



**AGENCY FOR NUCLEAR PROJECTS  
NUCLEAR WASTE PROJECT OFFICE**

Capitol Complex  
Carson City, Nevada 89710  
Telephone: (702) 687-3744  
Fax: (702) 687-5277

January 24, 1997

Mr. John Greeves, Director  
Division of Waste Management  
US Nuclear Regulatory Commission  
Washington DC 20555

Dear Mr. Greeves:

At the December 5, 1996 NRC/DOE QA videoconference, the NRC stated that there would no longer be a full-time NRC person devoted to oversight of quality assurance matters for the high-level waste program. Recent budget cuts were cited as the reason for this action. Mr. John Thoma of your office stated that he could possibly call on other staff in the NRC to work in this area as necessary.

The State of Nevada is extremely concerned by this action. The DOE high-level waste program is currently at a stage where the data collected by the project over the last 17 years is beginning to be compiled in order to make some type of determination regarding the regulatory issues for the Yucca Mountain site. The DOE QA program will play an important role in determining the QA pedigree of this data, the final quality of this data, and if it can be used in licensing. The NRC should be actively involved in oversight of this determination, not reducing its oversight. The public perception given by this move is that the NRC believes that quality is no longer important in the high-level waste program.

Mr. Thoma's plan to call on other NRC staff is not a viable solution given that the majority of the staff he indicated he would use either has been out of the high-level waste program for years or has no background in this program at all. The DOE QA program has had such a convoluted history that to bring in someone with outdated or no background would be of no benefit.

The State of Nevada urges the NRC to reevaluate this action to eliminate the NRC QA oversight of the high-level waste program. As has become obvious from recent observations of

9702050149 970124  
PDR WASTE  
WM-11 PDR

1/0  
Mitob3  
WM-11  
102.7

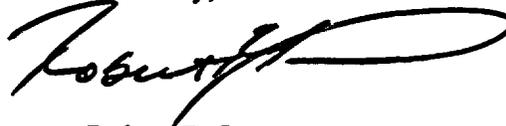
DOE QA audits, QA still has a major role to play in the high-level waste program. For the NRC to fulfill its responsibilities, it should maintain its oversight on a full-time basis, not do a piecemeal job with inappropriate staff.

As you are aware, the Commission has a statutory duty at the time the Secretary of Energy recommends a site to the President for development of a repository to provide "preliminary comments...concerning the extent to which the at-depth site characterization analysis and the waste form proposal for such a site seem sufficient for inclusion in any application to be submitted by the Secretary for licensing such site as a repository" (NWPA, Sec. 114(a)(1)(E)). The demonstrated quality of the data to be incorporated in a license application is critical to any determination of its sufficiency.

The Commission has spoken repeatedly of the need for a high quality license application to be submitted by DOE, and the NRC staff has, at times, gone even beyond what the State considers to be appropriate pre-licensing bounds in its attempt to assure that, as you put it in a recent NRC/DOE Management meeting, "there will be no surprises from the Staff" associated with its review of the substance of DOE's Viability Assessment and license application. Yet, in this most fundamental area of DOE's Quality Assurance program, you have elected to essentially eliminate any effective form of oversight, virtually assuring that there will be "surprises", if the NRC staff intends to meet the public's expectation of the NRC as a responsible regulator and advocate of the health and safety of the public.

I or my staff would be glad to discuss this issue with you further. If you have any questions, please contact me or my QA manager, Susan Zimmerman, at (702) 687-3744.

Sincerely,



Robert R. Loux  
Executive Director

cc: Susan Zimmerman, NWPO  
Nevada Congressional Delegation  
Don Horton, DOE OQA  
Dwayne Weigel, GAO  
Bill Barnard, NWTRB