



Department of Energy
Washington, DC 20585

DEC 14 1988

Mr. John J. Linehan, Director
Repository Licensing and Quality
Assurance Project Directorate
Division of High-Level
Waste Management
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Linehan:

This letter is in response to your letter dated October 10, 1989, in which you stated that DOE should give consideration to the Resource Conservation and Recovery Act (RCRA) in the waste acceptance process and undertake any necessary consultations with the EPA. DOE recognizes its responsibility for addressing all regulatory matters associated with the repository, with the appropriate agencies. Considering this, we are aware of the need for consideration of RCRA and have had interactions with the EPA staff on the matter and will have more in the future.

As you know, in response to a DOE inquiry to the Commission about how to distinguish official NRC positions from non-regulatory advice, the Director, Office of Nuclear Materials Safety and Safeguards (Hugh Thompson) sent a clarifying letter to Acting Director, Office of Civilian Radioactive Waste Management (Sam Rousso) on December 28, 1988. This letter stated that any correspondence to DOE signed by Director, Repository Licensing and Quality Assurance Project Directorate (John Linehan) or any manager above him is an official NRC staff regulatory position and is a regulatory concern consistent with NRC's regulatory mission. Accordingly, your comments on RCRA compliance seem to suggest an NRC regulatory concern in this area. Any clarification that you could offer regarding your views on the regulatory aspects of this issue would be appreciated.

If you have any questions or desire additional information regarding this letter, please contact me at 586-1462.

Sincerely,

Gordon Appel, Chief
Licensing Branch
Office of Civilian Radioactive
Waste Management

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