

November 17, 2001

Dr. Stephan Brocoun, Assistant Manager  
Office of Licensing and Regulatory Compliance  
U.S. Department of Energy  
Yucca Mountain Site Characterization Office  
P.O. Box 364629  
North Las Vegas, NV 89036-8629

SUBJECT: COMMUNICATION OF MAJOR CHANGES IN ON-GOING FIELD TESTS AND  
REPOSITORY/WASTE PACKAGE DESIGN - POTENTIAL IMPACTS ON ISSUE  
RESOLUTION

Dear Dr. Brocoun:

During the September 10-12, 2001, meeting of the U.S. Nuclear Waste Technical Review Board, the U.S. Nuclear Regulatory Commission (NRC) staff learned that the U.S. Department of Energy (DOE) was planning to make a significant change in the ongoing Passive Cross Drift Hydrologic Test. The change, to shorten the cross-drift test by over 600 meters, would have halted data collection in parts of the tunnel that the NRC staff believe underlie areas likely to have the highest surface infiltration. Although DOE may have had a basis for shortening the cross-drift test, the reasoning was not presented or clear to the NRC staff at the time. The results from the cross-drift test impact a number of NRC/DOE issue resolution agreements. Therefore, the NRC staff requested a number of telephone calls and used a portion of a previously planned Appendix 7 meeting to discuss with your staff why the cross-drift test was being significantly changed. At the Appendix 7 meeting, however, DOE stated that it would not shorten the cross-drift test based on tunnel observations.

Although the NRC staff does not have any additional concerns regarding the cross-drift test at this time, the events described above generated several generic NRC staff questions. Specifically, what is DOE's process for evaluating how significant changes to DOE test plans or to the repository/waste package design impact the NRC/DOE issue resolution agreements? Further, what is DOE's process for determining how the changes and their impact will be communicated to the NRC staff? The manner and timing in which DOE communicates major changes to field tests or to the repository/waste package design are critical to ensure that sufficient information can be provided to the NRC staff to complete the NRC/DOE agreements. The NRC staff needs to understand the process that DOE uses to terminate tests or make major changes, and how that DOE process covers the potential impacts on NRC/DOE agreements already in place. Otherwise, changes could significantly delay completion of the agreements or even prevent some of the agreements from being completed.

S. Brocoum

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In order to avoid potential, future problems with respect to significant test and design changes, I believe points of contact should be established at DOE and NRC to ensure a common understanding of current test and design plans. Therefore, I recommend the NRC and DOE discuss this at your earliest convenience and that it also be discussed during the next NRC/DOE Quarterly Management Meeting. Please contact the NRC Project Manager for issue resolution, Mr. James Andersen at (301) 415-5717 to schedule a discussion.

Sincerely,

**/RA/**

C. William Reamer, Chief  
High-Level Waste Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

cc: See attached distribution list

S. Brocoun

-2-

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**/RA/**

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Office of Nuclear Material Safety  
and Safeguards

Enclosure: As stated

cc: See attached distribution list

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Letter to S. Brocoum from C.W. Reamer dated: November 15, 2001

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