



Department of Energy
Washington, DC 20585

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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Linehan:

In your July 26, 1989, letter to the Department of Energy (DOE), the Nuclear Regulatory Commission (NRC) provided a table showing inconsistencies in various DOE lists of 10 CFR Part 60 requirements applicable to the exploratory shaft facility (ESF). This table served as backup to Comment 129 of the NRC's Site Characterization Analysis (SCA), and was discussed at the July 6-7, 1989, DOE-NRC Design Control meeting in Las Vegas. The perceived inconsistencies were briefly clarified at that meeting, and this letter further expands on that explanation.

There appears to be some misunderstanding regarding the different lists of requirements. These lists were either developed at different times or for different purposes.

- Attachment I (column 3 in the NRC table) is part of the Technical Oversight Group (TOG) Report and is DOE's present position regarding Part 60 applicability to the ESF.
- Attachment H (column 4 in the NRC table) is part of the TOG Report and was the draft evaluation that led to the final conclusions in Attachment I of the same report.
- Section 7.2 of the Title I Design Report, which lists applicable regulatory requirements (column 2 in the NRC table), predates the TOG Report and was the subject of review as part of the Design Acceptability Analysis (DAA).
- Appendices I-1, I-2, and I-4 of the DAA (columns 5, 6, and 8 the NRC table) were the results of the various evaluations done on the Title I Subsystem Design Requirements Document (SDRD); Appendix I-3 (column 7 in the NRC table) was the list of criteria developed for the applicable requirements. All four appendices were limited to requirements relevant to waste isolation, ability to characterize the site, and

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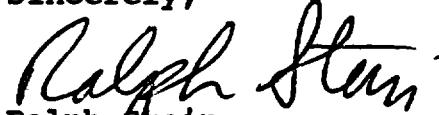
representativeness of data, which were the focus of the DAA, as discussed at the December 8, 1988, DOE-NRC meeting.

The differences between Attachments H and I are explained in Section 4.0 of the TOG Report, which was transmitted to the NRC on February 9, 1989, with the DAA. The scope of Appendices I-1 and I-2 are explained in Section 2.1 of the DAA and Appendices I-3 and I-4 explained in Section 2.2 of the same document. It should be pointed out that Appendix I-3 (pages I.3-69 through I.3-74) contains a matrix showing the full list of applicable Part 60 requirements from which those that were to be the focus of the DAA were identified. This list is consistent with Attachment I of the TOG Report which, as indicated earlier, is DOE's present position.

In your July 26, 1989, letter, you also provided a list of 10 CFR Part 60 requirements which the NRC believed to be applicable to the ESF, which differs somewhat from DOE's position. In Attachment I of the TOG Report, the DOE identified 46 requirements that were applicable to the ESF. In Comment 128 of the SCA, the NRC identified an additional eleven requirements. As we briefly discussed at the July 6-7, 1989, meeting, DOE believes these differences stem primarily from differing definitions of the term "applicable." The DOE considers a requirement to be applicable if it actually imposes a requirement or constraint on ESF design, construction, or operation. As you know, this will be the subject of our technical exchange on 10 CFR Part 60 flowdown, presently scheduled for early October.

I hope this letter clarifies your concern regarding these different lists of requirements. If you have any questions, please contact Gordon Appel of my staff on 586-1462.

Sincerely,


Ralph Stein
Associate Director for Systems
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