincerely,



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