

EDO Principal Correspondence Control

FROM: DUE: 05/15/06 9:00 am. EDO CONTROL: G20060472
DOC DT: 05/08/06
FINAL REPLY:

Representative Jon C. Porter

TO:

Federline, NMSS

FOR SIGNATURE OF : ** GRN ** CRC NO: 06-0221

DESC:

Post Hearing Qs from the 4/25/06 Yucca Mountain
Hearing

ROUTING:

Reyes
Virgilio
Kane
Silber
Dean
Cyr/Burns
Schmidt, OCA
Taylor, OEDO

DATE: 05/09/06

ASSIGNED TO: CONTACT:
NMSS Strosnider

SPECIAL INSTRUCTIONS OR REMARKS:

Prepare response to Qs using the attached format.
Provide Q&As to Rob Taylor, OEDO by 9:00 a.m.,
May 15, 2006.

OEDO Due Date: 9:00 a.m., 5/15/06
OCA Due Date: 5/15/06
SECY Due Date: 5/16/06
Rep. Porter Due Date: 5/22/06

Template: SECY-017

E-RIDS: SECY-01

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: May 08, 2006 14:31

PAPER NUMBER: LTR-06-0221 **LOGGING DATE:** 05/08/2006
ACTION OFFICE: OCA / **EDO**

AUTHOR: Jon Porter
AFFILIATION: REP
ADDRESSEE: Margaret Federline
SUBJECT: Post hearing Qs from hearing regarding the Yucca Mountain Project: Broken Management, Broken Quality Assurance, Broken Project"

ACTION: Direct Reply
DISTRIBUTION: RF, EDO

LETTER DATE: 05/08/2006
ACKNOWLEDGED: No
SPECIAL HANDLING: OCA coordinate response with the EDO.....
NOTES: Commission should review response prior to dispatch
FILE LOCATION: ADAMS
DATE DUE: 05/16/2006 **DATE SIGNED:**

EDO --G20060472

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May 8, 2006

Ms. Margaret V. Federline
Deputy Director
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Ms. Federline,

I would like to thank you once again for appearing before the Subcommittee on Federal Workforce and Agency Organization hearing entitled, "Yucca Mountain Project: Broken Management, Broken Quality Assurance, Broken Project." I appreciate your willingness to testify before the Subcommittee on issues dealing with quality assurance concerns at Yucca Mountain within the Department of Energy.

As discussed during the hearing, I have attached to this letter a list of questions that I would like to be added to the hearing record. This letter and attachment were sent electronically by fax or email on May 8, 2006.

I request that these questions be answered and submitted electronically to the following email address no later than May 22, 2006: alex.cooper@mail.house.gov. If this deadline cannot be met, I ask that my Subcommittee staff be informed as soon as possible.

Once again, I thank you for your assistance on this important subject. If you have any questions please do not hesitate to contact me.

Sincerely,



Jon C. Porter
Chairman
Subcommittee on Federal Workforce
and Agency Organization

- Is NRC concerned with the effectiveness of DOE's quality assurance program and its ability to improve the quality assurance program at Yucca Mountain?
- Do you view the problems with the project's recurring quality assurance issues a result of inadequate quality assurance oversight, or, is it a case of poor implementation?
- Officials from NRC have met with Subcommittee staff during the course of our investigation and advised that DOE is good at identifying problems, but not good at correcting them. In order to correct problems and keep them from recurring, it seems logical to control the process by understanding what underlying issues actually cause the problems, not just the immediate issue. Based on your own observation and oversight, what is your view of DOE's inability to correct problems?
- It is my understanding that NRC agrees with GAO's recent report. What recommendations does NRC offer for improvements to the Department's quality assurance program?
- In your testimony, you state that NRC has noticed improvements in the effectiveness of DOE's quality assurance program implementation. Would you please elaborate and describe some of these improvements?
- In NRC's view, what are the implications of the recent stop work orders for adequately identifying quality assurance problems?
- Given DOE's history of mismanagement and recurring quality assurance deficiencies, what is your assessment of DOE's ability to submit a viable license application by 2008?
- Officials from NRC have told the subcommittee staff that NRC and DOE are working together on "defining the license application" because it is a first of its kind entity that is unique from the existing commercial nuclear sites that NRC regulates. Given this close relationship, do you believe NRC can maintain objectivity in reviewing DOE's license application?
- Why is it important for DOE to give high priority to the defensibility of its license application?
- In your view, has DOE established a "nuclear culture" similar to what NRC observes at commercial nuclear power plants?
- If quality assurance deficiencies are still found to exist when DOE submits its license application for Yucca Mountain, will NRC reject the license application?

- In NRC's view, what are the most important challenges for DOE in submitting a high quality license application?
- How will the proposed project design changes impact NRC's review?
- Please detail NRC efforts to bring calibration issues to the attention of DOE.
- Have there been indications of improvement in the traceability and transparency of technical documents since NRC's 2004 report on the three AMRs?
- What is NRC's view of DOE's proposed legislation regarding the Yucca Mountain Project, entitled "*Nuclear Fuel Management and Disposal Act*" S.2589, including the "waste confidence" provision, as well as the provision to simplify and streamline NRC's review processes if construction authorization is authorized? If NRC has no current response, please provide NRC's views on the proposed legislation to the Subcommittee staff when it is available.
- Does NRC foresee any potential difficulties from the new repository design featuring the packaging of the waste into containers at nuclear power plant sites?

FORMAT FOR CONGRESSIONAL Q&As

QUESTION 6. Congressional questions are assigned to various offices for preparation of the answers.

(A) What is the typing format for responding to Congressional questions?

ANSWER.

Q&As are to be typed on word processing equipment (WordPerfect) and provided to the EDO both by hard copy and a 3.5 inch diskette (as directed on Green Control Ticket under Special Instructions or Remarks). Type each Q&A as a separate job (including multiple parts, [A, B, C, etc.]) to aid in later revisions and transmission of Q&As to Congressional Affairs. Use 11 pitch, Arial type style, initial caps only, and double spacing. Use four spaces between each paragraph. Side margins are 1-inch for both left and right; and 1-inch for the top and bottom margins. Do not use a required return after each typed line.

At the bottom right margin on each page in the footer text, indicate Committee, originating Office (not Division or Branch). Current date should appear directly below the Committee/Office. Subsequent revisions should reflect the revised date.

Inhofe/NRR
04/25/06

QUESTION 6.(A).

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If succeeding pages are required in answering the question, the question number and page number should be typed in the header margin text area, so that it appears at the top of each succeeding page (as shown above).

If enclosures are to be included with a response, indicate on Q&A (as shown below) and type question number and part (A, B, C, etc., as appropriate) on each enclosure. Provide an electronic copy of the enclosure, if possible.

Enclosure:

Sample Q&A Format

Inhofe/NRR
04/25/06