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COMMUNICATIONS
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August 11, 2002

Mr. Michael T. Lesar, Chief
Rules and Directives Branch, Division of Administrative Services
Office of Administration, US Nuclear Regulatory Commission
Mail Stop T-6D59
Washington, DC 20555-0001
800-368-5642

RE: Yucca Mountain Review Plan NUREG-1804, Rev. 2, Draft Report for Comment

Dear Mr. Lesar:

I have the following questions (and comments) about the content of the subject document:

Section 3.2 *Proposed Schedules for Construction, Receipt and Emplacement of Waste*

Why isn't quality assurance (QA) compliance explicitly mentioned in the Review Method 1 and Acceptance Criterion 1 (pp. 3-6/3-7), since implementation and exercise of this requirement [10 CFR 63.21(c) (20); 10 CFR 63.142(a) & (c)] meshes with and impacts schedules, work interdependence and work flow, particularly in the construction phase? Doesn't state-of-the-art (pervasive) QA start with preliminary scheduling exercises? As a suggestion, "Acceptance Criterion 1" may be improved with the underlined text below:

"Major Steps for the Completion of Each Significant Work Element are Adequately Described and Directly Correlate to the Appropriate Segment of the Required Quality Assurance Program."

The phrase "identified in the proposed schedule of activities;" in bullets one and two (p. 3-7) may be augmented: "further, any associated quality assurance/control items that may impact the proposed schedule of each major step are identified."

Lastly, the phrase "routine operational activities" in bullet three, sub-bullet one (p. 3-7) may be augmented: "with routine operational QA activities flagged with an asterisk (*) or other consistently applied symbol."

Likewise, the phrase "routine waste-emplacement operations" in bullet three, sub-bullet two (p. 3-7) may be augmented: "with routine QA waste-emplacement operations flagged with an asterisk (*) or other consistently applied symbol."

Don't you agree that these minor enhancements to Section 3.2 in the subject document will lead to a more thorough scheduling adequacy evaluation to meet 10 CFR 63.21(b)(2) and 63.142(c)?

Temple site = ADM-013
F-RIDS = ADM-03
Cell = J. C. Wood (SAC3)
H. Beranek (AFB)

Section 3.3 *Physical Protection Plan*

If under 10 CFR Sec. 63.21 "Content of application," Sec. 63.21(b) reads,

"The general information **must** include:"

... Sec. 63.21(b)(3) "A description of the detailed security measures for physical protection of high-level radioactive waste in accordance with Sec. 73.51 of this chapter. **This plan must include the design for physical protections, the licensee's safeguards, contingency plan, and security organization personnel training and qualifications plan. The plan must list test, inspections, audits and other means to be used to demonstrate compliance with such requirements.**"

why does (p. 3-8) Section 3.3.1 Areas of Review of the subject document read,

... "Although the U.S. Department of Energy is not expected to submit a physical protection plan with the license application, the U.S. Department of Energy should commit to developing and implementing a physical protection system that meets or exceeds the acceptance criteria, in Section 3.3.3, before receipt of waste at the geologic repository operations area." ?

Section 1.2.1 (p. 1-8) of the subject document, "Acceptance Review Objectives" reads:

"The staff shall conduct an acceptance review of the application to determine **the completeness** of the information submitted. This review requires a comparison of the submitted information with the information specified in 10 CFR 63.21."

How does "a commitment" serve acceptably in lieu of the required plan to meet CFR 63.21(b)(3)? Does the NRC think that the public would find this lack acceptable considering the threat of terrorism? Does "a commitment" to meet a requirement result in the same reassurance to the public as a reviewed plan demonstrating how the physical protection requirements will be met? Is a potential change in regulations a justification to escape a license application requirement? Also, is the physical protection plan not significant with respect to QA? [10 CFR 63.142 (a)]

Section 3.4 *Material Control and Accounting Program*

If under 10 CFR Sec. 63.21 "Content of application," Sec. 63.21(b) reads,

"The general information **must** include:"

... Sec. 63.21(b)(4) "A description of the material control and accounting program to meet the requirements of Sec. 63.78."

why does (p. 3-22) Section 3.4.1 Areas of Review of the subject document read,

... "The program may not be in place when the U.S. Department of Energy submits a license application. Therefore, the U.S. Department of Energy commitments to implement the material control and accounting program requirements are sufficient for construction." ?

