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**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-2801

**PERSISTENT PROBLEMS AT THE YUCCA MOUNTAIN PROJECT**

May 6, 2003

Dear Colleague,

I would like to bring to your attention persistent problems with the proposed plan for a permanent repository to store the nation's high-level radioactive waste at Yucca Mountain, 90 miles from Las Vegas, NV. The government is moving forward with this plan despite serious allegations about technical and management deficiencies.

Last week, the Nuclear Regulatory Commission (NRC) stated that the Department of Energy (DOE) has repeatedly failed to solve on-going problems at Yucca Mountain, and expressed skepticism at DOE's repeated and unfulfilled promises to meet time and technical goals. The NRC is responsible for the approval or denial of a license to store high-level nuclear waste at Yucca Mountain.

In 2001, two quality assurance personnel conducting an independent audit of Yucca Mountain Project work were removed from the Yucca Mountain Project after raising significant concerns about the Project. In that instance, the DOE Director of Quality Assurance was transferred and a DOE contractor was fired. Removal of the two whistleblowers prompted a General Accounting Office (GAO) investigation, which remains in progress.

Just last week, again, three other quality assurance contractors were reassigned after they found still further problems, suggesting a pattern of retaliation against employees who point out deficiencies in the planning and implementation of the Project.

With hundreds of questions still unanswered and technical deficiencies left unresolved for years, the actions taken against these employees send a dangerous signal that the career and livelihood of those who raise legitimate technical and management concerns will be jeopardized. Because of the unprecedented nature of the proposed Project and its inescapable implications for our health and safety over the next 25,000 years, problems cannot be swept under the rug. It is critical that we maintain thorough oversight of the trouble-plagued Yucca Mountain Project.

Sincerely,



SHELLEY BERKLEY  
Member of Congress

## LAS VEGAS REVIEW-JOURNAL

### Key official says DOE failing to make Yucca case

#### Management, quality control problems cited

By STEVE TETREULT  
STEPHENS WASHINGTON BUREAU  
Thursday, May 01, 2003

WASHINGTON — The Energy Department is failing to build a strong case to bury nuclear waste at Yucca Mountain because management and quality control problems continue to persist after years of failed fixes, a key regulatory official said Wednesday.

The latest series of reforms do not appear to be taking root, leaving the DOE stumbling to meet a December 2004 goal to submit a complex nuclear waste repository application to the Nuclear Regulatory Commission, according to John Greeves, director of the agency's waste management division.

"I'm going to keep it real simple," Greeves told DOE officials, including office director Margaret Chu, at a program meeting. "It's all about outcomes, and we're going to have to verify the outcomes, and so far it's not there."

Greeves called on DOE officials to write the NRC a letter within 30 days, "telling us what you're going to do differently."

While agreeing to write the letter, Chu said DOE is seeing improvements, and more will come over time.

"I hate to say trust me, but that is what I am saying," said Chu, who initiated a management improvement plan after taking over last year. "It's not a quick fix," she added.

Greeves heads the NRC division that will evaluate the Energy Department's license application for a nuclear waste repository at Yucca Mountain, 100 miles northwest of Las Vegas.

Although it may be too early to say the NRC is poised to reject the Yucca repository, Greeves "certainly put DOE on notice that he doesn't think the NRC will see something of quality," said Judy Treichel, director of the Nevada Nuclear Waste Task Force.

The Energy Department and Bechtel have installed new onsite Yucca Mountain managers in recent months. During two days of management meetings this week they discussed new efforts to instill "quality focus" in the Yucca workforce.

The issue is an important one for the Yucca program. In order to qualify for a license, DOE must meticulously verify all of its activities according to painstaking conventions.

But Greeves said when it comes to Yucca management reforms, he's heard it before.

"Over the years the department has attempted initiatives to correct these problems but there hasn't been follow through," he said. "Anyone who has watched this project has a large collection of these initiatives on their shelf."

Among other problems, Greeves noted that repairs on computer modeling and software development that were identified two years ago have yet to be completed.

"Quality is just not being built into the product," he said. "The project's track record shows that schedules overcome quality."

Yucca managers said the new quality work campaign was prompted in part by discovery that a group of employees had cut corners in updating procedures, a violation of strict data management requirements.

Additionally, officials said this week that teams will soon need to begin reviewing computer models built over the past four years to double-check supporting documentation.

**DAVID L. HOBSON**  
7TH DISTRICT, OHIO



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**QUALITY PROBLEMS AT YUCCA MOUNTAIN?  
MAKE SURE YOU HAVE ALL THE FACTS**

May 16, 2003

Dear Colleague:

You may have received a Dear Colleague letter last week from the Honorable Shelley Berkley of Nevada in which she raised a number of allegations about the Yucca Mountain nuclear waste repository. I believe that the Department of Energy deserves an opportunity to respond to these allegations, so I forwarded Representative Berkley's letter to the Department for response. Attached is the Department's response to the issues raised in Representative Berkley's letter.

