

DEC 28 1988

Mr. Sam Rousso, Acting Director
Office of Civilian Radioactive Waste Management
U. S. Department of Energy
Washington, D. C. 20545

Dear Mr. Rousso:

SUBJECT: FOLLOW-UP OF DECEMBER 20, 1988 U. S. DEPARTMENT OF ENERGY (DOE)
BRIEFING OF THE U. S. NUCLEAR REGULATORY COMMISSION (NRC)

The purpose of this letter is to follow up on a presentation you made at the December 20, 1988 briefing of NRC. During the briefing, you stated that it was important to ensure that DOE understood and addressed concerns raised by the NRC staff, and that DOE and the NRC staff continue to work to develop clear communications with regard to licensing the High-Level Waste Repository. You further stated that DOE must not only understand the substance of the comment, but must also know the weight the staff places on it. In particular, you said: "That is, we [DOE] must know whether the comment expresses a regulatory concern, or whether it is a staff-level suggestion for a technical change that can be treated as advisory."

Based on your discussion, I believe some clarification is needed of how the NRC staff issues requests to DOE. First I would like to note that NRC's point of contact for the repository program is Mr. John J. Linehan, who is the Director, Repository Licensing and Quality Assurance Project Directorate (HLPD). Requests that the NRC staff makes to DOE are issued under Mr. Linehan's signature. Any letter DOE receives that is signed by Mr. Linehan, or any manager above him, is an official NRC staff position, and is, indeed, a regulatory concern. To ensure that only regulatory concerns are pursued, the Division of High-Level Waste Management (HLWM) has several management and internal quality assurance controls in place. These controls include reviewing any staff comments, before issuance, and eliminating any that are not consistent with NRC's regulatory mission. Hence, any requests DOE receives, that are transmitted by letters which have the appropriate signature(s), are official staff regulatory positions.

Similarly, HLWM management is involved in reviewing all NRC staff positions presented at DOE/NRC meetings. These positions will eventually be placed in meeting minutes that are jointly developed by the NRC staff and DOE, and then issued under signature in a letter to DOE. Hence, NRC staff positions taken at meetings also receive HLWM management review. For your information, I have enclosed a copy of a HLWM organization chart, which I hope will help DOE better understand the NRC repository program structure.

In addition to the above concern, I would also like to address a point you made about the NRC review schedule for the exploratory shaft facility (ESF). Figure 4, "ESF Resolution Approach," of your presentation shows that NRC will provide its comments on the ESF within three months of receipt of the Site Characterization Plan (SCP) and the Design Acceptability Analysis (DAA).

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Mr. Sam Rousso

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Although this three-month period was in the original SCP review schedule, it is not consistent with the present NRC review schedule, which was discussed during the October 19-21, 1988 ESF meeting. The original three-month schedule was based on the understanding that the staff would have received and reviewed all major ESF-related material before the release of the SCP. Because the major ESF information will not be submitted until the SCP and accompanying DAA, NRC will provide its comments on the ESF as part of its Site Characterization Analysis (SCA). The SCA is presently scheduled to be issued in July 1989.

I hope that the aforementioned information, addressing your concern about NRC staff comments and the weight NRC places on them, helps to resolve any questions you may have had. In addition, I hope that DOE understands, as noted above, that the NRC staff plans to conduct its review of the ESF as part of its SCA evaluation of the SCP. If you have any additional questions, please feel free to contact myself or Mr. Linehan, who can be reached at (301) 492-3387.

Sincerely,

(Signed) Hugh L. Thompson, Jr.

Hugh L. Thompson, Jr., Director
Office of Nuclear Material Safety
and Safeguards

Enclosure: As stated

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

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