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Office of Civilian Radioactive Waste Management

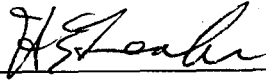
**OFFICE OF CIVILIAN RADIOACTIVE WASTE
MANAGEMENT LICENSING SUPPORT NETWORK
COMPLIANCE ASSURANCE PLAN
FOR DOCUMENT COLLECTION**

Revision 0

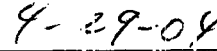
April 2004

*U.S. Department of Energy
Office of Civilian Radioactive Waste Management
Las Vegas, Nevada*

Preparation:

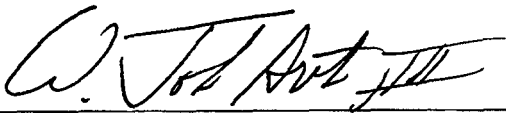


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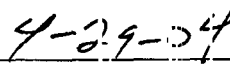


Date

Approval:



W. John Arthur, III
Deputy Director
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Date

CHANGE HISTORY

<u>Revision Number</u>	<u>Interim Change No.</u>	<u>Effective Date</u>	<u>Description of Change</u>
0	0	04/30/2004	Initial issue

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ACRONYMS

CACI	CACI-Commercial, Inc.
DOE	U.S. Department of Energy
LSN	Licensing Support Network
NRC	U.S. Nuclear Regulatory Commission
OCRWM	Office of Civilian Radioactive Waste Management
OGC	Office of the General Counsel
POC	point of contact

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1. BACKGROUND

The Office of Civilian Radioactive Waste Management (OCRWM) is currently preparing to apply for a license from the U.S. Nuclear Regulatory Commission (NRC) to construct a geologic repository for the storage of high-level radioactive waste at Yucca Mountain, Nevada. NRC regulations require that the U.S. Department of Energy (DOE) make available in advance of submitting its License Application documentary material as specified in 10 CFR 2.1003 for inclusion on the Licensing Support Network (LSN). Additionally, DOE must certify, in accordance with 10 CFR 2.1009(b), that it has established and implemented procedures to meet the requirements of 10 CFR 2.1003, and that the documentary material specified in 10 CFR 2.1003 has been identified and made electronically available. The DOE must provide an initial certification to this effect and an updated certification at the time the License Application is submitted. CACI-Commercial, Inc. (CACI) has been selected as the litigation support contractor to assist DOE in this effort.

DOE's initial and updated certifications for document identification and submission will be based in part on the *OCRWM Licensing Support Network Certification Plan for Document Collection* (OCRWM 2004). As reflected in the *OCRWM Licensing Support Network Certification Plan for Document Collection*, the DOE has taken numerous actions to identify and collect documentary material. This includes guidance regarding documents that must be collected for possible inclusion in the LSN, which was provided to appropriate DOE and contractor organizations in a memorandum from the DOE General Counsel on May 5, 2003, "Screening and Processing of Licensing Support Network Documentary Material" (the Call Memo) (Otis 2003). OCRWM implemented a production process to ensure compliance with the document identification and collection requirements. Additionally, Compliance Assurance Reviews will be conducted at certain affected organizations, as specified in this Plan.

2. PURPOSE AND SCOPE

The purpose of this document is to define the activities that will comprise the Compliance Assurance Reviews for document identification and collection. Compliance Assurance Reviews will be conducted to provide added assurance that DOE and contractor offices identified, segregated, and provided potentially relevant documents for processing by CACI, and to identify any problems that should be addressed. Any findings from these reviews will be shared with the Responsible Manager of the affected organization and the DOE LSN Project Manager.

The Compliance Assurance Reviews for the identification and collection of potentially relevant documents will be conducted using a graded sampling approach. The priority for conducting Compliance Assurance Reviews and the level of detail included in the reviews will be graded based on the significance of the role each organization has performed in the Yucca Mountain Project, the duration of the organization's participation in the project, and the magnitude of the potentially relevant documents submitted by the organization. The Compliance Assurance Reviews conducted prior to the initial DOE certification in June 2004 will focus on the organizations that have had the most significant roles in the Yucca Mountain Project. Compliance Assurance Reviews of other organizations may be conducted after DOE's initial certification, as appropriate. After the initial and updated certifications, additional Compliance

Assurance Reviews will be conducted so that newly identified or completed potentially relevant documents continue to be identified and collected.

3. CERTIFICATIONS OF COMPLIANCE BY AFFECTED ORGANIZATIONS

The DOE certification will have a basis, in part, in certifications made by responsible managers of certain DOE and contractor offices that potentially relevant documents have been identified, segregated, and submitted to CACI for processing. The Call Memo notified the Responsible Managers that they would be required to certify that their organizations have identified and submitted the potentially relevant documents to CACI for processing. The Call Memo states (at page 8):

Certification. After completing the screening process outlined in this memorandum, and coordinating transfer procedures for each collection, the responsible manager for each DOE program and contractor office must certify that he or she has identified and provided to CACI all documentary material potentially relevant to the NRC licensing application that is required to be processed for the LSN as defined in the NRC regulations and further specified in this memorandum. CACI will provide a form for this certification and will collect the certification at the conclusion of each office's document processing.

4. COMPLIANCE ASSURANCE REVIEWS FOR DOCUMENT IDENTIFICATION AND SUBMISSION

The purpose of the Compliance Assurance Reviews of the document collection process is to provide the DOE Certifying Official with sufficient understanding of the actions taken by the DOE and contractor organizations to provide him with reasonable assurance that the certifications made by managers of those organizations described above have an adequate basis and may be relied upon for DOE certification. The results of these reviews will be documented in a report to the DOE LSN Project Manager, the DOE Office of the General Counsel (OGC), and the DOE Certifying Official, and any additional actions or other activities necessary to complete the response to the Call Memo will be identified.

