

CENTER FOR NUCLEAR WASTE REGULATORY ANALYSES ADMINISTRATIVE PROCEDURE	Proc. <u>AP-001</u> Revision <u>6</u> Change <u>2</u> Page <u>1</u> of <u>15</u>
--	--

Title **EVALUATION OF POTENTIAL FOR CONFLICT OF INTEREST**

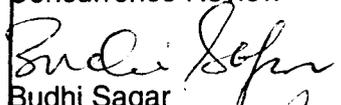
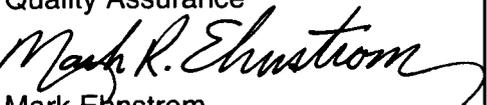
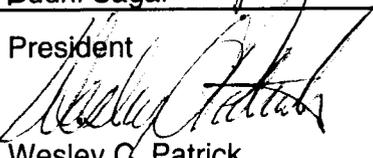
EFFECTIVITY

Revision 6 of this procedure became effective on 01/31/2003. This procedure consists of the pages and changes listed below.

<u>Page No.</u>	<u>Change No.</u>	<u>Date Effective</u>
1-3	2	12/07/2003
4-14	0	01/31/2003
15	1	04/07/2003
Attachment 1	0	01/31/2003
Appendix A	0	01/31/2003

Change 2 increases the scope of COI reviews to include suppliers of personal services.

Supersedes Procedure No. AP-001 Revision 6, Change 1

Approvals			
Written by  Robert Briant	Date 12/5/03	Concurrence Review  Budhi Sagar	Date 12/15/03
Quality Assurance  Mark Ehnstrom	Date 12/8/03	President  Wesley Q. Patrick	Date 12/5/2003

**CENTER FOR NUCLEAR WASTE
REGULATORY ANALYSES**

Proc. AP-001

Revision 6 Chg 2

ADMINISTRATIVE PROCEDURE

Page 2 of 15

EVALUATION OF POTENTIAL FOR CONFLICT OF INTEREST

1. INTRODUCTION

The need to avoid conflict of interest (COI) in conducting technical assistance and research programs was a principal reason for the U.S. Nuclear Regulatory Commission (NRC) establishing the Center for Nuclear Waste Regulatory Analyses (CNWRA) (Contract No. NRC-02-02-012, Section C.1.1.2 and other contracts). Although initial concerns regarding COI were restricted to CNWRA work under the Nuclear Waste Policy Act (NWPA), similar concerns relate to CNWRA support of NRC in non high-level waste (HLW) programs. Many prospective CNWRA employees, other Southwest Research Institute® (SwRI®) personnel performing work for the CNWRA, subcontractors, consultants, and suppliers of personal services to the CNWRA may now work or may in the past have worked for the U. S. Department of Energy (DOE), its contractors, other affected parties under the NWPA, or other U. S. Nuclear Regulatory Commission (NRC) licensees and their contractors. Past, present, or planned future work for these parties introduces the potential for COI that could delay or otherwise jeopardize NRC licensing activities. In addition, all performing individuals and organizations must be appropriately qualified (e.g., immigration status; security clearance, if appropriate) to access information required to execute the assigned scope of work.

Individual and organizational conflicts of interest also are possible with other contracts, such as those with domestic and foreign private industries, foreign governments, and other domestic (state and federal) governments. This procedure is used to evaluate the potential for and to avoid the occurrence of COI in all CNWRA activities.

Selection of individuals and organizations to perform work for the NRC and other clients is accomplished in accordance with the applicable sections of Southwest Research Institute's "Operating Policies and Procedures" (OPP), "Employment Manual" of the Human Resources Department (HRD), "Purchasing Policies and Procedures," "Compliance Program," and "Technology Control Plan." In matters related to access to classified, sensitive, export-controlled, and similar information, the CNWRA will coordinate its determination with the SwRI Security Department (SD), Legal Department (LD), HRD, and the Purchasing Department (PD). The LD, however, will make the final determination.

2. PURPOSE AND SCOPE

The purpose of this procedure is to provide fundamental criteria and a means for formally documenting CNWRA management evaluations of potential for COI among current and prospective CNWRA employees, other SwRI personnel performing work for the CNWRA, subcontractors, consultants, and suppliers of personal services to the CNWRA (hereinafter referred to as "individuals and organizations"). This will ensure

CENTER FOR NUCLEAR WASTE
REGULATORY ANALYSES

ADMINISTRATIVE PROCEDURE

Proc. AP-001

Revision 6 Chg 2

Page 3 of 15

that no COI arises, or that the occurrence of such is effectively mitigated, so that it is demonstrably clear that the CNWRA, its staff, and all individuals and organizations used to support the NRC in fulfillment of its regulatory mission provide research results, technical assistance, and advice that are technically sound, objective, and impartial. This procedure is developed in the context of and meets the intent of the provisions of contracts with all clients of the CNWRA.

This procedure applies only to individuals and organizations who are or may become engaged in management, technical assistance, technical review, and research activities of the CNWRA. It is first used before an individual or organization is allowed to engage in CNWRA activities, and prior to employment as CNWRA staff. Subsequently, it is applied whenever an individual or organization is considered for a significantly different assignment that may introduce a potential for COI not previously considered and at least annually absent such changes in assignments.

Because the COI evaluation process elicits substantially all of the information required, AP-001 is used to guide (i) the overall source evaluation process, (ii) consideration of access to certain types of information, and (iii) related business considerations.

3. DEFINITIONS

Employed—A relationship exists whereby payment or similar consideration is received for services rendered. For purposes of this procedure, the term encompasses consultant and subcontractor relationships, and suppliers of personal services, as well as traditional employer-employee arrangements. The ultimate or original source of the funding must be known to accurately evaluate the potential for COI.

Individual COI—A relationship exists whereby an individual has past, present, or planned future interests related to the work to be performed for the CNWRA, including work for others, that may (i) diminish his or her capacity to give impartial, technically sound, objective assistance and advice or may otherwise result in a biased work product, (ii) result in an unfair competitive advantage, or (iii) otherwise result in the CNWRA not being able to support future NRC or other client activities because of a COI. The ultimate or original source of funding must be determined to support an evaluation of the potential for COI. If the original source of funds is a conflicted organization, the potential for COI remains, regardless of how many tiers of subcontracting may separate the individual from that source.

