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COPY

Mr. Samuel J. Chilk, Secretary
Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Request For LSS Advisory Committee Responses To
Questions From Commissioner Curtiss

Dear Secretary Chilk:

This is in response to your memo to Howard Bellman of February 24, 1989, a copy of which you provided to each member of the LSS Negotiating Committee, attaching a series of questions posed by Commissioner Curtiss regarding the LSS Rule. This response is provided on behalf of the State of Nevada.

As you point out in your memo, Commissioner Curtiss is seeking clarification from members of the Negotiating Committee on selected parts of the rulemaking package. Nevada declines to provide further amplification of our position, beyond what we have already said in our written and oral comments to the Commission, and in responses to questions from members of the Commission at the February 7, 1989 meeting.

In declining to respond specifically to Commissioner Curtiss's questions we wish to note the following. First, Nevada agreed to support the proposed rule because it represented a compromise among those parties who joined the consensus. Secondly, because the text of the rule itself, and its rationale, represented a consensus, the Supplementary Information explaining that text and rationale itself became a negotiated statement, representing a consensus among those members of the Committee who joined the overall consensus. To provide Nevada's specific response to Commissioner Curtiss's questions at this time, and thus an individual view as to the operative meaning of the rule, potentially threatens to break open the consensus arrived at, a circumstance which we would find highly undesirable, and which we therefore do not wish to risk. For these reasons Nevada stands on the language of the

rule itself, the Supplementary Information, and its written and oral comments and responses to the Commission.

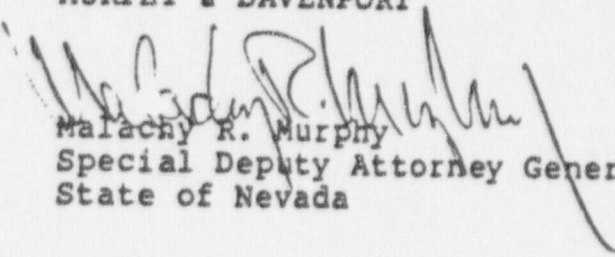
You have attached to your memo "strawman answers" prepared by the NRC staff to each of Commissioner Curtiss's questions. You note that the staff believes that these answers accurately characterize the results of the Committee deliberations during the rulemaking process, and indicate that if a participant disagrees with any of those answers, we should so indicate. We have reviewed those so called "strawman answers" and, while we do not wish to specifically approve of and thus associate ourselves with them, we can find nothing in them with which Nevada strongly disagrees.

While we wish that we could find ourselves able to be more precise in our response to your memo, we trust that you, and Commissioner Curtiss, will understand our reasons for not doing so.

With best personal regards.

Yours very truly,

MURPHY & DAVENPORT


Malachy R. Murphy
Special Deputy Attorney General
State of Nevada

MRM/kew

cc: Howard Bellman
Tim Mealey
Members, LSS Negotiating Comm.