As the Chairman of the Energy and Water Development Subcommittee of the House Appropriations Committee, I believe strongly that the timely development of the Yucca Mountain repository is essential to the safety and security of the Nation. Therefore, it is important that Members of Congress know both sides of the story before they form opinions on the quality of the science and engineering supporting the Yucca Mountain repository. I encourage you to read the attached letter from Dr. Margaret Chu, the head of the repository program at the Department of Energy, and reach your own informed conclusions.

Sincerely,

DAVID L. HOBSON  
Member of Congress

Enclosure

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## Department of Energy

Washington, DC 20585

May 16, 2003

The Honorable David L. Hobson  
Chairman, Subcommittee on Energy  
And Water Development  
Committee on Appropriations  
U.S. House Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter of May 9, 2003, in which you invited me to comment on the points raised by Congresswoman Berkley in her May 6 "Dear Colleague" letter on the Yucca Mountain program. The letter raises several topics, and this response briefly addresses each of these topics in turn.

**Quality Assurance.** The Yucca Mountain Project has a Quality Assurance (QA) program in place that responds to rigorous requirements that are unique to licensing commercial nuclear projects in the U.S. These requirements involve stringent documentation of how scientific work was done, in addition to demonstrating its scientific validity. A nuclear QA program ensures that these requirements are met by implementing detailed procedures for performing and documenting technical work in such a manner that they are reproducible, retrievable, transparent and traceable.

It is essential that QA personnel consistently audit technical work, and it is expected – at Yucca Mountain or any nuclear project – that they will find variances from QA procedures. When they do so, they are not "whistleblowing" in the sense of revealing something that their employer does not want known. To the contrary, a key element of their job responsibilities is to identify these kinds of problems so that they can be addressed. Similarly, for a scientist or engineer to fail to format and present work in accordance with nuclear QA procedures does not suggest a fundamental defect in the work itself, but in a regulatory context it is a condition that needs to be corrected.

That said, I agree with the Nuclear Regulatory Commission (NRC) that the Yucca Mountain Project's compliance with QA procedures is in need of substantial improvement. It is important to understand that neither the NRC nor any other fair-minded person has ever said that this indicates that there are fundamental deficiencies in the scientific or design work itself. To the contrary, external checks and scientific evaluations, and groups including the International Atomic Energy Agency, the U.S. Geological Survey, the national laboratories, and a variety of others, have peer reviewed the work that has been done, and support the findings that we have reached. But it is critical that we also excel in our procedural QA compliance, and I am determined to see the Project take the necessary steps to do so.



**Personnel Actions.** With over 1,800 Federal, contractor, and laboratory personnel involved in the Yucca Mountain Project in some way, employment actions of all sorts – promotions, reassignments, development actions, and terminations – are occurring within the workforce at any given time; these changes are not limited to the QA program or any other element. The letter describes five personnel actions, two that occurred in 2001 and three that are more recent. I am not at liberty to comment on these matters in detail, but I can tell you that in three of the cases, I am advised that the employees have made no complaints: in one, the contractor settled with one employee; and one involved an employee who objected to his reassignment and was reinstated in his old job within twenty-four hours (DOE is investigating the brief reassignment). Let me also assure you that I will not tolerate retaliation of any kind against individuals who raise concerns, that I have made that expectation clear to senior DOE managers and contractor personnel, and that I am actively implementing a set of "Management Improvement Initiatives" that I provided to the NRC in July 2002 to make sure that my expectations in that regard are understood.

**Outstanding Technical Issues.** The letter asserts that there are "hundreds of questions still unanswered and technical deficiencies left unresolved for years." This assertion is nothing new, but rather reflects a continuing misunderstanding about a checklist of items agreed to by the Nuclear Regulatory Commission and the Department of Energy, as to which the Department committed to provide the Commission additional information in connection with the preparation of its license application. As Secretary Abraham explained when the Congress was considering H.J. Res. 87, there are nine key technical issue areas on which DOE has had ongoing discussions with the Nuclear Regulatory Commission. During the site recommendation process, DOE and the NRC agreed on 293 items, within the nine key technical issues, as to which DOE would perform additional work or provide additional documentation before licensing. That is entirely unsurprising and a normal part of the licensing process. Of the 293 items within the nine issues, 78 have now been closed to the satisfaction of the NRC staff and another 73 are in various stages of NRC staff review, leaving 142 still open. We are confident all these matters will be substantially resolved by the time the Department submits its license application.

I have high confidence in our technical work performed to date. This confidence is consistent with the comments of the National Academy of Sciences, the Nuclear Waste Technical Review Board, and expert peer review bodies who continue to review our work. Technical issues raised by these organizations have been and will continue to be addressed. Our commitment to a high-quality license application is paramount and unchanging, and I have confidence that the Yucca Mountain Project workforce has the ability to meet this goal.

Sincerely,



Dr. Margaret S.Y. Chu, Director  
Office of Civilian Radioactive  
Waste Management