NRC Licensee—An individual or organization subject to licensing or certification under NRC regulatory authority is considered an NRC licensee. Licensing or certification activities of concern in this procedure include but are not limited to those authorized

CENTER FOR NUCLEAR WASTE
REGULATORY ANALYSES

ADMINISTRATIVE PROCEDURE

Proc. AP-001

Revision 6 Chg 0

Page 4 of 15

Organizational COI—A relationship exists whereby an organization—whether it is an independent entity or an affiliate unit of another organization—has past, present, or planned future interests related to the work to be performed for the CNWRA, including work for others, that may (i) diminish its capacity to give impartial, technically sound, objective assistance and advice or may otherwise result in a biased work product, (ii) result in its being given an unfair competitive advantage, or (iii) otherwise result in the CNWRA not being able to support future NRC or other client activities because of a COI. The ultimate or original source of funding must be determined to support an evaluation of the potential for COI. If the original source of funds is a conflicted organization, the potential for COI remains, regardless of how many tiers of subcontracting may separate the organization from that source.

Party to the NWPA—The DOE, NRC, affected states and tribes, and other agencies and organizations that the NWPA acknowledges to have a direct role in the licensing proceeding for a HLW repository and/or an interim storage facility authorized under the NWPA are considered parties to the NWPA. Although party standing is defined in 10 CFR Part 2 with respect to the licensing proceeding, COI restrictions on work for parties apply to all activities funded under the NWPA, not just the licensing proceeding.

Potential for COI—A factual situation exists that indicates that a COI may arise. The term “potential for conflict of interest” is used to signify those situations that merit investigation prior to employment or assignment of an individual or award of a contract to an organization in order to ascertain whether employment or contract award would give rise to an actual conflict.

Work—Any technical assistance, technical review, or research activity or management of such activity on behalf of the NRC or other client. Internally funded research and development activities are not considered to be “work” for purposes of this procedure. Past, present, and planned future work are subject to COI evaluation.

Access to Information—Accessibility of certain information by individuals or organizations taking into consideration any security concern.

4. RESPONSIBILITY

- 4.1 The President of the CNWRA is responsible for promulgating, revising, and evaluating compliance with this procedure. The President presides at meetings of the Source Evaluation Committee (SEC) to evaluate the potential for COI and other matters (e.g., cost, schedule, and quality) related to employment of individuals and organizations. The President, or his designee, will coordinate all matters concerning employment or use of foreign nationals in CNWRA activities with the LD. See Introduction.
- 4.2 The Technical Director of the CNWRA, in fulfilling responsibilities for identifying and allocating resources, is responsible for implementing this procedure.

CENTER FOR NUCLEAR WASTE
REGULATORY ANALYSES

ADMINISTRATIVE PROCEDURE

Proc. AP-001 _____

Revision 6 Chg 0 _____

Page 5 of 15 _____

4.3 The President, Technical Director, Director of Administration, Director of Quality Assurance, and Assistant Director for Systems Engineering and Integration (ADSE&I), as well as the cognizant Element Manager or Senior Program Manager (hereinafter referred to as "manager") comprise the CNWRA SEC. The Director of Quality Assurance also serves as Secretary to this SEC.

4.4 The cognizant manager is responsible for helping identify the potential for COI and preparing materials for use by the SEC in evaluating COI concerns. The manager is responsible for posing the appropriate questions to an individual or organization to determine if there is a potential for COI with respect to the client. For NRC funded programs, relevant questions are posed on the AP-001-01 form and Appendix A to this procedure. For other programs and projects, the manager is responsible for formulating appropriate questions.

5. CRITERIA

The following fundamental criteria form the basis for evaluating potential COI of individuals and organizations to assure that CNWRA remains COI-free in its support to the NRC and other clients. Note that although these criteria are worded in the past tense, they apply to past, present, and planned future work. If individuals or organizations conduct work that introduces a COI with assignments within the CNWRA, they will be immediately prohibited from continuing the CNWRA work and excluded from further CNWRA work in the area of COI, unless a waiver is obtained consistent with Section 6C of this procedure.

5.1 Past, present, or planned future work for an entity under the regulatory authority of the NRC or other client, including as consultants and subcontractors, creates the potential for COI. Examples include parties to the NHPA other than the NRC, NRC licensees, municipal utilities (e.g., if the client is a water authority), pipeline operators (e.g., if the client is the Office of Pipeline Safety), etc. The potential for COI shall be evaluated as required by Section 6 of this procedure and, if a potential for COI is identified, actions shall be taken in accordance with applicable contract provisions and Section 6.6 of this procedure.

- Generally, concurrent work for a party under the NHPA, other than the NRC, or for an NRC licensee is not permitted.
- If there is no potential for COI regarding present or planned future work, the potential for COI regarding past work shall be further evaluated using criteria in Sections 5.2-5.8.

5.2 Organizations and employees or agents acting in their behalf, shall not provide technical or policy reviews or advice on work they directly performed, for which they had management responsibility, or which would result in their being given an unfair competitive advantage.

