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FINAL REPLY:

Representative Shelley Berkley

TO:

Chairman Diaz

FOR SIGNATURE OF :

** PRI **

CRC NO: 03-0335

Chairman Diaz

DESC:

ROUTING:

NRC to Expedite its Proposed Plan to have
Region IV take over the On-Site Representative
Oversight Responsibilities at Yucca Mountain

Travers
Paperiello
Kane
Norry
Dean
Burns
Merschhoff, RIV
Cyr, OGC

DATE: 05/22/03

ASSIGNED TO:

CONTACT:

NMSS

Virgilio

SPECIAL INSTRUCTIONS OR REMARKS:

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ACTION OFFICE: EDO

AUTHOR: Shelley Berkley
AFFILIATION: REP
ADDRESSEE: Nils Diaz
SUBJECT: Urges the NRC to expedite its proposed plan to have Region IV take over the On-Site Representative oversight responsibilities a the Yucca Mountain Project

ACTION: Signature of Chairman
DISTRIBUTION: OGC, RF, OCA to Ack

LETTER DATE: 05/20/2003
ACKNOWLEDGED: No
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NOTES: Commission Correspondence
FILE LOCATION: Adams
DATE DUE: 06/05/2003 **DATE SIGNED:**

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Congress of the United States

House of Representatives

Washington, DC 20515-2801

CHAIRMAN REC'D

03 MAY 21 AM 10:26

May 20, 2003

The Honorable Nils J. Diaz
Chairman
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852-2738

Dear Chairman Diaz,

I am writing to urge that the Nuclear Regulatory Commission (NRC) expedite its proposed plan to have Region IV take over the On-Site Representative oversight responsibilities at the Yucca Mountain Project. As I understand, this plan was proposed two years ago, and was raised again a few months ago.

The NRC's regulatory work and its continued efforts to monitor concerns at the Yucca Mountain Project are essential as the Department of Energy attempts to press forward with its goal of submitting its license application by 2004. On May 9, 2003, I had a very informative meeting with two representatives of Nuclear Materials Safety and Safeguards (NMSS) who gave me an update on quality assurance issues at the Yucca Mountain Project.

I continue to be very concerned about Department of Energy quality assurance problems at the Project, apparent repeated and on-going efforts by DOE to silence whistleblowers at the DOE and contractor levels, payment of hundreds of thousands of dollars in settlements and legal fees related to whistleblower cases, allegations of missing data, remaining 215 key technical issues, and corrective action reports (CARs), some of which are still open after over 700 days.

Because of the significance and potential consequences of these problems for the health and safety of Nevadans, I favor and support efforts to establish a stronger NRC oversight presence at the Yucca Mountain Project. Even though the NRC will not have enforcement authority until after DOE submits its license application, it is imperative that the NRC provide the necessary tools and resources to identify concerns and make necessary recommendations or objections as effectively as possible and as early in the process as possible. While NRC staff currently assigned to the Project fulfill their duties with diligence and competence, I believe the assignment of the Project directly to Region IV would ensure the most effective oversight of Yucca Mountain. Region IV has the financial and personnel resources, as well as the institutional inspection experience, that are necessary at Yucca Mountain. To this end, I strongly urge the NRC to expedite plans to have the NRC Region IV head the inspections duties with regard to Yucca Mountain.

I look forward to hearing back from you on updates and future plans on this issue.

Sincerely,


SHELLEY BERKLEY
Member of Congress