

March 23, 2007

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2001 K Street, NW
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SUBJECT: REQUEST FOR THE U.S. NUCLEAR REGULATORY COMMISSION TO
REQUIRE U.S. DEPARTMENT OF ENERGY TO APPLY A QUALITY
ASSURANCE PROGRAM TO A POTENTIAL LICENSE APPLICATION FOR A
HIGH-LEVEL RADIOACTIVE WASTE REPOSITORY AT YUCCA MOUNTAIN

Dear Mr. Malsch:

I am responding to your letter dated March 14, 2007, requesting that the U.S. Nuclear Regulatory Commission (NRC) staff require the U.S. Department of Energy (DOE) to formally justify its decision that the preparation of its license application for the proposed Yucca Mountain repository is not a quality-affecting activity subject to the requirements of DOE's Quality Assurance Requirements and Description document.

As you are aware, any license application for a geologic repository at Yucca Mountain, submitted under 10 CFR Part 63, is to contain "General Information" and a "Safety Analysis Report." This includes a description of the quality assurance program to be applied to the structures, systems, and components important to safety and to the engineered and natural barriers important to waste isolation. These requirements ensure that all those planned and systematic actions, necessary to provide adequate confidence that the geologic repository and its structures, systems, and components important to safety, the design and characterization of engineered and natural barriers important to waste isolation, and activities related thereto, will perform satisfactorily in service.

Although 10 CFR Part 63 does not contain a provision explicitly requiring the application of a quality assurance program to the preparation of a license application for a geologic repository, in keeping with its customary practice, NRC would take those steps that may be necessary to determine whether appropriate qualified data and processes were used in developing the information submitted in any license application. As we have repeatedly stressed, NRC continues to expect that any license application for the repository will be high-quality and will include technical analyses based on, for example, models, software, and data that are reliable, transparent, and traceable. In accordance with 10 CFR 63.10, NRC also expects that the information that DOE will provide will be complete and accurate in all material respects. NRC plans, as necessary, to assess the quality and appropriateness of technical information in making a licensing decision.

M. Malsch

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NRC will base any decision on a potential license application for a repository at Yucca Mountain on a comprehensive and independent safety review, including a review of DOE's proposed quality assurance program to determine its compliance with the requirements of 10 CFR Part 63, Subpart G.

If you have any questions, please contact Mr. Thomas Matula, Senior Quality Assurance Engineer in the Division of High-Level Waste Repository Safety, at 301-415-6700.

Sincerely,

/RA/

Jack R. Strosnider, Director
Office of Nuclear Material Safety
and Safeguards

cc: See attached list.

Letter to M. Malsch from J. Strosnider dated: March 23, 2007

cc:

A. Kalt, Churchill County, NV	A. Elzeftawy, Las Vegas Paiute Tribe
R. Massey, Churchill/Lander County, NV	J. Treichel, Nuclear Waste Task Force
I. Navis, Clark County, NV	W. Briggs, Ross, Dixon & Bell
E. von Tiesenhausen, Clark County, NV	R. Murray, DOE/OCRWM
G. McCorkell, Esmeralda County, NV	G. Runkle, DOE/Washington, D.C.
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L. Marshall, Eureka County, NV	S. Gomberg, DOE/Washington, D.C.
A. Johnson, Eureka County, NV	D. Curran, Harmon, Curran, Spielberg & Eisenberg, L.L.P.
S. Schubert, Sen. Reid's Office	R. Dyer, DOE/OCRWM
M. Yarbro, Lander County, NV	J. Espinoza, GAO
J. Donnell, DOE/OCRWM	A. Gil, DOE/OCRWM
M. Baughman, Lincoln County, NV	W. Boyle, DOE/OCRWM
L. Mathias, Mineral County, NV	M. Ulshafer, DOE/OCRWM
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T. Story, NV Congressional Delegation	M. Mason, BSC
R. Herbert, NV Sen. Reid's Office	S. Cereghino, BSC
M. Murphy, Nye County, NV	B. Gattoni, Burns & Roe
R. Lambe, NV Congressional Delegation	E. Mueller, Esmeralda County, NV
K. Kirkeby, NV Congressional Delegation	J. Gervers, Clark County, NV
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S. Frishman, State of NV	J. Raleigh, SNL
S. Lynch, State of NV	J. Kennedy, Timbisha Shoshone Tribe
P. Guinan, Legislative Counsel Bureau	B. Durham, Timbisha Shoshone Tribe
R. Clark, EPA	R. Arnold, Pahrump Paiute Tribe
R. Anderson, NEI	J. Birchim, Yomba Shoshone Tribe

cc: (Continued)

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S. Kraft, NEI

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K. Skipper, USGS

W. Booth, Engineering Svcs, LTD

C. Marden, BNFL Inc.

J. Bacoach, Big Pine Paiute Tribe of the Owens Valley

P. Thompson, Duckwater Shoshone Tribe

T. Kingham, GAO

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E. Hiruo, Platts Nuclear Publications

G. Hernandez, Las Vegas Paiute Tribe

K. Finfrock, NV Congressional Delegation

P. Johnson, Citizen Alert

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E. Smith, Chemehuevi Indian Tribe

D. Buckner, Ely Shoshone Tribe

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D. Eddy, Jr., Colorado River Indian Tribes

M. Boyd, Public Citizen

J. Wells, Western Shoshone National Council

D. Crawford, Inter-Tribal Council of NV

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L. Newman, DOE/OCRWM

M. Malsch

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NRC will base any decision on a potential license application for a repository at Yucca Mountain on a comprehensive and independent safety review, including a review of DOE's proposed quality assurance program to determine its compliance with the requirements of 10 CFR Part 63, Subpart G.

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Sincerely,

/RA/

Jack R. Strosnider, Director
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cc: See attached list

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