



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

PDR

December 28, 1988

The Honorable John Glenn, Chairman
Committee on Governmental Affairs
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

In accordance with our statutory obligation to respond to recommendations from the General Accounting Office (GAO) within 60 days of publication, we are submitting our responses to the recommendations made by GAO in its September 1988 report entitled, "Nuclear Waste: Repository Work Should Not Proceed Until Quality Assurance Is Adequate."

This report makes three recommendations applicable to the U. S. Nuclear Regulatory Commission (NRC) and its role in reviewing the U. S. Department of Energy's (DOE's) quality assurance program for its high-level waste repository project. We agree with the intent of all three of the recommendations and believe that actions being taken by NRC staff are consistent with the objectives of the GAO report. Our specific comments on each of the three recommendations applicable to NRC are enclosed.

Sincerely,

Kenneth C. Rogers
Acting Chairman

Enclosure:
Response to GAO Recommendations

cc: Senator William V. Roth, Jr.

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

December 28, 1988

The Honorable Jack Brooks, Chairman
Committee on Government Operations
United States House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

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Sincerely,

Kenneth C. Rogers
Acting Chairman

Enclosure:
Response to GAO Recommendations

cc: Representative Frank Horton



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Kenneth C. Rogers
Acting Chairman

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December 28, 1988

The Honorable Joseph R. Wright, Jr.
Director
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Wright:

In accordance with our statutory obligation to respond to recommendations from the General Accounting Office (GAO) within 60 days of publication, we are submitting our responses to the recommendations made by GAO in its September 1988 report entitled, "Nuclear Waste: Repository Work Should Not Proceed Until Quality Assurance Is Adequate."

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Kenneth C. Rogers
Acting Chairman

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ENCLOSURE

U. S. NUCLEAR REGULATORY COMMISSION'S (NRC'S) RESPONSE TO THE GENERAL ACCOUNTING OFFICE'S (GAO'S) RECOMMENDATIONS

RECOMMENDATION 1 (Chapter 2, p. 41)

"Therefore, we recommend that the Secretary of Energy proceed with site characterization work segments only after

the Secretary determines that all quality assurance programs related to regulatory-related work are in place and meet NRC standards and NRC has notified DOE that it concurs with the Secretary's determination."

NRC Response

NRC agrees with the intent of the recommendation that DOE proceed with site characterization only after receiving NRC approval of all quality assurance programs needed to support the planned site characterization activities. On May 11, 1988, the NRC staff provided comments to the U. S. Department of Energy on its Consultation Draft Site Characterization Plan (CDSCP) for Yucca Mountain. Our objection to the CDSCP on quality assurance (QA) makes essentially the same point as the GAO recommendation: that DOE should not start new work until NRC has reviewed and accepted DOE's QA program. To help fulfill this commitment, NRC and DOE staffs met on July 7, 1988, and agreed to a phased plan for NRC review and acceptance of the DOE QA program for site characterization. This plan contains specific actions that both DOE and NRC need to take in order for the NRC staff to gain sufficient confidence to accept the DOE program before site characterization begins. We believe that the GAO recommendation can be met by implementing this plan in parallel with our review of DOE's Site Characterization Plan (SCP). Our Site Characterization Analysis documenting our review of the SCP will specifically address the resolution of the QA issue.

RECOMMENDATION 2 (Chapter 3, p. 51)

"To help ensure that quality assurance concerns are addressed in a timely manner, we recommend that the Chairman, NRC, use NRC's nuclear waste quarterly progress reports as a vehicle for bringing these concerns to the attention of senior NRC management."

NRC Response

We agree that both status and problems should be contained in the quarterly progress reports to the Commission. The staff's objection to the CDSCP described in our response to Recommendation 1 was reported to the Commission in a recent quarterly progress report. Subsequent reports have contained detailed information on the implementation of the July 7, 1988 plan to resolve the QA issue. NRC is sending these quarterly progress reports to the Director of DOE's Office of Civilian Radioactive Waste Management to assure that DOE senior management is aware of NRC's concerns and actions the NRC staff believes are needed to resolve them.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

December 28, 1988

The Honorable John B. Breaux, Chairman
Subcommittee on Nuclear Regulation
Committee on Environment and Public Works
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

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Sincerely,

Kenneth C. Rogers
Acting Chairman

Enclosure:
Response to GAO Recommendations

cc: Senator Alan K. Simpson



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

December 28, 1988

The Honorable Morris K. Udall, Chairman
Subcommittee on Energy and the Environment
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

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Sincerely,

Kenneth C. Rogers
Acting Chairman

Enclosure:
Response to GAO Recommendations

cc: Representative Manuel Lujan, Jr.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

December 28, 1988

The Honorable Philip F. Sharp, Chairman
Subcommittee on Energy and Power
Committee on Energy and Commerce
United States House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

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Kenneth C. Rogers
Acting Chairman

Enclosure:
Response to GAO Recommendations

cc: Representative Carlos J. Moorhead



CHAIRMAN

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

December 28, 1988

The Honorable Milton J. Socolar
Comptroller General of the United States
General Accounting Office
Washington, D. C. 20548

Dear Mr. Socolar:

In accordance with our statutory obligation to respond to recommendations from the General Accounting Office (GAO) within 60 days of publication, we are submitting our responses to the recommendations made by GAO in its September 1988 report entitled, "Nuclear Waste: Repository Work Should Not Proceed Until Quality Assurance Is Adequate."

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Sincerely,

A handwritten signature in cursive script that reads "Kenneth C. Rogers".

Kenneth C. Rogers
Acting Chairman

Enclosure:
Response to GAO Recommendations

In addition to providing quarterly status reports for Commission review, the staff has also periodically briefed the Commission. On May 4, 1988, the staff presented the results of the review of the CDSCP to the Commission and highlighted the QA objection. On November 16, 1988, the staff briefed the Commission on concerns with DOE's design control (an aspect of QA) for the exploratory shaft facility, one of the most important near-term issues in the DOE program.

RECOMMENDATION 3 (Chapter 3, p. 52)

"To ensure that issues raised as a result of the interaction between NRC and DOE are resolved early, we recommend that the Secretary of Energy and the Chairman, NRC incorporate into the pre-licensing consultation agreement procedures for ensuring that issues will be resolved on mutually agreeable schedules."

NRC Response

We agree that issues arising from interaction between NRC and DOE should be resolved early in the process and on mutually agreeable schedules. However, we do not believe that modification of the pre-licensing consultation agreement is necessary at this time since the existing NRC/DOE procedural agreement contains sufficient provisions for identification and resolution of issues. These provisions include technical and management meetings between DOE and NRC to discuss plans and approaches for resolving issues, stationing of NRC representatives at the site, and early release of site characterization data by DOE to NRC.

Our recent progress in resolving issues in two areas demonstrates that the existing procedural agreement is working. On July 7-8, 1988, NRC and DOE staffs met and agreed to a master list of open items (issues) that need to be resolved before the QA program is considered to be qualified. The staffs also agreed to schedules for their resolution. On October 19-21, 1988, DOE and NRC staffs met to agree on a consolidated list of issues for the exploratory shaft facility. Many of these issues were resolved at that meeting and approaches for resolving the remaining issues were discussed. All outstanding issues are being tracked, and several subsequent meetings have been held to address important issues.

As a result of recent progress to establish mutually agreeable schedules for the early resolution of issues, we believe that the existing agreement covering prelicensing consultation between DOE and NRC is effective and that additional procedures addressing issue resolution are not needed at this time.