

**SUMMARY OF THE
U.S. NUCLEAR REGULATORY COMMISSION / U.S. DEPARTMENT OF ENERGY
QUARTERLY MANAGEMENT MEETING
IN ROCKVILLE, MARYLAND
AUGUST 19, 2004**

Introduction

The U.S. Nuclear Regulatory Commission (NRC) and U.S. Department of Energy (DOE) held a public Quarterly Management Meeting on August 19, 2004. The purpose of this meeting was to discuss the overall progress of the project at the proposed geologic repository site at Yucca Mountain (YM), Nevada. The meeting was hosted at the NRC Headquarters in Rockville, Maryland, with video and audio connections to the Center for Nuclear Waste Regulatory Analyses (CNWRA) in San Antonio, Texas, and an audio connection to the DOE offices in Las Vegas, Nevada. Other participants included representatives from the NRC Region IV, State of Nevada, Nevada Nuclear Waste Task Force, the press, and interested members of the public.

The NRC issued the notice for this public meeting on July 21, 2004. The meeting notice is available in the NRC's Agency-wide Document Access and Management System (ADAMS) with accession number ML042030128.

NRC Opening Remarks

Margaret Federline, Deputy Director, NRC's Office of Nuclear Materials Safety and Safeguards, thanked and welcomed DOE, members of the public, and all stakeholders in attendance to NRC headquarters. Ms. Federline's remarks touched on three areas: (1) the July 9, 2004, United States Court of Appeals' Ruling on EPA Standards; (2) The State of Nevada's request for financial assistance in the licensing review of the YM Nuclear Waste Repository; and (3) NRC certification of electronic availability of its documentary material.

Ms. Federline introduced one of NRC's new managers. Mr. Elmo Collins is the new deputy Director for the Licensing and Inspection Directorate, within the Division of High-level Waste Repository Safety. Mr. Collins brings over 13 years of inspection and licensing experience to the NRC's Office of Nuclear Materials Safety and Safeguards (NMSS) from Region IV where he was the Director of the Division of Nuclear Materials Safety.

Regarding the U. S. Appeals Court rulings on the Environmental Protection Agency (EPA) radiation protection standard, Ms. Federline stated that on July 9, 2004, the United States Court of Appeals dismissed all challenges to the site selection of YM. The Court, however, concluded that the 10,000-year compliance period selected by EPA violates the Energy Policy Act, because it is not consistent with findings and recommendations of the National Academy of Sciences. Ms. Federline continued that pending clarification of the legal challenges to the Yucca Mountain Project (YMP), the NRC continues to prepare to perform a review of DOE's license application (LA) objectively and in accordance with the regulations.

Regarding State of Nevada's request for financial assistance in the licensing review of the YMP Repository, Ms. Federline stated that on July 22, the NRC's NMSS management met with representatives from the State of Nevada to obtain additional information regarding the State's request. Ms. Federline said the NRC staff expects to provide a response to the state's request within a few weeks.

Ms. Federline then discussed NRC certification of availability of its documentary material for purposes of the LSN. Ms. Federline stated that on June 30, 2004, the Department of Energy certified that it had made 1.2 million documents related to the YMP available. The NRC certified, on July 30, that it has made more than 24,000 documents electronically available. On July 12, 2004, the State of Nevada filed a motion before the Pre-License Application Presiding Officer (PAPO) to strike DOE's LSN certification claiming DOE had not made available all the documentary material related to the YMP and that it did not satisfy NRC's LSN requirements. A Board of three administrative judges heard the State of Nevada's motion on July 27. The Board has not yet announced its decision on the State of Nevada's motion.

In concluding her remarks, Ms. Federline encouraged DOE to work towards submitting a high-quality LA through the use of self-critical assessments and maintaining a healthy questioning attitude, and by establishing and maintaining accountability for decisions. She said the DOE should also continue tracking program performance with appropriate indicators that measure program effectiveness. Areas for improvement include human performance, the corrective action program, and maintaining a safety conscious work environment.

NRC Program Update

Mr. William Reamer, Director, Division of High-Level Waste Repository Safety presented the NRC program update.