What licensing requirement supports this statement? At the very least, QA requirements mesh with material control requirements through the analogous intent of 10CFR72.72(b) and 10CFR63.142(s). As a practical matter, is an ethereal material control program really acceptable at the time of license application submission from a QA standpoint? Reiterating,

Section 1.2.1 (p. 1-8) of the subject document, "Acceptance Review Objectives" reads:

*"The staff shall conduct an acceptance review of the application to determine **the completeness** of the information submitted. This review requires a comparison of the submitted information with the information specified in 10 CFR 63.21."*

Section 4.1 *Repository Safety Before Permanent Closure*

Section 4.1.1.2 *Description of Structures, Systems, Components, Equipment and Operational Process Activities*

Review Method 3 Descriptions of, and Design Details for, Structures, Systems, and Components, and Equipment of the Subsurface Facility (p.4.1-14)[10CFR63.21(c)(2)&(c)(3)(I)], essentially a mine, would be given more distinct definition by adding bullets for:

- o Design Codes and Standards
- o Materials of Construction
- o Process flow diagrams
- o Subsurface ventilation/filtration systems (the addition of the underlined word)
- o Drainage system

Review Method 5 Description of Engineered Barrier System and Its Components (p. 4.1-16)[10CFR63.21(c)(3)&(3)(i)]

Since the canister component of the engineered barrier system might be retrieved for a period of 50 years, will the DOE specify the minimum standards for the canisters that it will accept for storage from potential nuclear waste providers? Must it defend that standard to the NRC? If various types of canisters are currently acceptable, does the DOE intend to limit this list in the future on the basis of performance? Will the integrity of the canisters be the subject of separate quality assurance within the context of the overall quality assurance plan involving modes of operation?

Section 4.1.1.6 **Identification of Structures, Systems, Components, Important to Safety, Safety Controls, and Measures to Ensure Availability of Safety Systems**
(p. 4.1-43) [10CFR 63.219c(5); 10CFR 63.142]

By what criteria does the NRC determine that the Q-List submitted for review is **complete**?

By what “relative-importance-to-safety” criteria are they ranked?

Is there a document delineating the distinctions between quality levels?

Is the above different from “risk significance categorization?”

Are there any administrative procedures, similarly ranked, analogous to the Q-List?

Review Method 1 {10th bullet}

.....

(p.4.1-44)

“Confirm that analysis used to identify structures, systems, and components important to safety, safety controls, and measures to ensure the availability of the safety systems include adequate consideration of:

....

(p.4.1-46)

- Means to control radioactive waste and radioactive effluents, and to permit prompt termination of operations and evacuation of personnel during an emergency, such as:
 - Design and operation of the geologic repository operations area to reduce the quantity of radioactive waste generated;
 - Off-gas treatment, filtration, and ventilation systems for control of airborne radioactive effluents;
 - Liquid waste management system to handle the expected volume of potentially radioactive liquid waste generated during normal operations and Categories 1 and 2 event sequences. Design features and procedures for these systems should minimize generation of liquid waste and the possibility of spills, and should provide for control of spills, overflows, or leakage during packaging and transfer of site-generated radioactive liquid waste; and
 - Solid waste management systems to handle the expected volume of potentially radioactive solid waste (e.g. contaminated equipment and personnel clothing) generated during normal operations and Categories 1 and 2 event sequences.”

It appears from the above that the NRC expects that the DOE will be reprocessing spent fuel at Yucca Mountain and/or that the DOE expects to be operating a nuclear reactor there at some future time. Since the public does not expect the Yucca Mountain site to be **generating radioactive liquid waste during normal operations**, is there another explanation of this review section.?

Section 4.5.7 *Emergency Planning* (p.4.5-92)

If under 10 CFR Sec. 63.21 "Content of application," Sec. 63.21(c)(21) reads,

"The Safety Analysis Report **must** include:"

... Sec. 63.21(c)(21) "A description of the plan for responding to, and recovering from, radiological emergencies that may occur at any time before permanent closure and decontamination or deomination and dismantlement of surface facilities, as required by Sec. 63.161."

why does (p. 4.5-92) "'Section 4.5.7 Emergency Planning'" of the subject document read,

... "Although the U.S. Department of Energy is not expected to have prepared an emergency plan at the time of the application for the license, the U.S. Department of Energy should commit to developing and implementing an emergency plan to meet or exceed the acceptance criteria, in this section." ?

Another important required item will be missing at the time of license submission. Is this really acceptable from a QA perspective?

Reiterating,

Section 1.2.1 (p. 1-8) of the subject document, "Acceptance Review Objectives" reads:

"The staff shall conduct an acceptance review of the application to determine **the completeness** of the information submitted. This review requires a comparison of the submitted information with the information specified in 10 CFR 63.21."

I was encouraged to bring the foregoing to your attention, after I read Dr. Margaret Chu's 05APR02 letter (attached) to Mr. Martin Virgilio, in which she states, "I assure you that QA is one of my highest priorities."

