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DEC 07 1987

Mr. Paul Hale
12912 E. 24th Street
Tulsa, OK 74134

Dear Mr. Hale:

This is in response to your October 1987 letter expressing your position with regard to our September 25, 1987 response to your September 2, 1987 letter. Further explanation of the intent of our response appears warranted.

You stated that you are employed by Fenix and Scisson, Inc., in Tulsa, Oklahoma who has a contract with the Nevada Nuclear Waste Storage Investigations (NNWSI) project. The NRC staff is not knowledgeable of your employer's contractual arrangements with NNWSI and the U.S. Department of Energy (DOE). We were and still are concerned that some of your questions would more appropriately be addressed through your employer's contracting organization directly to NNWSI/DOE.

The rationale for our referring your concerns to your contracting officer and to the DOE is due to the nature of the regulatory process in the waste repository program. For the waste repository program, NRC regulations do not specify particular design codes. However, NRC regulations do permit the DOE to use a graded QA system. The DOE has developed a system of QA levels I, II and III for application of the graded QA system. It is the DOE responsibility to describe how they will design the waste repository facility to meet the broad NRC regulatory requirements. This includes providing the necessary information to their contractors and subcontractors.

In your September 2, 1987 letter, you raised the issue of "repository" possibly being related to "containment." In principle, the purpose of the waste repository and nuclear reactor are similar in nature, i.e., they both serve as a leak-tight barrier against the uncontrolled release of radioactivity to the environment. However, the reactor containment is designed to be a pressure boundary and waste repository is not designed as such. The "containment" defined in 10 CFR Part 60 is a defined term that has to do with keeping material within the waste package for isolation purposes and is not related to the information required by 10 CFR 50.34. NRC recognizes there are differences between the reactor program and waste repository as the enclosed recently presented paper on QA points out.

We are enclosing our responses to your specific questions. We hope that these provide the information you desire. To help ensure our responses are consistent with any contractual arrangements your employer has with NNWSI and

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DOE, we are forwarding a copy of this response to the cognizant NNWSI and DOE personnel.

Should you have any questions on this matter, please contact Mr. R. E. Browning (301-427-4069) of my staff.

Sincerely,

(Signed) Hugh L. Thompson, Jr.

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

Enclosures:

1. QA Point Paper
2. NRC responses

cc: J. Knight, DOE, OGR
C. Gertz, DOE, NNWSI

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OFFICIAL CONCURRENCE AND DISTRIBUTION RECORD

LETTER TO: Mr. Paul Hale
12912 E. 24th Street
Tulsa, OK 74134

SUBJECT: RESPONSE TO LETTER DATED SEPTEMBER 2, 1987 AND SUBSEQUENT
UNDATED LETTER RECEIVED ON OCTOBER 23, 1987, REGARDING HOW
DOE'S QUALITY ASSURANCE LEVEL I, II, AND III DESIGNATIONS FOR
GEOLOGIC REPOSITORY APPLY TO THE VARIOUS CODES AND STANDARDS
USED IN NUCLEAR POWER PLANTS AND SECONDLY WHAT SAFEGUARDS AND
TRANSPORTATION REGULATIONS APPLY TO THE SHIPMENTS OF NUCLEAR
WASTE FROM A MONITORED RETRIEVABLE STORAGE (MRS)

DATE:

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