CENTER FOR NUCLEAR WASTE
REGULATORY ANALYSES

ADMINISTRATIVE PROCEDURE

Proc. AP-001

Revision 6 Chg 0

Page 6 of 15

- 5.3 Individuals shall not provide technical or policy reviews or advice on work they directly performed or for which they had management responsibility.
- 5.4 Individuals and organizations shall not develop or directly support development of technical or policy positions for a regulatory authority that are based principally or substantially on work they directly performed or for which they had management responsibility while employed (including as consultants and subcontractors) by a regulated entity, a party under the NWPAs other than the NRC or any NRC licensee.
- 5.5 Individuals and organizations shall not participate in any CNWRA activity funded by a regulatory authority that is directly related to issues, positions, or decisions for which they have taken a position of advocacy (including as consultants and subcontractors) for a regulated entity, party under the NWPAs other than the NRC, or any NRC licensee.
- 5.6 Individuals and organizations may conduct limited original research in technical areas where, in the past, they directly performed work or for which they had management responsibility while employed (including as consultants and subcontractors) by a regulated entity, a party under the NWPAs other than the NRC, or an NRC licensee, provided such previous research was not specific to any site, design, or facility addressed by contracts between SwRI and the NRC or other regulatory authority for work performed by the CNWRA.
- 5.7 Individuals and organizations may perform analyses and evaluations using methodologies they directly developed or had management responsibility for developing while employed (including as consultants and subcontractors) by a regulated entity, a party under the NWPAs other than the NRC, or an NRC licensee, provided that the methodology has been independently reviewed and approved by the regulator that the CNWRA is supporting, or has been incorporated in a consensus standard.
- 5.8 Individuals and organizations may develop or support development of technical criteria that are based principally or substantially on work they directly performed or for which they had management responsibility while employed (including as consultants and subcontractors) by a regulated entity, a party under the NWPAs other than the NRC, or an NRC licensee, provided that the supporting work has been independently reviewed and approved by the NRC or other regulator that the CNWRA is supporting.
- 5.9 Former NRC employees may perform work, provide aid, counsel, or assist in representing the CNWRA in any proceeding (with regard to work they supervised or directly performed as an employee of the NRC), only after their participation has been reviewed and approved by the Office of General Counsel, NRC, under 18 U.S.C. 207. All former senior NRC employees shall be constrained by the specific prohibitions in place at the time they are considered for employment or a consultancy.

CENTER FOR NUCLEAR WASTE
REGULATORY ANALYSES

Proc. AP-001 _____

Revision 6 Chg 0 _____

ADMINISTRATIVE PROCEDURE

Page 7 of 15 _____

5.10 Individuals and organizations may be utilized in other NRC-funded activities of the CNWRA outside the NWPA that the CNWRA management deems appropriate, with concurrence by the NRC CNWRA Program Manager.

6. PROCEDURE

The following procedure (summarized in the flowchart in Figure 1) shall be used by the SEC to evaluate potential for COI, mitigate the effects of such potential for COI, and seek waivers from the requirements of this procedure. This procedure will be applied before any individual or organization first engages in CNWRA activities, before any significantly different assignment is considered that may introduce a potential for COI, and at least annually otherwise.

A CNWRA manager will enlist the support of the SD, LD and/or the HRD, via the CNWRA President or his designee, to determine whether any CNWRA staff member, prospective employee, consultant, subcontractor staff member, or existing SwRI employee from another division has the necessary documentation or approvals/authorizations to access certain documents. Access to certain information is dependent on citizenship, immigration status, export control, security clearance, and other criteria (as summarized in the flowchart in Figure 2).

Former NRC employees may be used only to the extent they comply with Section 5.9.

A. EVALUATION OF INDIVIDUALS AND ORGANIZATIONS NOT SUBJECT TO FULL REVIEW

In general, this procedure applies to all individuals and organizations conducting work on CNWRA projects and programs. Certain employee classifications and job functions, however, pose no potential for COI.

This section (i) defines the characteristics of job functions that eliminate the potential for COI and (ii) lists applicable employee classifications and job functions that do not require the complete evaluation described under Section 6B of this procedure. Documentation requirements are summarized in Table 1.

6.1 Individuals or organizations whose job functions are characterized by the following factors do not require the complete evaluation described under Section 6B of this procedure.

- The individual or organization does not provide technical assistance, research, advice, hearing support, positions, or other types of assistance. For example, the contributions of the individual or organization fall outside of those defined in Section C.1.1.3 Commitments of contract NRC-02-02-012.
- The individual or organization does not contribute to the technical substance of work products delivered under contract to the client.

CENTER FOR NUCLEAR WASTE
REGULATORY ANALYSES

Proc. AP-001

Revision 6 Chg 0

ADMINISTRATIVE PROCEDURE

Page 8 of 15

- The individual or organization does not provide technical analyses, interpretations, or judgments that could create a potential for bias.
- The activities of the individual or organization are conducted at the direction of technical staff and managers of the CNWRA who prescribe, control, and monitor all aspects of the work performed through direct oversight, procedures, instructions, drawings, or specifications. Examples include data collection, measurements, production runs of computer codes, sample preparation, and movement and positioning of equipment.

Furthermore, technical staff and managers of the CNWRA, who would provide any testimony required to support hearings or other activities on behalf of the client, prescribe measurement techniques, select standard methods, develop non-standard methods, and specify calibration standards and periods that could affect results obtained.

6.2 Individuals and organizations in the following SwRI classifications perform job functions that are characterized by the factors enumerated in Section 6.1 and, therefore, are not subject to full COI review under Section 6B of this procedure. If individuals in these classifications perform job functions other than those enumerated in Section 6.1 (e.g., a technician develops novel procedures that control the substantive results of the work), the potential for COI must be evaluated in accordance with Section 6B of this procedure.

- Administrative staff (e.g., those classified as AS-1 through AS-7 of the SwRI Career Ladders and Job Guidelines, or equivalent), including but not limited to administrative assistants, administrative coordinators, clerks, data entry operators, expeditors, financial analysts, librarians, procurement specialists, publication assistants, and secretaries.
- Specialist staff (e.g., those classified as SP-1 through SP-5, or equivalent), including but not limited to attorneys, editors, legal assistants, nurses, and technical specialists. Attorneys tasked to work directly on CNWRA projects and programs (i.e., other than in an overhead capability on behalf of SwRI) are subject to COI review under Section 6B of this procedure.
- Technician staff (e.g., those classified as TS-1 through TS-6 and certain PL1, or equivalent), including but not limited to computer administrators, operators and technicians; drafters; fabricators; instrument calibrators, operators, and technicians (e.g., of optical microscopes, scanning electron microscopes, x-ray diffraction systems, and atomic force microscopes); machinists; mechanics; photographers; chemical, electrical, electronics, and mechanical technicians; and welders. Quality assurance, senior designer, and senior programmer staff in the TS and PL classifications generally are subject to COI review under Section 6B of this procedure.