4.1 AFFECTED ORGANIZATIONS

Organizations that responded to the Call Memo, either by identifying and submitting potentially relevant documents for possible inclusion in the LSN or by submitting declarations that the organization possesses no documents that require submission, will be included in the scope of the Compliance Assurance Reviews. If any additional organizations that should have received the Call Memo are identified during the performance of the Compliance Assurance Reviews, those organizations will be provided with the Call Memo, training for responding to the Call Memo, as necessary, and the other guidance materials that were provided to the original recipients. Those additional organizations, if any, will then be included in the scope of the certification and compliance assurance processes.

4.2 COMPLIANCE ASSURANCE PERSONNEL

The Compliance Assurance Reviews will be conducted by personnel from CACI. Personnel from an organization being reviewed will include the Responsible Manager and designated point of contacts (POCs) identified pursuant to the Call Memo, as well as other individuals within the organization as described below.

4.3 SCOPE OF REVIEW

Consistent with the graded approach described above, Compliance Assurance Reviews conducted prior to the initial DOE certification will focus on those organizations that have had the most significant roles in the Yucca Mountain Project. The reviews will include interviews of the Responsible Managers and of POCs within those organizations, if applicable. These interviews will include a discussion of the DOE certification plan for the Responsible Managers and POCs, and provide an opportunity to identify any questions that may exist regarding the plan. The process used by the organization to identify and submit potentially relevant documents will be documented. Additionally, the compliance assurance process may "drill down," as needed, into the organization, on a sampling basis to evaluate whether the Call Memo was appropriately disseminated and understood by the organization staff and that the response of the organization was consistent with the Call Memo.

Interviews conducted during Compliance Assurance Reviews will address the following general issues about the organization's response to the Call Memo, with additional questions and follow-up as appropriate to the organization being reviewed:

- The process used by the organization to determine who should receive the Call Memo will be reviewed to determine if the individuals and organizations that could have generated potentially relevant documents were included in the distribution of the Call Memo. Particular attention will be directed to the identification of appropriate contractor and subcontractor organizations.
- The distribution of the Call Memo will be reviewed to determine whether it was sufficient to obtain compliance with the Call Memo requirements from the organization. This review will include identification of the manager or organizational level from which the Call Memo was distributed and any instructions, guidance, or schedule information that was provided by the organization.
- Any training that was conducted will be documented.
- The scope of the organization's effort to identify potentially relevant documents will be compared with the Call Memo guidance to determine whether all types of potentially relevant documents were included within the scope of the organization's review.
- Any questions encountered by individuals or organizations in determining which documents should be submitted for processing will be reviewed. The process used to resolve any such questions will be reviewed to determine whether it was sufficient to

ensure that potentially relevant documents were identified and submitted to CACI for processing.

- The monitoring, tracking, and documentation used by the organization to determine whether appropriate individuals and organizations complied with the Call Memo requirements will be reviewed to evaluate whether they were sufficient to support the organization's certification.
- The certification requirements that apply to the organization and the DOE certification schedule will be reviewed with the Responsible Manager and the POC to identify any questions or need for support in meeting the requirements.
- The ongoing obligation to identify and submit documents for processing will be reviewed with the Responsible Manager and the POC to ensure that this requirement is understood by the organization.

A series of questions will be prepared to explore the issues listed above. The series of questions is intended to expedite the interviews and to promote consistency among the interviews. The purpose of these interviews is to determine whether the Call Memo guidance was appropriately disseminated and understood. Any findings from the Compliance Assurance Review process will be communicated to the Responsible Manager and the POC for the affected organization.

4.4 SCHEDULE

The Compliance Assurance Reviews related to the identification and submission of documents that will be conducted prior to the initial DOE certification will be performed pursuant to the following schedule:

1. **March 29, 2004**—Announce via video-teleconference the Compliance Assurance Schedule and implementation plans to appropriate organizations and provide authorization required (e.g., technical direction letter).
2. **May 1, 2004**—Compliance Assurance Reviews will begin. The organizations subject to these reviews will include the Office of the Secretary of Energy, the Office of the Director of OCRWM, OCRWM (East and West), the OGC, the U.S. Geological Survey, Management and Technical Support Services, and Bechtel SAIC Company, LLC.
3. **May 14, 2004**—Complete the Compliance Assurance Review reports and provide them to the DOE LSN Project Manager, OGC, and the DOE Certifying Official.

4.5 DOCUMENTATION

A written report about each Compliance Assurance Review will be submitted to the DOE LSN Project Manager, DOE OGC, and the DOE Certifying Official when it is completed. Any additional actions that appear necessary, based on the review, will be identified at that time and

communicated to the affected organization. All Compliance Assurance Review reports will be provided to the DOE LSN Project Manager, DOE OGC, and the DOE Certifying Official in advance of the submission of DOE certification to the NRC. The Compliance Assurance Review reports also will be provided to the DOE Certifying Official in the Certification Package described in Section 7 of the *OCRWM Licensing Support Network Certification Plan for Document Collection* (OCRWM 2004).

5. REFERENCES

5.1 DOCUMENTS CITED

OCRWM (Office of Civilian Radioactive Waste Management) 2004. *OCRWM Licensing Support Network Certification Plan for Document Collection*. REV 0, April 2004. Las Vegas, Nevada: Office of Civilian Radioactive Waste Management.

Otis, L.L. 2003. "Screening and Processing of Licensing Support Network Documentary Material." Memorandum from L.L. Otis (OGC), to governmental agencies on the distribution list, May 5, 2003. ACC: HQO.20030610.0012.

5.2 CODES, STANDARDS, REGULATIONS, AND PROCEDURES

10 CFR (Code of Federal Regulations) 2, Subpart J. Energy: Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders. Readily Available.

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