

ENCLOSURE

SUMMARY HIGHLIGHTS OF THE FEBRUARY 26, 2003, U.S. DEPARTMENT OF
ENERGY/U.S. NUCLEAR REGULATORY COMMISSION TECHNICAL EXCHANGE ON
PERFORMANCE CONFIRMATION

On Wednesday, February 26, 2003, the U.S. Department of Energy (DOE) and U.S. Nuclear Regulatory Commission (NRC) staff conducted a Technical Exchange to allow DOE to introduce their high-level strategy to develop their Performance Confirmation Plan. This Technical Exchange was the first formal DOE/NRC interaction related to Performance Confirmation. NRC regulations (10 CFR Part 63) require DOE to submit a Performance Confirmation Plan with the License Application for Construction Authorization. Performance Confirmation means the program of tests, experiments, and analyses that is conducted to evaluate the adequacy of the information used to demonstrate compliance with the performance objectives in subpart E of 10 CFR 63.

The detailed agenda for this meeting can be found in Attachment 1. The Technical Exchange was held via a video conference connection between NRC and DOE facilities located in Rockville, Maryland, and Las Vegas, Nevada, respectively. An additional audio connection permitted the remote participation of NRC contractor staff at the Center for Nuclear Waste Regulatory Analyses (CNWRA) in San Antonio, Texas. In addition to staff from DOE, NRC, the CNWRA and DOE's Management & Operating and Management & Technical Support contractors, the meeting was attended by representatives from the State of Nevada; the Nevada Nuclear Waste Task Force; Lincoln County; and the U.S. Geological Survey. Also in attendance were representatives from the U.S. Nuclear Waste Technical Review Board and NRC's Advisory Committee on Nuclear Waste. Attachment 2 contains the list of attendees who were present at one of the three conference locations.

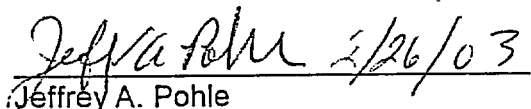
The meeting commenced with opening remarks by DOE and NRC during which DOE identified the goals and objectives of the Technical Exchange. The NRC stated that this was the first of an expected series of meetings related to Performance Confirmation and as such, there were currently no outstanding open items or issues related to Performance Confirmation. The NRC also stated that there would be no "agreements" reached at this informational Technical Exchange. The State of Nevada and affected units of local government declined the invitation to provide opening remarks. Consistent with the detailed agenda found in Attachment 1, DOE presented their high-level strategy to develop their Performance Confirmation Plan. These presentations can be found in Attachment 3.

There was ample opportunity for questions and open discussion during the presentations as well as at the completion of formal presentations.

Comments were made by members of the State of Nevada and other affected parties. These comments are noted below.

- Judy Treichel (Nevada Nuclear Waste Task Force) asked if the performance confirmation program scope considered prior (e.g. site recommendation) commitments, in addition to 10 CFR 63. A. Gil of DOE agreed to review the Commitment Tracking System for such items and to provide the results to the DOE Performance Confirmation Manager, D. Barr.
- Steve Frishman (State of Nevada) asked what prior and ongoing work is performance confirmation. DOE replied that this would be documented in Performance Confirmation.

Plan Rev 3 Mr. Frishman noted that prior/ongoing performance confirmation work should comply with 10 CFR 63. Mr. Frishman also asked about the use of barriers rather than performance assessment as a basis for performance confirmation. A discussion followed that included Mr Frishman, NRC, and DOE. The NRC stated that the performance assessment is based on the barriers. Mr. Frishman remarked that he is pleased that no activities are currently categorized as R&D to Resolve Safety Questions

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Jeffrey A. Pohle
Program Element Manager
Performance Confirmation
High-Level Waste Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards
U.S. Nuclear Regulatory Commission

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Carol L. Hanlon
Performance Confirmation Regulatory Lead
Office of License Application and Strategy
Office of Repository Development
Office of Civilian Radioactive Waste
Management
U S Department of Energy