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LETTER STEIN

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Mr. Ralph Stein, Associate Director
Office of Systems Integration and Regulations
Office of Civilian Radioactive Waste Management
U. S. Department of Energy RW-24
Washington, D. C. 20545

Dear Mr. Stein:

The purpose of this letter is to identify a potential issue that the U.S. Nuclear Regulatory Commission (NRC) staff believes needs to be investigated. This issue deals with how the U. S. Department of Energy (DOE) is implementing the quality assurance requirements in the Code of Federal Regulations, Title 10, Part 50 (10 CFR Part 50), Appendix B which are referenced in 10 CFR Part 60, Subpart G. In particular, there may be indications that DOE is interpreting the requirements of 10 CFR Part 50, Appendix B too strictly.

The quality assurance requirements of Appendix B are general and can be acceptably implemented in a number of ways. The approach outlined in the "Nevada Nuclear Waste Storage Investigation Quality Assurance Plan," (NNWSI/88-9) is one acceptable method. In addition to this document, the DOE contractors will develop more detailed plans and procedures which further translate the general requirements of Appendix B and NNWSI/88-9 into working level documents.

The staff is concerned about comments made by the Nation Academy of Sciences and 16 scientists at the U.S. Geological Survey with the amount and type of QA requirements that are being applied to scientific investigations for the repository. Based on the concerns of the USGS scientists, the staff believes that DOE should evaluate its application of Appendix B, 10 CFR Part 50 in detailed plans and procedures to ensure that the requirements are being appropriately implemented given the nature of the work. DOE may identify areas where it needs additional guidance on how to apply the requirements of Appendix B and the staff is available to provide this guidance.

Besides identifying the need for DOE to evaluate the application of 10 CFR Part 50, Appendix B, the staff would also like to request that DOE inform the NRC of the responses to the issues raised by the 16 USGS scientists. The staff would appreciate receiving information on; (1) how the issues were resolved, and, if an issue was not resolved, when it will be; (2) the schedules for completing the corrective actions; and (3) how DOE will ensure that the corrective actions are properly completed and are timely.

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The NRC staff contact for both the application of 10 CFR Part 50, Appendix B and the status of the investigations is Mr. Joe Holonich. If you require any additional assistance, please feel free to contact Mr. Holonich at (301) 492-3403 or FTS 492-3403.

Sincerely,

ORIGINAL SIGNED BY

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

cc: C. Gertz, DOE/YMPO
R. Loux, State of Nevada
M. Baughman, Lincoln County
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