

ESF LETTER TO STEIN

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DEC 08 1989

Mr. Ralph Stein, Associate Director
for Systems Integration and Regulations
Office of Civilian Radioactive Waste Management
U. S. Department of Energy, RW 30
Washington, D.C. 20545

Dear Mr. Stein:

In your August 31, 1989 letter responding to my letter of July 25, 1989, you expressed the view that the differences between the NRC and DOE positions regarding which 10 CFR Part 60 requirements are applicable to the exploratory shaft facility (ESF) stem from differing definitions of the term "applicable". There are eleven Part 60 requirements identified by the NRC staff in Comment 128 of the Site Characterization Analysis that are not considered applicable to the ESF by DOE. These were discussed at length during the NRC-DOE ESF Technical Exchange that took place October 4, 1989. The discussions appeared to be useful in clarifying the NRC and DOE opinions on whether these requirements are applicable to the ESF.

However, it appeared during those discussions that NRC and DOE may still consider different Part 60 requirements to be applicable to the ESF. This therefore remains an open item needing to be resolved in a timely manner because of its implications for ESF design. At the November 7, 1989 NRC-DOE meeting on scheduling of interactions, NRC recalled, and DOE reaffirmed, DOE's commitment made in July, 1989 to have technical meetings with the NRC staff on ESF design control as the design is being developed. This open item should be addressed at the next NRC-DOE meeting regarding ESF design.

If you have any questions concerning this letter or scheduling of a technical meeting on Part 60 requirements for the ESF, please contact King Stablein (FTS 492-0446) of my staff.

Sincerely,

ORIGINAL SIGNED BY

John J. Linehan, Director
Repository Licensing and Quality
Assurance Project Directorate
Division of High-Level Waste Management

cc: R. Loux, State of Nevada
C. Gertz, DOE/NV
S. Bradhurst, Nye County
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