Mr. Reamer began his remarks by discussing Key Technical Issue (KTI) agreements and the recent letters NRC received from the DOE. Mr. Reamer stated that to date, DOE had submitted responses to 264 KTI agreements, of which, 105 KTI agreements are complete. There are currently 159 KTI responses in process, and NRC is awaiting responses to the remaining 29 KTI agreements from DOE. He said that in its April 2, 2004, letter to NRC, DOE provided its revised schedule to submit responses to the remaining KTI agreements, as well as responses to the "Additional Information Needed (AIN)" that the NRC had requested. He said that according to DOE's revised schedule, all KTI agreement responses would be provided to NRC by the end of August 2004.

Mr. Reamer said that in its July 23 letter to NRC, DOE reiterated that it still intends to address all remaining KTI agreements, along with supplemental responses to the staff's AINs by the end of August 2004. However, the letter stated that DOE would not provide supplemental responses to those KTI agreements that NRC did not close by the date of the DOE letter. He said the staff is currently preparing a formal response to DOE's April 2 and July 23 letters. He emphasized that the KTI agreement process continues to be a very important part of the NRC program and DOE should continue its efforts to ensure that the Technical Bases Documents which transmit the "bundled" agreements include all necessary supporting information to facilitate a timely and complete NRC review of the agreement responses. Mr. Reamer encouraged the DOE to adhere to its commitments, and to continue the dialogue with the NRC staff to ensure that all needed information is provided in a timely manner.

Mr. Reamer stated that the NRC staff is continuing its activities related to the risk-insights initiative and integration of risk insights into various program areas including the ongoing review of the DOE's technical basis documents. In June 2003, the NRC issued a risk insights report that included a ranking of the 293 agreements, from a risk significance perspective, as either high, medium or low. On April 29, 2004, a revised report was sent to the Commission which reflected the structure of the Yucca Mountain Review Plan. The report incorporates quantitative analyses to support the risk insights. The risk insights were rated by considering the contribution to, or adverse effect on, the waste isolation capabilities of the repository system. Mr. Reamer said the NRC staff is using the Risk Insights Baseline Report to focus its ongoing activities on the Total System Performance Assessment GoldSim model to prepare for the upcoming audit of the TSPA-LA model, and to achieve a more efficient and effective review of the TSPA-LA model. Mr. Reamer said that the NRC staff will update the risk insights baseline report, as appropriate, based on new information.

Mr. Reamer then discussed the NRC staff's Integrated Issue Resolution Status Report (IIRSR). The IIRSR was issued by the staff in June 2002 to reflect the then current status of the 293 agreements and the staff's understanding of the performance of the potential repository from a systems approach. Since that time, the staff has increased its knowledge and understanding of the repository and potential performance, and the status of many agreements has changed. Mr. Reamer said the NRC and CNWRA staffs are on schedule to finalize a revision to the IIRSR by the end of September 2004.

Mr. Reamer then discussed the State of Nevada's request for security clearances. He said that on May 13, 2004, the NRC received a letter from the State of Nevada requesting the Commission to grant security clearances to Nevada representatives to access classified information related to DOE's LA. He reported that the NRC staff is currently considering the state's request and expects to provide a response within a few weeks.

Regarding upcoming interactions with DOE, State, and the public, Mr. Reamer said the NRC had arranged a workshop for the Affected Units of Local Government (AULG) on August 26, in Las Vegas. The purpose of this workshop is for the NRC staff to explain NRC's licensing process for a high-level radioactive waste repository, and to address AULG requests for information on modes of participation in licensing proceeding.

Mr. Reamer said the NRC staff was also planning to observe a two-week long DOE audit of the TSPA model in Las Vegas. He said the staff is using the Risk Insights Baseline Report to focus its ongoing activities on the GoldSim model to prepare for the upcoming audit of the TSPA-LA model.

Mr. Reamer reported that NRC has scheduled a technical exchange with DOE to discuss DOE's LA design of the surface and subsurface facilities. This two-day technical exchange is scheduled for September 14-15, in Las Vegas. In addition NRC and DOE have scheduled several other interactions, specifically, an Appendix 7 meeting on Igneous Activities on September 21, 2004. The staff will participate in a two-day workshop sponsored by the Advisory Committee on Nuclear Waste (ACNW), on September 22 and 23. These interactions will be conducted in Las Vegas. Mr. Reamer invited members of the public to visit NRC's Webpage to obtain the agendas and other information about these interactions.