CENTER FOR NUCLEAR WASTE
REGULATORY ANALYSES

Proc. AP-001 _____

Revision 6 Chg 0 _____

ADMINISTRATIVE PROCEDURE

Page 9 of 15 _____

- Supervisor staff, regardless of classification, who assign individuals to projects, maintain utilization, oversee maintenance of facilities and equipment, or conduct administrative activities.

B. EVALUATION OF INDIVIDUALS AND ORGANIZATIONS SUBJECT TO FULL REVIEW

The SEC shall perform the evaluations in accordance with the following steps for all individuals and organizations not exempt under 6A. This section applies to SwRI employees, as well as consultants and subcontractors. Documentation requirements are summarized in Table 1.

- 6.3 A manager will identify a required area of expertise and a prospective individual or organization to provide the expertise. This typically will occur when developing or modifying the staffing section of the CNWRA Management Plan, Operations Plans, a proposal, or other planning document. It also may occur as a result of a special request from a client or response to a reallocation meeting.
- 6.4 The manager shall prepare and submit to the SEC an evaluation portfolio containing the following information. Items a–d are primarily information for COI review; items e–g address other business considerations evaluated by the SEC (see Section 4.1); item f may also support any waiver request under Section 6C.
- a. Resumes and complete detailed work history of the prospective individual or organization. The work history must include clients, sources of funding, scopes of work, and inclusive dates (month and year) of performance. Revenue by client as a proportion of total revenue or income of the individual or organization must be provided for the current and preceding three years, and planned future clients and revenue for the next two years.
 - b. A signed letter from the individual or organization attesting to (i) being currently free from COI, and (ii) intending to remain free from COI and committing to notify the CNWRA and obtain approval before agreeing to undertake other work that may create a potential for COI.
 - c. A completed COI Questionnaire for Preliminary Evaluation of Potential Conflict of Interest, Form AP-001-01 (Attachment 1) or, for clients other than the NRC, answers to other COI-related questions appropriate to the proposed scope of work.
 - d. A brief description of proposed scope of work. In cases where the scope of work is uncertain, the description should reasonably bound the range of anticipated assignments. Because COI can be site, facility, or project specific, the scope should identify these factors, as applicable.

CENTER FOR NUCLEAR WASTE
REGULATORY ANALYSES

Proc. AP-001

Revision 6 Chg 0

ADMINISTRATIVE PROCEDURE

Page 10 of 15

- e. A brief statement regarding the role of the work in the context of the overall program or contract.
- f. An assessment of programmatic impact of not using the prospective individual or organization as proposed, including indication of available alternative individuals or organizations.
- g. Other information required by AP-005, Obtaining Subcontract Services, or AP-006, Obtaining Consultant Services, as applicable.

6.5 The SEC shall evaluate any potential for COI using the information provided in the evaluation portfolio and the criteria provided in Section 5. This evaluation may be facilitated by using the flow chart in Figure 1. The President of the CNWRA may delegate evaluation of potential for COI and preparation of a recommendation to a committee member for final action by the committee as a whole.

6.6 The SEC shall prepare a brief report of its finding and basis for same.

- a. If no potential for COI is found, the report will be transmitted to the manager for action.
- b. If the SEC determines that there is a potential for COI, one of the following actions shall be taken.
 - Exclude the individual or organization from projects funded by the client. This approach is generally appropriate in cases where the SEC is convinced there is a COI (i.e., the potential for COI is unlikely to be ruled out by the client), application for a waiver is inappropriate, alternative sources of services are available, and similar situations.

In such cases, the SEC report will document the clients and projects, if any, on which the individual or organization can work.

- Request a formal review of COI by the client.

In such cases, the SEC report, evaluation portfolio, and other supporting information will be transmitted to the client by the President of the CNWRA. Supporting information should include, as appropriate, (i) specific factors that mitigate against a COI developing; (ii) specific aspects of the scope of work that eliminate the need for the individual or organization to review his/her/its own work; (iii) information explaining why the work the individual or organization would perform for the client is not the same as or similar to work previously, concurrently, or planned to be conducted for other clients; and (iv) information explaining why the work the individual or organization would perform for the client is not likely to be used in a manner that would give rise

CENTER FOR NUCLEAR WASTE
REGULATORY ANALYSES

Proc. AP-001 _____

Revision 6 Chg 0

ADMINISTRATIVE PROCEDURE

Page 11 of 15

to a COI (e.g., why work for the NRC would not be used in a license application for a repository or interim storage facility).

- Request a waiver by the client. This approach is generally appropriate in cases where the SEC is convinced there is a COI (i.e., the potential for COI is unlikely to be ruled out by the client), application for a waiver is appropriate, alternative sources of services are not available, the candidate individual or organization offers unique skills that are not otherwise available, and similar situations.

In such cases, the SEC report, evaluation portfolio, and other supporting information will be transmitted to the client by the President of the CNWRA. Supporting information should include the items delineated in Section 6C of this procedure, as appropriate.

C. MITIGATION AND WAIVER

In unusual cases, it will be desirable to engage the services of an eminently qualified individual or organization with a potential for COI. The following steps shall be followed when such situations arise.

