



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

December 22, 1989

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

Dear Congressman Bilbray:

I am responding to your letter of November 8, 1989, regarding alleged problems with qualifications of U. S. Department of Energy (DOE) contractor personnel working on the high-level waste repository at the Yucca Mountain Project. The Nuclear Regulatory Commission (NRC) is aware of Mr. Brown's allegations. However, because DOE is neither a Commission licensee nor a formal applicant for an NRC license at this time, we have no authority to conduct an investigation of Mr. Brown's allegations as you requested. Our Office of Investigations has independently referred this matter to the DOE Inspector General, who is the appropriate authority to investigate Mr. Brown's concerns. NRC staff has entered this matter into its allegation tracking system and will follow DOE's resolution. Although we are unable to conduct a formal investigation of Mr. Brown's allegations, we are concerned about the issues he raised.

DOE can legally begin site characterization without NRC approval of its quality assurance (QA) program. DOE has assured us, however, that they will not begin site characterization work until a qualified QA program is in place. Under our agreement with DOE to conduct a pre-licensing consultation program, we are evaluating DOE's effectiveness in managing and assessing its QA program for site characterization as the program is being developed. The overall obligation to assure quality, including the responsibility for the QA program, lies with DOE; NRC's obligation in the license review process is to assess the adequacy of DOE's program. This approach is consistent with the findings of the Congressionally-mandated "Ford Study" (NUREG-1055, 1984) that license applicants are responsible for achieving and assuring quality and cannot rely on NRC inspections for timely and complete identification of problems.

While participating as observers in the audits conducted to date, the NRC staff has evaluated personnel qualifications,

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interviewed contractor personnel, and examined their work products. Because of DOE concerns regarding Privacy Act issues, the staff has experienced some problems in gaining access to objective evidence of personnel qualifications needed to fully evaluate this area. We have discussed this problem with DOE and informed them that these issues must be satisfactorily resolved before NRC can accept the DOE QA program.

I hope this information will be useful to you. If you have any further questions, please contact me.

Sincerely,


Kenneth M. Carr