



# PLANNING DEPARTMENT

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February 1, 1993

Mr. Robert Bernero  
Director  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington D.C. 20555

*Sum  
Proceed with  
M&O report  
Shark  
Bill 2/17/93*

Dear Mr. Bernero:

At the Department of Energy YMPO Technical Project Officer meeting held in Las Vegas on January 20, 1993, I received disturbing news. Dr. William Simecka, Director of the Engineering and Development Division of YMPO mentioned that Exploratory Studies Facility (ESF) design work had been transferred to the M&O contractor, TRW. When questioned as to whether TRW had an NRC approved QA program in place, Dr. Simecka replied that TRW, as the M&O, was operating under the Department's approved QA plan.

While it is my understanding that discussion on this matter continues, we would like a determination whether such an arrangement fulfills the requirement of appendix B of 10 CFR part 50, as required by 10 CFR part 60.152, which states in part:

*"...the organizational structure for executing the quality assurance program may take various forms provided that the persons and organizations assigned the quality assurance functions have this required authority and organizational freedom." (italics added)*

I am not so naive as to assume that placing the quality assurance function in the Department of Energy automatically ensures practical authority over their M&O contractor, nor is it easy to relate "organizational freedom" to the Department's organizational structure. I would appreciate a statement of the NRC's position on the following questions:

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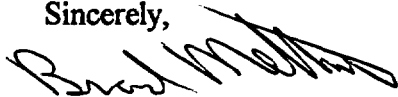
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1. Does the proposed organizational structure and application of QA requirements to the M&O fulfill both the letter and the spirit of the applicable regulations?

2. Are there potential licensing implications in the DOE's refusal to submit the M&O QA program for NRC approval prior to starting ESF design work?

I appreciate your assistance in clarifying this matter.

Sincerely,



Brad Mettam  
Yucca Mountain Project Coordinator

cc: C. Gertz, DOE-YMPO