- 6.7 The SEC shall make a determination based on the evaluations delineated in Section 6B of this procedure concerning whether the benefit outweighs the negative effect of the COI. If so, the SEC shall propose administrative controls to mitigate the effect of such COI and will petition the client for a waiver from the requirements of this procedure. The NRC or other client has sole discretion in granting such waivers on a case-by-case basis. The results of such determination shall be documented.
- 6.8 Proposed means to mitigate a potential for COI may incorporate an appropriate combination of factors that include, but are not limited to (i) independent review and approval by the NRC or other client of the work that creates the potential COI, (ii) incorporation of the work that creates the potential for COI in a consensus standard, and (iii) acceptance of the work that creates the potential for COI by the technical community, as may be demonstrated by its publication, favorable review, and implementation in scientific or engineering practice. The selection, implementation, and evaluation concerning the effectiveness of any mitigating factors to be applied in a given situation are NRC or other client decisions. The results of such determination shall be documented.
- 6.9 For the special case of candidates participating in peer reviews, advisory groups, or workshops, proposed means to mitigate a potential for COI may incorporate administrative controls that include, but are not limited to (i) requiring full disclosure and documentation describing relationships, if any, with individuals or organizations that may give rise to actual or potential for COI in the event of a contract/subcontract award,

CENTER FOR NUCLEAR WASTE
REGULATORY ANALYSES

Proc. AP-001

Revision 6 Chg 0

ADMINISTRATIVE PROCEDURE

Page 12 of 15

(ii) providing for a balance of differing technical perspectives in selection of peer review or workshop members, (iii) offsetting the potential for COI by selecting a preponderance of members who have no COI, (iv) segregating the individual's comments to facilitate subsequent identification and evaluation of individual bias, (v) requiring individual expression of dissenting opinions, (vi) proscribing the individual from reviewing and commenting on particular portions of the subject matter, and (vii) controlling the end use of the results of such peer review or workshop to preclude an unacceptable programmatic impact. The selection, implementation, and evaluation of the effectiveness of any mitigating factors to be applied in a given situation are NRC or other client decisions. The results of such determination shall be documented.

6.10 When submitting a waiver request to the NRC or other client, the CNWRA shall enclose a copy of the proposed statement of work for the candidate individual or organization in question. In addition, the waiver request shall include the resume of the candidate/individual or, in the case of an organization, its current scope of work. Additionally, copies of titles of papers by the individual or organization will be provided to the NRC or other client. In the case of a waiver request for an organization, current and projected future work shall be identified along with the funding organization, and a listing of relevant papers/articles that have been published under the organization's name.

6.11 Waiver actions are taken at the sole discretion of the NRC or other client. In the case of NRC, such actions are taken consistent with the requirements of NRC Acquisition Regulation 2009.570-9. Such actions are strictly limited to those situations in which (i) the work to be performed under the contract is vital to the NRC program, (ii) the work cannot be satisfactorily performed except by a contractor whose interests give rise to a question of conflict of interest, and (iii) contractual review and surveillance methods can be employed by the NRC to neutralize the conflict.

7. RECORDS

All items identified as documentation within this procedure shall be maintained in accordance with the requirements of Section 17 of the CNWRA Quality Assurance Manual and Table 1 of implementing procedure QAP-012.

**CENTER FOR NUCLEAR WASTE
REGULATORY ANALYSES**

ADMINISTRATIVE PROCEDURE

Proc. AP-001

Revision 6 Chg 0

Page 13 of 15

**Table 1. Summary of Documentation Requirements to Support Evaluation
Under AP-001**

Document or Information	Individuals and Organizations not Subject to Full Review (Section 6A)	Individuals and Organizations Subject to Full Review (Section 6B)
Résumé (6.4.a, sufficient to establish technical qualifications)	✓	✓
Complete work history (6.4.a)		✓
Signed COI letter (6.4.b)		✓
Completed COI questionnaire (6.4.c)		✓
Description of proposed scope of work (6.4.d)	✓	✓
Statement of the role of work (6.4.e)		✓
Statement of programmatic impact (6.4.f)		✓
AP-005 or AP-006 information (6.4.g)	✓	✓
Manager assessment memorandum	✓	✓
SEC determination memorandum	✓	✓
Support of request for waiver (6C) (if applicable)		✓
Foreign National Determination (6A and 6.4)	✓	✓

