



Department of Energy
Washington, DC 20585

→ DCS

January 5, 1990

The Honorable James H. Bilbray
House of Representatives
Washington, D.C. 20515

Dear Congressman Bilbray:

Admiral Watkins has asked me to reply to your letter of October 25, 1989, regarding the concerns raised by you and your constituent, Mr. Donald Brown, about the qualifications and training of personnel of Holmes and Narver, a contractor of the Department of Energy at the Yucca Mountain Project. Mr. Brown is an employee of Holmes and Narver who was denied access by his employer to qualification and training records of Holmes and Narver employees used in audits to verify the qualifications and training of these employees.

It is the policy of the Department that personnel who conduct quality assurance audits for the Department or the Department's contractor should have access to qualification and training records necessary for the audit. The records in question were not provided to Mr. Brown for surveillance followup because of the Department's concern for the privacy of the individuals to whom the information pertains and a misunderstanding between the Department and the contractor on the ownership of the records, which determines the applicability of the Privacy Act of 1974, 5 U.S.C. 552a., to the records. Upon review, it was subsequently clarified that these qualification and training records are the property of Holmes and Narver and, therefore, are not agency records subject to the Privacy Act. Mr. Brown has returned from his temporary assignment at the Nevada Test Site and has been provided access by Holmes and Narver to the records he needed to verify corrective actions.

As part of the Department's quality assurance implementation, a proposed system of records in accordance with the Privacy Act is under review. As proposed, the system of records will contain certain information on Office of Civilian Radioactive Waste Management (OCRWM), DOE contractor, and program participant employees to be used to verify qualifications of personnel for purposes of satisfying quality assurance requirements. In addition, the proposed system of records will permit access to information maintained in the system to DOE contractors, the Nuclear Regulatory Commission (NRC), and the State of Nevada for quality assurance audits. Implementation of this system is expected to occur in the spring of this year, and should prevent recurrence of doubts of access to records by individuals conducting quality assurance audits.

As you know, the Nuclear Waste Policy Act of 1982, as amended, requires that the Department comply with regulations promulgated by the NRC in order to obtain a license from the NRC to construct and operate a repository for emplacement of spent fuel and high-level waste.

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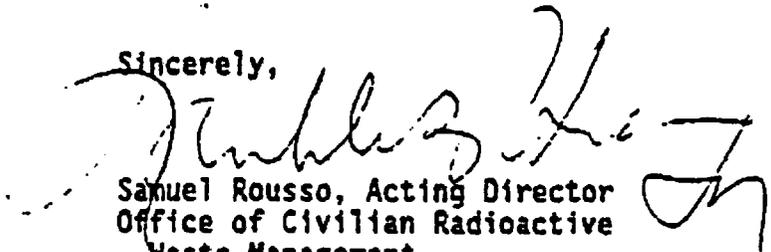
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The applicable quality assurance regulations for the repository are set forth in the Code of Federal Regulations (10 CFR Part 60, Subpart G, and 10 CFR Part 50, Appendix B), which specifically require the Department to implement a quality assurance program acceptable to the NRC. Enclosed for your reference are applicable parts of those regulations. These regulatory requirements are incorporated into the governing quality assurance program documents for OCRWM. These OCRWM documents have been formally accepted by the NRC. Additionally, I have also enclosed a copy of our report to the Congress (November 1989) on changes being made in program implementation and progress related to quality assurance activities.

I share your concerns regarding the importance of quality assurance in the Department's activities. It is of paramount importance not only that the Department conduct its activities in a quality manner, and take appropriate action when discrepancies are noted, but also that we be able to demonstrate that fact to outside observers.

Thank you for your interest in the civilian radioactive waste management program. If you have any further questions or concerns regarding the Department's Quality Assurance Program, we will be happy to brief you or your staff at your convenience.

Sincerely,



Samuel Rousso, Acting Director
Office of Civilian Radioactive
Waste Management

2 Enclosures