Sincerely,



J.E. Holmgren

Att. (2)



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Department of Energy
Washington, DC 20585

April 5, 2002

Mr. Martin J. Virgilio, Director
Office of Nuclear Materials Safety
and Safeguards
U.S. Nuclear Regulatory Commission
Two White Flint North
Rockville, MD 20852

Dear Mr. Virgilio:

During the September and December 2001 Quarterly Quality Assurance (QA) Meetings, the development of the Performance Improvement Transition Plan (currently, the OCRWM Management Improvement Initiatives [OMII]) was presented and discussed with you and your staff. Based on subsequent discussions with your staff, it is clear that the OMII, as submitted on January 31, 2002, did not meet NRC expectations. As you are aware, I have just been confirmed as the Director of the Office of Civilian Radioactive Waste Management. I am in the process of reviewing and evaluating all aspects of the Program. I assure you that QA is one of my highest priorities. It is a key to assuring the credibility and success of the licensing application for the Yucca Mountain Project. Therefore, I have decided to submit a totally revised OMII in the near future.

The revised OMII is being developed by a joint DOE/Bechtel SAIC Company, LLC management team and will be reissued to include relevant, comprehensive action summaries. In addition to Dr. J. Russell Dyer, Yucca Mountain Project Manager, I have assigned Gene E. Runkle of my Transition Team to support the OMII effort and provide direct input to me from the process. The OMII will be developed and administered as a plan and implemented under the QA program procedure AP-5.1Q.

In developing the revised OMII, we are taking the following actions:

- Identify deficiencies and recommendations from various assessments performed regarding our program and define a comprehensive set of actions to address the assessment results, including those from the eight sources discussed at the September 6, 2001, Quarterly QA Meeting.
- Revise the OMII to directly incorporate a comprehensive list of remedial and corrective actions previously incorporated only by reference to the relevant Corrective Action Reports (CAR).
- Incorporate relevant action summaries directly in the OMII and submit the complete OMII to the NRC.



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Action summaries will include:

1. Description of specific actions planned
2. Schedule for accomplishing the actions
3. Metrics for tracking completion status and measuring effectiveness of the actions
4. Identification of management and staff accountable for completion of the actions
5. Clear identification of actions including:
 - Remedial actions and actions to preclude recurrence for the Model and Software CARs
 - Other planned actions that are not directly part of CAR corrective actions but are within NRC regulatory purview and subject to the DOE QA Requirements and Description
 - Additional improvements from our business practices that are appropriate to support overall performance improvement.

Specific actions from management assessments, self-assessments, and OQA oversight will be an integral part of OMII. More importantly, OMII performance measures and results will be monitored by my Office to ensure timely and continuous improvements in the QA process.

If you require additional information or would like to further discuss our planned activities, please do not hesitate to call me.

Sincerely,



Dr. Margaret S.Y. Chu, Director
Office of Civilian Radioactive
Waste Management

Enclosure:
DOE Commitments

U.S. DEPARTMENT OF ENERGY COMMITMENTS:

- 1. Revision 1 to the OCRWM Management Improvement Initiatives will include relevant, comprehensive action summaries that are fully developed and incorporated into the document. The OCRWM Management Improvement Initiatives will be developed and administered as a plan and implemented under our Quality Assurance (QA) Program procedure AP-5.1Q.**
- 2. Action summaries in the OCRWM Management Improvement Initiatives will include description of actions, schedule for the actions, metrics for completion status and measuring effectiveness, and identification of accountable management and staff.**
- 3. Specific actions for management assessments, self-assessments, and QA oversight will be an integral part of OCRWM Management Improvement Initiatives and the success of its implementation. OCRWM Management Improvement Initiatives performance measures and results will be monitored by management and made widely available to all program participants.**

NRC extends comment period on draft plan

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6/24/02

The Nuclear Regulatory Commission has extended for another 45 days the period of time the public can comment on its Yucca Mountain review draft plan.

The comment time was due to end on Thursday, but the commission received requests for an extension. The new deadline is Aug. 12, according to an announcement published Friday.

The draft plan guides the Nuclear Regulatory Commission staff on evaluating a potential license application for a nuclear waste repository at Yucca Mountain, 90 miles northwest of Las Vegas. The Energy Department has said it plans to submit a proposed license application to the commission by December 2004.

While written comments will be accepted by the NRC, no further public hearings are scheduled, the commission staff said

in the notice.

Even written comments received after Aug. 12 may be considered, the NRC notice said.

The documents is "Yucca Mountain Review Plan, NUREG-1804, Revision 2, Draft Report for Comment."

Written comments may be submitted to Michael T. Lesar, chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory

Commission, Mail Stop T-6D59 Washington, D.C., 20555-0001.

The draft plan is available on the Internet at www.nrc.gov. Go to the public involvement link, then the NRC Formal Publications link.

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