He reported that the next DOE/NRC meeting on QA has been scheduled for September 29, 2004, in Las Vegas. He added that the meeting will focus on DOE's revision to the Quality Assurance Requirements and Description (QARD) document.

In conclusion, Mr. Reamer noted that the President has nominated seven new Nuclear Waste Technical Review Board members. The nominees include two current members of the NRC's Advisory Committee on Nuclear Waste (i.e., Mr. John Garrick and Mr. George Hornberger), who are expected to resign from their current positions to accept the new appointments.

DOE Program Update

Dr. Margaret Chu, Director of DOE's Office of Civilian Radioactive Waste Management, began her remarks by putting recent significant events affecting the YM program into perspective relative to the DOE's role in carrying out national policy as laid out in the Nuclear Waste Policy Act of 1982 (NWPAA). Dr. Chu stated that Congress established a clear process and schedule in the NWPAA for repository siting, licensing and development which included independent scientific oversight, input from external parties, legislative and executive branch re-affirmation at appropriate milestones, and ultimate licensing authority vested in NRC. Dr. Chu added that by laying out the process for the entire life-cycle of repository development at the very beginning, Congress was encouraging all parties to proceed through the predetermined steps and let the process run its course. Significant events since the last meeting include the recent decision by the U.S. Court of Appeals regarding the EPA radiation protection standard, DOE's certification of availability to the public of documents relevant to licensing of YM, and steady progress in the development of the LA.

Dr. Chu stated that the documents submitted for the LSN would represent studies, evaluations and opinions from more than 20 years of scientific study of YM and that it is important to remember that each individual document in the collection represents only a piece of the information and should not be taken out of context. The LA itself is intended to present the DOE case transparently and traceably to demonstrate repository safety.

Dr. Chu said that in looking beyond submittal of the LA, DOE has made organizational changes to ensure that an appropriate organization is in place for the licensing phase and beyond. She announced that DOE had realigned the Office of Quality Assurance to report to the Director, Office of Repository Development, and had created a Licensee Transition Team.

Dr. Chu stated that while the focus today is on licensing activities, DOE is also starting detailed planning for waste acceptance through Delivery Commitment Schedules from electric utilities. In addition, Dr. Chu said progress is being made in the national and Nevada transportation programs. Earlier this summer scoping meetings were held in Nevada for the environmental impact statement process for the alignment of a rail spur along the Caliente corridor. DOE has selected a contractor to assist in the preparation of an EIS. Dr. Chu emphasized that the progress DOE is making on LA preparation, waste acceptance planning and transportation supports the goal of commencement of repository operation by 2010.

Regarding the U.S. Court of Appeals July 9, 2004, ruling on litigation brought by Nevada and other parties subsequent to the YM site recommendation, Dr. Chu said it was important to point out that the Court completely affirmed the site recommendation decision in the face of a wide range of challenges. Dr. Chu reminded the meeting attendees that absent a reversal of the

Court's opinion, the challenges to the Congress's decision to site a repository at YM will now be decided by the NRC licensing process. Dr. Chu said that the only challenge upheld by the Court deals with evaluation of repository performance beyond 10,000 years when the peak dose occurs. Nothing in the Court decision casts doubt on the fundamental soundness of the YM site or on the scientific work performed regarding it to date. Dr. Chu said that since the Court dismissed all challenges to the siting of the repository, DOE believes it is crucial to fulfill the intent of the NWPA by continuing to move forward to the licensing phase.

Dr. Chu said the NRC licensing process will be an exhaustive test of the DOE's safety case for the repository. DOE expects the licensing process to be rigorous, as Congress also anticipated in view of the lengthy review period with many opportunities for questions, requests for additional information and contentions. DOE is preparing to engage in that process. During more than 20 years of study, DOE has increased understanding and reduced uncertainties related to repository performance. DOE is developing a LA to fully comply with NRC licensing criteria and to be transparent and traceable. Dr. Chu stated that the best way to test the scientific rigor of the data is to present the LA to an independent regulator for intensive scientific evaluation, adjudication and cross-examination that NRC regulations require. Any changes or additions that may be made to EPA's standards would require DOE to adjust the LA as necessary to address those changes. Dr. Chu further stated that the DOE remains committed to ensuring the YM repository will meet licensing standards of EPA and NRC and be protective of public health and safety in the near, distant, and far distant future.

