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Bernero

HLWM

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March 4, 1992

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

Dear Mr. Bernero:

This letter is in regard to your letter of March 2, 1992 to Dr. John Bartlett of the Department of Energy (DOE) in which you lifted Site Characterization Analysis Objection 2 regarding the OCRWM's lack of an acceptable quality assurance (QA) program. The State feels that this NRC action is premature.

First, the Nuclear Regulatory Commission (NRC) has not reviewed and accepted the QA program for the Management and Operating (M&O) contractor for DOE's high-level waste program. This contractor is a major participant in the program and is responsible for a wide range of activities critical to the characterization of the site, design of the surface and underground facilities, design of the engineered barrier, performance assessment, modeling support and licensing. Consequently, the M&O contractor should have its QA program reviewed and accepted by the NRC in the same manner as the other DOE participants.

DOE has stated that it does not intend to submit the M&O contractor's QA program to the NRC for review and acceptance because the M&O contractor was not a participant at the time of the SCA objection, and, now that DOE itself has an accepted QA program, it can determine for itself if the M&O contractor's QA program is acceptable.

The oversight role of the NRC is not a static one. The NRC has the authority to review any area of the program at any time. Because the M&O contractor was not in place at the time of the original SCA objection for quality assurance does not alleviate the

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responsibility of the NRC to determine that the QA program governing the important activities of this contractor is acceptable.

Second, there has been little implementation and demonstration of effectiveness of the participants' QA program for actual on-site activities and it remains to be seen if these programs are, in practice, acceptable, are being implemented in accordance with NRC requirements and are effective. It would not be unreasonable, or burdensome to the DOE, if the NRC were to withhold its lifting of the SCA objection pending further demonstration of implementation and effectiveness of the overall DOE QA program.

Thank you for your consideration of this matter. If you have any questions, please give me a call.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert R. Loux", with a large, sweeping flourish extending to the right.

Robert R. Loux
Executive Director