



Department of Energy

Washington, DC 20585

September 25, 1990

Mr. John Linehan, 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. Linehan:

In your letter dated August 16, 1990, you provided, for informational purposes, to the Department of Energy (DOE) copies of recently issued U.S. Nuclear Regulatory Commission (NRC) Staff Positions (SPs) related to: Containment Period for High-Level Waste Packages (SP-60-001); Performance Objectives Relating to Isolation of the Waste (SP-60-002); and Design Criterion for Thermal Loads (SP-60-003). We have reviewed the subject SPs and welcome the clarifications provided in each of these respective staff positions.

There is one further clarification we believe is needed. DOE interprets Staff Position SP-60-001 to mean that, if DOE were to take an allowable credit for a waste package designed to provide containment in excess of 1,000 years, then DOE has less need of placing reliance on other barriers, such as the natural system, as long as the principle of multiple barriers is maintained and the overall system performance objective in 60.112 is satisfied. This is consistent with the provisions of 60.113(b). As DOE stated during the September 5, 1990, DOE/NRC Management Meeting, DOE is pleased to be informed that the NRC General Counsel concurred in the issuance of this SP.

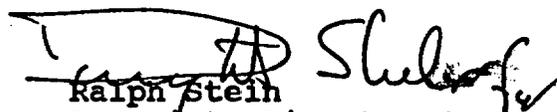
DOE understands that, as provided in 10 CFR 60.5, only a written interpretation of the meaning of the regulations by the General Counsel is considered binding upon the Commission. Thus, SPs are the opinion of the NRC staff and not binding upon the Commission. Should DOE have future need of a stronger statement than that contained in an SP, DOE will request an interpretation which would be binding under the provisions of 10 CFR 60.5.

9010020348 900925
PDR WASTE
WM-1 PDC

1/0
109
WM-1
NH01

If you have any questions concerning this letter or find that DOE has misinterpreted statements made during the Management Meeting, please contact Linda Desell of my staff on 586-1462.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph Stein", is written over a circular stamp or seal that is partially obscured.

Ralph Stein
Associate Director for Systems
Integration and Regulations
Office of Civilian Radioactive
Waste Management

cc:

R. Loux, State of Nevada
C. Gertz, DOE/YMPO/NV
M. Baughman, Lincoln County, NV
D. Bechtel, Clark County, NV
S. Bradhurst, Nye County, NV