CENTER FOR NUCLEAR WASTE REGULATORY ANALYSES

ADMINISTRATIVE PROCEDURE

Proc. AP-001

Revision 6 Chg 0

Page 14 of 15

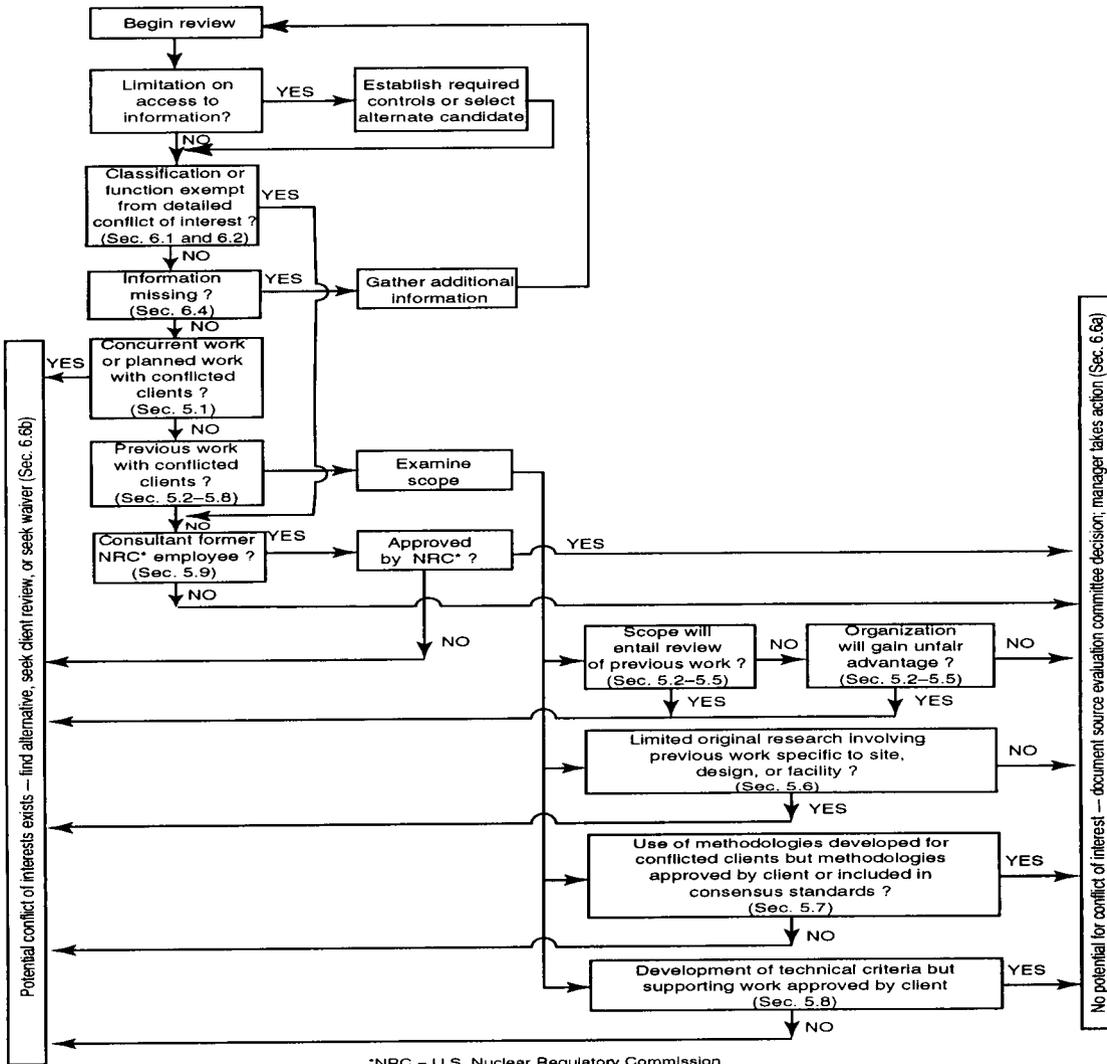


Figure 1. Review Process for Determining Potential for Conflict of Interest

CENTER FOR NUCLEAR WASTE
REGULATORY ANALYSES

Proc. AP-001 _____

Revision 6 Chg 1 _____

ADMINISTRATIVE PROCEDURE

Page 15 of 15 _____

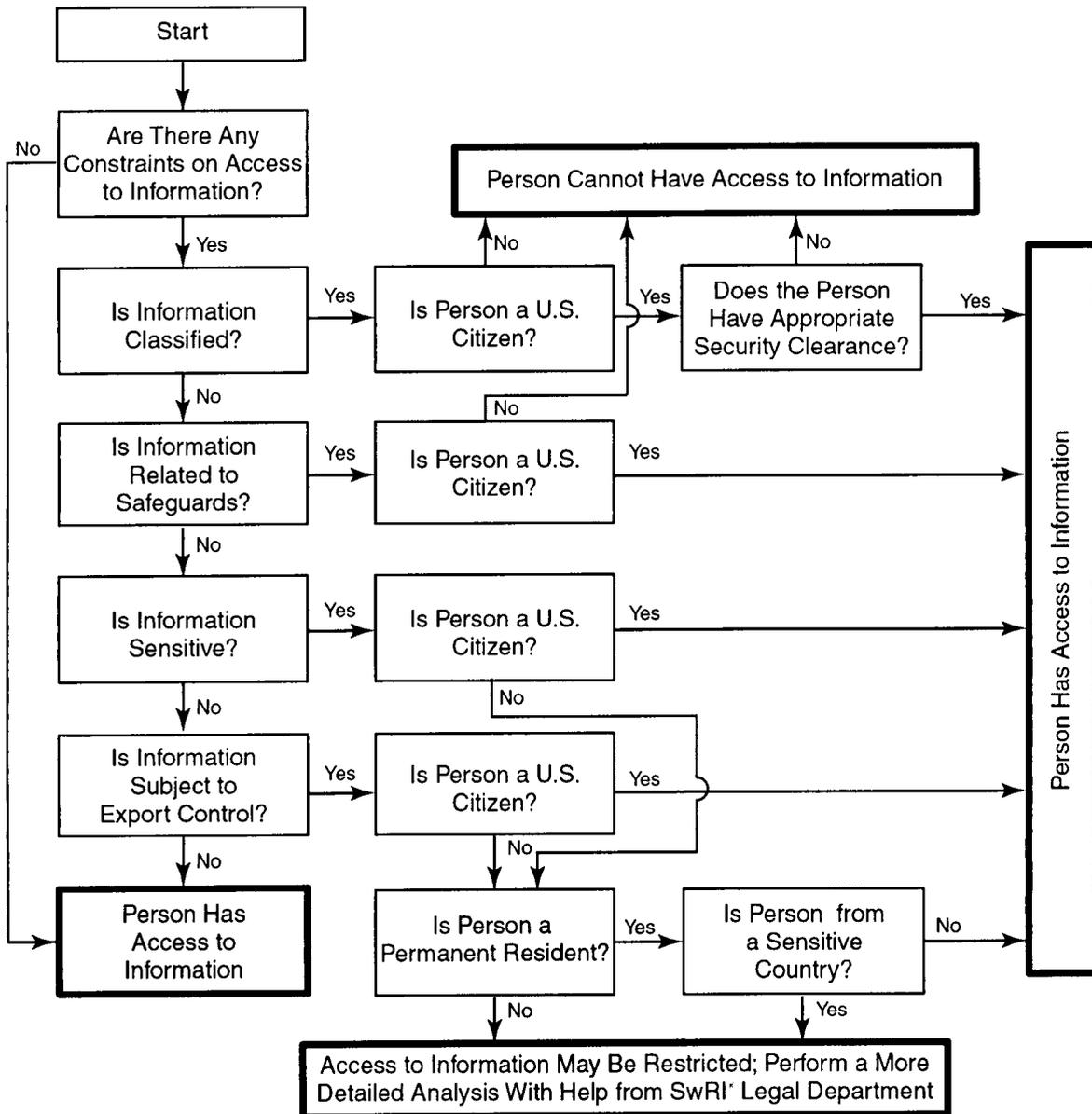


Figure 2. Evaluation of Access to Information by Staff, Consultants, and Subcontractor Persons



ATTACHMENT 1

CENTER FOR NUCLEAR WASTE REGULATORY ANALYSES
QUESTIONNAIRE FOR PRELIMINARY
EVALUATION OF POTENTIAL FOR CONFLICT OF INTEREST
(Appendix A Attached)

Name: _____ Social Security Number _____

A. GENERAL BACKGROUND RELATED TO DOE ACTIVITIES

1. Have you worked, are you working, or do you plan to work on activities directly or indirectly funded by the U.S. Department of Energy (DOE)? (Yes/No). **If yes**, describe your involvement, including a brief description of the scope of work, listing of papers which resulted from such activities, as appropriate (attach additional sheets, if necessary).

