



Department of Energy
Washington, DC 20585

April 6, 1994

Mr. Joseph J. Holonich, Director
Repository Licensing & 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. Holonich:

This is in response to concerns raised by the U.S. Nuclear Regulatory Commission (NRC) in your February 1, 1994, letter, regarding the staff's preliminary review of the Mined Geologic Disposal System Annotated Outline Skeleton Text for the Preparation of a License Application, Revision 3, dated November 30, 1993. In your letter, you expressed concern with the U.S. Department of Energy's (DOE) decision not to implement the systems-based approach which is provided as guidance in Section 3.3 of Draft Regulatory Guide DG-3003, "Format and Content for the License Application for the High-Level Waste Repository," (FCRG). In addition, you asked us to reconsider the decision or explain why the approach presented in the Annotated Outline is considered beneficial.

DOE originally attempted to implement the draft guidance provided in the Format and Content Regulatory Guide Section 3.3, "Assessment of Compliance with 10 CFR 60," during the development of the Annotated Outline, Revision 0. Although the Format and Content Regulatory Guide approach was followed in the first revision of Section 3.3, we found the outline of the section difficult to use. Consequently, the following comment on the Format and Content Regulatory Guide was provided to you in a July 20, 1993, letter:

Section 3.3 "is subdivided into the natural systems of the geologic setting of the site. Each subsystem contains a list of favorable and potentially adverse conditions to be considered for that subsystem. In some cases, a specific favorable or potentially adverse condition may apply to more than one subsystem of the geologic setting. For example, 60.122(c)(20) considers rock and groundwater conditions that may require complex engineering measures. This condition is listed in the FCRG under the hydrologic system, but not under the geologic system. Section 3.3 could be reorganized

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into two subsections (favorable and potentially adverse conditions) applied to the geologic system. This would clarify the intent of the section and reduce the need for cross references among the various subsystems of the geologic setting."

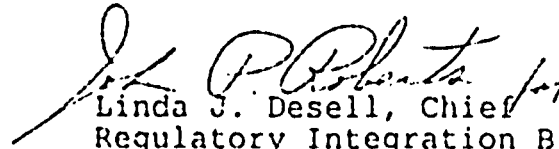
We believe that this comment provides the basis for our approach presented in the Annotated Outline and explains the benefit to our approach. It is our intent to follow the draft guidance contained in the Regulatory Guide to implement the repository systems-based format as closely as possible, and to explain any deviations from the final Regulatory Guide, as appropriate. However, in some instances, we may choose to depart from the draft guidance when there appears to be a better way to present the same information, such as in the example discussed above, which was formally transmitted to you in the form of comments on the draft Format and Content Regulatory Guide.

Although we understand that we have the flexibility not to follow the format for the license application presented in the Regulatory Guide, we fully intend to present the information in a format which will facilitate the NRC staff's review of the Annotated Outline for the potential License Application. Therefore, to facilitate your review of Section 3.3, we are proposing to present the information as suggested in the Regulatory Guide in addition to presenting it in the format that was provided in Revision 3 of the Annotated Outline. As indicated in our July 20, 1993, comment, we feel that our proposed reorganization reduces the need for cross referencing among the subsystems of the geologic setting. Revision 4 of the Annotated Outline, scheduled for transmittal to you in November, 1994, will contain the information you are requesting.

DOE is concerned that the format of the License Application Review Plan closely follows the format of the draft Regulatory Guide and, that we have not yet received your response to our comments on the Regulatory Guide, transmitted to you on September 6, 1991 and July 20, 1993, respectively. In the interim, to clarify any departures from the draft guidance, please consider our formal comments on the Format and Content Regulatory Guide during your review of Annotated Outline revisions. We look forward to your response to the comments provided on the draft Regulatory Guide and the continued interactions facilitated by the Annotated Outline process.

If you have any questions, please contact Corinne Macaluso of my staff at (202) 586-2837.

Sincerely,



Linda J. Desell, Chief
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