DOE Yucca Mountain Project Update

John Arthur, Deputy Director, Office of Repository Development provided an update of the Yucca Mountain Project (YMP). Mr. Arthur indicated the purpose of his remarks was to discuss DOE's continuing improvements and accomplishments since the May 11th, 2004 Management Meeting and provide DOE's path forward to submit a LA in December 2004.

Mr. Arthur began by stating that on June 30, 2004, DOE made approximately 1.2 million documents, about 5.6 million pages, electronically available for the purpose of LSN. This certification met the regulatory requirement to make electronically available the DOE's required documentary material associated with YM licensing. Mr. Arthur stated that DOE would continue to make periodic rolling updates as new relevant documents become available. Mr. Arthur further stated the DOE recognizes and understands its responsibilities to update its certification at the time that the LA is submitted.

Mr. Arthur stated that shortly after posting the documents on the DOE Website, it discovered that some privacy act information had inadvertently been made publicly available. DOE notified the NRC on July 2, 2004, that DOE's Website was taken off-line because of the inadvertent availability of privacy protected information. DOE then requested that the NRC defer activating its index of DOE's documents until DOE verified that documents containing privacy information were removed from the collection and would not be made publicly available. DOE stated that they applied rigorous criteria to identify national security, privacy, and privileged information prior to release of the certification. However, with an initial collection of over 17 million pages, it was not possible to have a human review of all documents and a totally error-proof system. DOE ended the discussion by stating computer screening and human quality assurance/control checks are continuously being conducted as other issues are identified.

Mr. Arthur reminded the meeting attendees that the Atomic Safety and Licensing Board conducted a hearing on July 27 to hear concerns by the State of Nevada and that the DOE and other parties were currently awaiting the Board's decision.

Mr. Arthur then discussed LA progress. He stated that as of the end of June, the DOE estimated that they were about 79 percent complete in their progress toward completion of the LA, which includes addressing the Key Technical Issue (KTI) agreements (85% complete), development of the LA Document (59% complete), Preclosure Safety Assessment (99% complete), Total System Performance Assessment (81% complete), and the design of the repository to support the LA (83% complete). Mr. Arthur said that the progress in Preclosure Safety Assessment would be adjusted downward to 80-85% at the upcoming Management Operating Review for July to reflect integration with engineering design.

Mr. Arthur then discussed the LA document development and review progress. Technical team reviews of the individual sections of the draft LA document are complete and integrated chapter reviews are nearing completion. The chapter reviews focus on integrating and ensuring consistency among the sections that comprise each of the chapters of the Safety Analysis Report and the General Information sections. DOE Headquarters concurrence review is expected to be complete by early November so that the LA and the Environmental Impact Statement can be made ready for submission to NRC in late December.

Mr. Arthur stated that DOE has made significant progress in addressing the KTI agreements. As of the July 23, 2004, DOE letter (Ziegler to Reamer), DOE had submitted responses to 264 of the 293 KTI Agreements. Mr. Arthur indicated that responses for the remaining KTI agreements and supplemental responses are on schedule to be submitted by the end of August 2004. He added that DOE would not provide direct responses on any requests for additional information DOE receives after the July 23 letter. Mr. Arthur stated that DOE believes that the intended purpose of the KTI agreement process would be met with the submittals to be provided at the end of August 2004, and considers the KTI agreement process to be complete at that time. However, he asked NRC for feedback on responses to KTI agreements categorized as "high risk significance" as soon as possible to facilitate any necessary DOE actions as they proceed into the licensing process.

Regarding nuclear power industry benchmarking, Mr. Arthur stated that the Office of Repository Development (ORD) meets on a quarterly basis with industry leaders to discuss best practices and lessons learned in the areas of quality assurance (QA), corrective action program (CAP), safety conscious work environment (SCWE), and the industry LA validation process and is evaluating cross-training assignments for federal personnel to other nuclear facilities after submittal of the LA.