2. Have you worked, are you working, or do you plan to work on activities directly or indirectly funded by the DOE that were related to the commercial nuclear fuel cycle? (Yes/No). **If yes**, describe your involvement, including a brief description of the scope of work, listing papers which resulted from such activities, as appropriate.

SAMPLE

B. BACKGROUND RELATED TO DOE HIGH-LEVEL WASTE (HLW) ACTIVITIES

3. Have you worked, are you working, or do you plan to work on activities directly or indirectly funded by the DOE that were related to the processing of defense or commercial high-level nuclear wastes into forms for subsequent disposal (such as borosilicate glass)? (Yes/No). **If yes**, describe your involvement, including a brief description of the scope of work, listing papers which resulted from such activities, as appropriate.

4. Have you participated in or managed, are you participating in or managing, or do you plan to participate in or manage activities directly or indirectly funded by the DOE that had the purpose of developing a technical consensus or technical criteria, or of establishing a uniform methodology related to evaluation of HLW disposal? (Yes/No). **If yes**, describe your involvement, including a brief description of the scope of work, listing papers which resulted from such activities, as appropriate.

SAMPLE

QUESTIONNAIRE FOR PRELIMINARY EVALUATION OF POTENTIAL FOR
CONFLICT OF INTEREST (continued)

5. Have you participated in or managed, are you participating in or managing, or do you plan to participate or manage activities directly or indirectly funded by the DOE that had the purpose of formulating policy? (Yes/No). If yes, describe your involvement, including a brief description of the scope of work, listing papers which resulted from such activities, as appropriate.

6. Have you assumed a position of advocacy regarding issues, positions, or decisions of the DOE in matters related to the commercial nuclear fuel cycle, commercial HLW, or defense HLW? (Yes/No). If yes, describe your involvement, including a brief description of the scope of work, listing papers which resulted from such activities, as appropriate.

7. Provide a complete list of all of your publications that you have reason to believe could be used in supporting DOE application to construct a repository in the tuffaceous rocks at Yucca Mountain in the state of Nevada (attach additional sheets as necessary).

SAMPLE

C. BACKGROUND RELATED TO HLW ACTIVITIES OF OTHER AGENCIES

8. Identify any work of the types listed in items 1 through 7 above which you performed, are performing, or plan to perform for other parties to the Nuclear Waste Policy Act, including affected states, tribes, and other groups that may have acted as advocates of or interveners to the development of a HLW repository (Attach additional sheets as necessary).

D. BACKGROUND RELATED TO OTHER NRC LICENSING ACTIVITIES

9. Identify any work which you performed, are performing, or plan to perform for a licensee for low-level waste disposal or contractor to such organization. Include work on low-level waste disposal facilities licensed directly by NRC or under Agreement State Provisions.

QUESTIONNAIRE FOR PRELIMINARY EVALUATION OF POTENTIAL FOR
CONFLICT OF INTEREST (continued)

10. Identify any work which you performed, are performing, or plan to perform for a NRC licensee or license applicant, or contractor to such organization, including, but not limited to, uranium recovery and site decommissioning management plan projects.

11. Have you conducted, are you conducting, or do you plan to conduct any work directly or indirectly related to the topics listed below (other than work already described under items 1 through 10)?

- (i) Nuclear Waste Storage, Transportation, and Disposal? (Yes/No). **If yes**, describe your involvement, including a brief description of the scope of work, listing papers which resulted from such activities, as appropriate.

- (ii) Uranium Recovery [Uranium Mining] (Yes/No). **If yes**, describe your involvement, including a brief description of the scope of work, listing papers which resulted from such activities, as appropriate.

- (iii) Three-Mile Island Fuel or Fuel Debris, Naval Fuel, Research Reactor Fuel, Foreign Reactor Fuel (Yes/No). **If yes**, describe your involvement, including a brief description of the scope of work, listing papers which resulted from such activities, as appropriate.

- (iv) Nuclear Site Decommissioning (Yes/No). **If yes**, describe your involvement, including a brief description of the scope of work, listing papers which resulted from such activities, as appropriate.

QUESTIONNAIRE FOR PRELIMINARY EVALUATION OF POTENTIAL FOR
CONFLICT OF INTEREST (continued)

12. Provide list of clients, sources of funding, scopes of work, and inclusive dates (month and year) of performance. Provide revenue by client as a proportion of total revenue or income of the individual or organization for the current and preceding three years. **If none, state "NONE."**

13. Provide list of planned future clients, sources of funding, scopes of work, and inclusive dates (month and year) of performance. Provide revenue by planned future clients as a proportion of total revenue or income of the individual or organization for the next two years. **If none, state "NONE."**

To assist you in complying with this request, for each set of topics above, Appendix A lists associated organizations, locations, and laws, regulations, and rules. Please refer to these lists as necessary to help you identify activities that may be related to the areas of possible COI for CNWRA.

The information provided on this form is to the best of my knowledge true and accurate.

