Department of Energy
Washington, DC 20585

MAY 31 1995

Mr. Joseph J. Holonich, Chief
High-Level Waste and Uranium
Recovery Projects Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Holonich:

This letter is in response to your letter of April 26, 1995, concerning the office responsible for assuring worker safety and health during the Exploratory Studies Facility construction. The responsibilities for worker safety and health, a line function for the Exploratory Studies Facility, lie within the Yucca Mountain Site Characterization Office (YMSCO) and contractor organizations.

Within YMSCO, the Assistant Manager for Environment, Safety, and Health has the responsibility of establishing safety and health policy and oversight of project activities. The Assistant Manager of Engineering and Field Operations manages design activities for the Exploratory Studies Facility and has the responsibility for implementing and ensuring implementation of safety and health requirements at all construction activities. Questions or concerns related to construction worker safety and health at the Yucca Mountain Project should be directed to:

Wendy R. Dixon
Assistant Manager for Environment, Safety, and Health
Office of Civilian Radioactive Waste Management
Yucca Mountain Site Characterization Office
P.O. Box 98608
Las Vegas, Nevada 89193-8608

Ms. Dixon can be reached at (702) 794-7947.

The Department of Energy contractor organizations have the responsibility for developing and implementing safety and health programs that comply with established Yucca Mountain Project policies. The project Civilian Radioactive Waste Management System Management and Operating Contractor (M&O) organization is responsible for management of construction activities and developing the design for the Exploratory Studies Facility, including safety design. Reynolds Electrical and Engineering Company, Inc., also a Department of Energy prime contractor at the Yucca Mountain Project is responsible for construction of the

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Exploratory Studies Facility and supporting facilities. Pending organizational re-alignments involving Reynolds Electrical and Engineering Company's contract with the Department, construction responsibilities will be transitioned to the Civilian Radioactive Waste Management System M&O at the end of Fiscal Year 1995 at which time the M&O will have responsibility for both construction management and actual construction.

Although neither the Mine Safety and Health Administration (MSHA) nor the Occupational Safety and Health Administration (OSHA) have a regulatory or enforcement role in the Yucca Mountain Project activities, the Department applies the applicable OSHA and MSHA standards to project activities through the Project Safety and Health Plan (YMP 90/37 Rev. 2). This plan requires all the Yucca Mountain Project participants to establish, implement, and comply with the OSHA requirements that are contained in 29 CFR 1910, General Industry Safety and Health Standards and 29 CFR 1926, Safety and Health Standards for the Construction Industry.

While the MSHA standards generally do not apply to the Yucca Mountain Project since it is not a mining operation, the project does consider the relevant design safety requirements of 30 CFR in the design of project systems and structures, as required by 10 CFR 60. Additionally, the project uses 30 CFR 49, Mine Rescue Teams as guidance to comply with 29 CFR 1926.800 requirements for training of Underground Rescue Teams.

In addition to the oversight of the Yucca Mountain Project safety and health activities that is provided by the Assistant Manager for Environment, Safety and Health, independent safety and health oversight is provided by the Department's Assistant Secretary for Environment, Safety and Health, Office of Residents.

We trust that this information will help you in addressing any future worker safety and health concerns that may be referred to your office. If you have any questions concerning this information, please contact Wendy R. Dixon directly.

Sincerely,

Ronald A. Milner

Ronald A. Milner, Director
Office of Program Management and
Integration
Office of Civilian Radioactive
Waste Management

cc:
W. Barnes, YMSCO
R. Loux, State of Nevada
R. Price, NV Legislative Committee, NV
J. Meder, NV Legislative Counsel Bureau, NV
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
J. Hoffman, Esmeralda County, NV
C. Schank, Churchill County, NV
L. Bradshaw, Nye County, NV
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E. Lowry, NV Indian Environmental Coalition, NV
R. Holden, National Congress of American Indians
J. Greeves, NRC