

September 18, 2008

Mr. Gene L. Dodaro  
Acting Comptroller General  
of the United States  
U.S. Government Accountability Office  
441 G Street NW  
Washington, DC 20548

Dear Mr. Dodaro:

The U.S Nuclear Regulatory Commission (NRC) appreciates the opportunity to review the Government Accountability Office draft report, "Nuclear Safety – Department of Energy Needs to Strengthen Its Independent Oversight of Nuclear Facilities and Operations." This report references and comments on a number of NRC documents including the most recent report on the review of the U.S. Department of Energy's Hanford Waste Treatment Plant regulatory process.

NRC's comments on the report are enclosed. If you have any questions, please contact Patricia Silva, at 301-492-3114, or [patricia.silva@nrc.gov](mailto:patricia.silva@nrc.gov).

Sincerely,

**/RA/**

Michael F. Weber, Director  
Office of Nuclear Material Safety  
and Safeguards

Enclosure: As Stated

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## **Nuclear Safety – Department of Energy Needs to Strengthen Its Independent Oversight of Nuclear Facilities and Operations**

Our comments are primarily meant to clarify the text relating to the U.S Nuclear Regulatory Commission (NRC) and are as follows:

- General comment throughout the report – The GAO states that the NRC appears able and willing to accept an expanded role in overseeing U.S. Department of Energy (DOE) nuclear facilities. The current Commission has not expressed a view on expanding its oversight role beyond the DOE facilities already subject to NRC regulation.
- Page 21, second paragraph – The human capital challenges associated with constructing, operating, and regulating nuclear facilities are well established.
- Page 37, first paragraph – “NRC’s staff audits and assessment program” should be identified as “NRC inspection program.”
- Page 58, last bullet – Though the Mixed-Oxide facility is a new DOE nuclear facility, DOE’s contractor would be the licensee, if the license application were approved, and a license were issued for this facility. NRC granted Construction Authorization for the Mixed-Oxide facility in 2005. DOE is the applicant for the license for the proposed geologic repository at Yucca Mountain.

Enclosure