SAMPLE

Signature

Date

Appendix A

Topics:

Nuclear Waste Storage, Transportation, Disposal, Monitored Retrievable Storage, Central Interim Storage, and other related topics

Organizations and Locations:

ABB Atom, Babcock and Wilcox, Battelle, Bechtel, Booz Allen, Brunswick, British Nuclear Fuels, Chew and Associates, Chem Nuclear, Dames & Moore, Duke Engineering, Envirocare, Fluor-Daniel, EG&G, Fort St. Vrain, Foster Wheeler Energy Applications, Framatome Cogema Fuels, General Atomics Technologies Corp., General Electric Company, General Nuclear Systems Inc., Golder Associates, H.B. Robinson, Holtech Corp., Kaiser-Hill, Lockheed-Martin Advanced Environmental Systems, Los Alamos Technical Associates, Louisiana Energy Services, Nuclear Assurance Corp., Nuclear Fuel Services Inc., Pacific Nuclear Fuel Services Inc., Pacific Sierra Nuclear Associates, Parsons, Private Fuel Storage Limited Liability Company, Rogers and Associates, Rust Environmental Federal Services, Scientific Applications International Corp., Scientific Ecology Group Inc., Siemens, Transnuclear Inc., TRW, Waste Isolation Pilot Plant, United States Enrichment Corp., Vectra Technologies Inc., Waste Management Inc., Westinghouse Safety Management Solutions, Woodward-Clyde Federal Services, Savannah River Laboratory, Hanford Reservation, Idaho National Engineering and Environmental Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, Oak Ridge National Laboratory, Pacific Northwest National Laboratory, West Valley Demonstration Project, Raytheon, Ebasco

Associated Laws, Regulations, or Rules:

Code of Federal Regulations: 10 CFR Part 20, 10 CFR Part 51, 10 CFR Part 60, 10 CFR Part 63, 10 CFR Part 72, 10 CFR Part 76, 40 CFR Part 191, 40 CFR Part 194 and 40 CFR Part 197; Nuclear Waste Policy Act of 1982, as amended

Topics:

Uranium Recovery [Uranium Mining], and other related topics

Organizations and Locations:

Kennecott Uranium Company; Quivira Mining Company; Atlantic Richfield Company; UNC Mining and Milling; Hydro Resources, Inc.; Sohio Western Mining Company; Homestake Mining Company; Crow Butte Resources, Inc.; Rio Algom Mining Corporation; Atlas Corporation; Plateau Resources Limited; Bear Creek Uranium; UMETCO Minerals Corporation; American Nuclear Corporation; U.S. Energy Corporation; Energy Fuels Nuclear, Inc.; Power Resources, Inc.; Exxon Corporation; Cogema Mining, Inc.; Pathfinder Mines Corporation; Petrotonics Company; Western Nuclear, Inc.

Associated Laws, Regulations, or Rules:

Code of Federal Regulations: 10 CFR Part 40, 10 CFR Part 41, 10 CFR Part 20, and 40 CFR Part 192; Uranium Mill Tailings Radiation and Control Act (UMTRCA)

Topics:

Three-Mile Island Fuel or Fuel Debris; Naval Fuel, Research Reactor Fuel; Foreign Reactor Fuel, and other related topics

Appendix A (continued)

Organizations and Locations:

Babcock and Wilcox; EG&G, General Electric Company; Holtech Corp.; Idaho National Engineering and Environmental Laboratory; Lawrence Livermore National Laboratory; Lockheed-Martin Advanced Environmental Systems; Los Alamos National Laboratory; Woodward-Clyde Consultants; Woodward-Clyde Federal Services; Agabian Associates; Allied Chemical Corporation; Scientific Applications International Corp.; Sandia National Laboratories; Vectra Technologies, Inc.; Nuclear Packaging, Inc., WINCO, Rogers and Associates

Associated Laws, Regulations, or Rules:

Code of Federal Regulations: 10 CFR Part 20, 10 CFR Part 50, 10 CFR Part 51, 10 CFR Part 72, and 10 CFR Part 100; National Environmental Policy Act of 1969 (NEPA)

Topics:

Nuclear Site Decommissioning, and other related topics

Organizations and Locations:

AAR Manufacturing; Advanced Medical Systems; American Ecology, Inc.; Babcock and Wilcox; B.R. Chemicals of America, Inc.; Cabot Corporation; Chemetron Corporation; Clevite Corporation; Dow Chemical Company; Earth Sciences Consultants, Inc.; Elkem Metals Company; Envirocare of Utah; Fansteel, Inc.; Fort St. Vrain; General Atomics Technologies Corporation; Heritage Minerals, ICF Kaiser Engineers, Inc.; Kaiser-Hill, Jefferson Proving Ground; Kaiser Aluminum Specialty Products; Kerr-McGee; Lake City Army Ammunition Plant; Minnesota Mining and Manufacturing Company; Molycorp, Inc.; Pacific Northwest National Laboratory; Permagrain Products, Inc.; Pesse Company; METCOA; RMI Titanium Company; Sandia National Laboratories; SCA Services, Inc.; Schott Glass Tech., Inc.; Science Applications International Corporation; Scientific Ecology Group, Inc.; Sequoyah Fuels Corporation; Shieldalloy Metallurgical Corporation; Tenera, Texas Instruments, Incorporated; TRW; U.S. Ecology; West Valley Demonstration Project; Westinghouse Electric Corporation; Whittaker Corporation, Westinghouse Safety Management Solutions

Associated Laws, Regulations, or Rules:

Code of Federal Regulations: 10 CFR Part 20, 10 CFR Part 30, 10 CFR Part 40, 10 CFR Part 50, 10 CFR Part 51, 10 CFR Part 70, and 10 CFR Part 72, 40 CFR Part 141; National Environmental Policy Act of 1969 (NEPA); Radiological Criteria for License Termination (final rule); Interim National Drinking Water Regulations; West Valley Demonstration Act

Topics:

DOE Civilian and Defense Programs Related to Reprocessing of Nuclear Materials, and other related topics

Organizations and Locations:

Savannah River Laboratory, Hanford Reservation, Idaho National Engineering and Environmental Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, Oak Ridge National Laboratory, Pacific Northwest National Laboratory, West Valley Demonstration Project, Dames & Moore, Westinghouse Savannah River Company, Science Applications International Corporation, Flour-Daniel, British Nuclear Fuels

Associated Laws, Regulations, or Rules:

Code of Federal Regulations: 10 CFR Part 20, 10 CFR Part 60, 10 CFR Part 61, and 10 CFR Part 70