Mr. Arthur reported that to facilitate the cultural realignment of ORD into an applicant/licensee, DOE has commissioned a License Transition Team. The responsibility of this team is to develop a transition plan that defines the goals, actions, milestones, and responsibilities for a successful transition to the NRC-regulated applicant/licensee environment. This team will report to the Associate Deputy Director Ken Powers and is chaired by Richard Spence. Based, in part, on the DOE's experience with NRC's Technical Evaluation of three AMRs and a recent NRC staff presentation to the ACNW, the DOE is considering processes for supporting NRC's inspection programs and interactions with the Region IV Office in anticipation that the inspection program could begin as soon as NRC receives DOE's LA.

Mr. Arthur then discussed the key phases of the Regulatory Integration Team (RIT) activities. The RIT process is being implemented in two phases: 1) document evaluation and 2) document production. The document evaluation phase was completed in early June 2004. This phase of the activity identified more than 3,500 action items to be resolved by updates to the AMRs supporting the LA. Thirty-seven percent of the action items are related to issues of style, clarity, or proper documentation of technical information. Thirty-six percent are related to the sufficiency of the justification provided for assumptions or conclusions. Twenty percent are related to inconsistencies with current procedures or the procedures that were in place when the documents were originally approved. The remaining seven percent of the action items are related to technical issues.

Conclusions drawn from phase one, which were reported to the NRC in a July 16, 2004 letter, are that the RIT is effective, and in conjunction with phase two activities, the technical products supporting the LA will be enhanced. DOE further explained that phase one of the RIT activities met the objective stated in the Technical Work Plan and that the RIT process was effective in identifying issues with respect to integration, consistency, transparency, and traceability.

DOE's Office of Quality Assurance (OQA) conducted a surveillance on the RIT's adherence to the procedurally defined process of evaluating AMRs, on August 2-6, 2004. This surveillance consisted of reviewing the RIT's process with special emphasis on resolution of the documented conditions within the technical products. The results of the surveillance found no conditions-adverse-to-quality and concluded the RIT process and program implementation to be effective. In response to Management Meeting Action Item MM-0405-01, no additional differences with NRC's updated Risk Insights Baseline Report were identified as a result of the AMR reviews conducted by RIT during phase one activities.

Phase two of RIT activity is currently underway and consists of four key steps; document preparation, checking, interdisciplinary review, and approval. There are 90 technical documents that support the LA, which are scheduled to be updated by the RIT by September 30, 2004.

Mr. Arthur then reviewed the changes in the ORD organization since the May 11, 2004 Management Meeting. Julie Goeckner became the manager of the OCRWM Employee Concerns Program on July 11, 2004 and OQA was made an office reporting to the Director of the Office of Repository Development for matters related to YM repository development while still reporting to OCRWM Headquarters for other program areas.

Mr. Arthur briefly discussed Project progress toward a Safety Conscious Work Environment (SCWE). The Project recently completed additional training for managers and conducted an internal survey on Pillar 4, Prevention of Retaliation. The training provided to the managers emphasized detecting and preventing retaliation. Eighty-six percent of those surveyed had a positive response towards the Project's ability to detect and prevent retaliation.

Mr. Arthur stated that the next steps for improving the SCWE program include additional emphasis on line ownership of SCWE, conducting a second program-wide survey this fall, and to achieve performance goals in Pillar 1 (Management Support) of 85% positive response, Pillar 2 (Normal Problem Resolution Processes) of 78% positive response, Pillar 3 (Alternate Problem Resolution Processes) of 85% positive response, and Pillar 4 (Prevention of Retaliation) of 90%

positive response by the time of submittal of the LA. Following the reorganization of OQA to report to ORD, a policy statement clarifying the importance of SCWE and the applicability of SCWE to OQA was issued jointly by Mr. Arthur and Mr. Brown on July 22, 2004.

Mr. Arthur then discussed the status of the NRC 30-Day Letter action items. One more of the 13 action items was closed since the May 11th Management Meeting (a total of 11 are now closed). This action was a commitment to implement additional SCWE training to increase managers' effectiveness in receiving and acting upon concerns, and was closed on July 7, 2004.

Mr. Arthur stated that the DOE is looking for sustained performance in DOE's metrics before closing Action #7 from the 30-Day Letter regarding corrective action program goals. Meanwhile, the DOE is continuing to make improvements to the corrective action program that include revisions to procedures and adjustments to processes. Successful verification of corrective actions continues to remain above the goal (rolling average at 95%). Self-reporting, while still below the goal, continues to improve. The average time to develop corrective action plans is 29 days (goal is 30 days). This is the first time that the DOE has met this goal. Mr. Arthur reported that the time to complete corrective actions is not improving because it continues to be affected by the RIT condition reports, as the corrective actions for these condition reports are controlled by the schedule to revise the AMRs.

He added that DOE is currently awaiting delivery of sixteen of the RIT AMRs from BSC to verify the effectiveness of the corrective actions to close CAR-001 regarding model validation. OQA may select additional AMRs for verification on a case-by-case basis to ensure that the CAR-001 issues have been adequately resolved.

Mr. Arthur stated that the annual Quality Assurance Management Assessment began on July 12, 2004 and is being conducted by D.L. English Consulting. Interviews with OCRWM Headquarters began on July 12, while BSC and ORD interviews began during the week of July 19 and August 2, respectively. No significant issues were identified although the team found opportunities for improvement. The final report is expected to be issued by September 30, 2004.

Mr. Arthur presented the July 2004 Monthly Operating Review (MOR) annunciator panel. He stated that BSC is currently conducting a mid-course review of YMP Performance Indicators, examining the project's progress to date and exploring opportunities for improvement. Results of this review will be discussed upon completion. Mark Satorius (NRC Region IV) indicated that NRC is particularly interested in performance indicators with poor ratings, the explanations for the poor ratings, and DOE's efforts to improve the ratings. Understanding this process is important to giving the regulator confidence.

Mr. Arthur discussed recent developments in the area of human performance improvement resulting from CR 1427, Human Performance Problems, and CR 1772, Integrated Approach to Human Performance. CR 1427 clarified expectations for usage of specific human performance job aids in identified problem areas and encouraged error prevention behaviors. The RIT embedded expectations for pre-job briefs and usage of check lists in work plans and procedures and expanded usage of the action item list to include reference documents that include job expectations and critical steps. Records Management implemented workshops as a

standard practice to improve knowledge and reinforce critical steps and also expanded usage of check-lists to prevent errors and to provide feedback for performance improvement.

Mr. Arthur discussed recent interactions held with the NRC. The Important-to-Safety Technical Exchange, held on May 12, allowed DOE to present its methodology for identifying structures, systems, and components (SSCs) important to safety. From this technical exchange, NRC concluded that DOE's methodology for identifying SSCs important to safety appears to be appropriate and requested another technical exchange on the final design of the geologic repository operations area that would include examples of the final classification of SSCs that are important to safety. This meeting is scheduled for September 14-15, 2004, in Las Vegas and will include discussions on preclosure safety assessment, surface facilities design, SSCs important to safety, the Q-List, and the Project schedule.

Mr. Arthur remarked that Management Meeting Action Item MM 0304-07, to discuss the Project's high-level decision schedule with the NRC, would be completed with the discussion of the schedule during the September 14-15 technical exchange.

Ms. Federline (NRC) noted significant improvements in DOE's SCWE program but stressed the need for continued improvement in the area of normal problem resolution processes.

In response to a question from Mr. Reamer (NRC), DOE provided additional discussion on the DOE goals for SCWE.

License Application Status

Mr. Joseph Ziegler, Director, Office of LA and Strategy, reported progress being made towards DOE's LA including the status of data qualification, software verification, and model validation. Mr. Ziegler provided a comparison of percentage completion for actions related to the LA from May 2004 to August 2004.

Mr. Ziegler then provided the status of the KTI Agreements. As of August 11, 2004, the DOE had submitted responses to 281 of the 293 KTI agreements. The remaining agreement responses are scheduled to be provided by August 31, 2004. Mr. Ziegler stated that the KTI process had been an effective way to focus the program on those issues most important to repository system performance and had provided a very useful framework for prelicensing interactions. Mr. Ziegler discussed the DOE approach for transitioning the KTI agreement process into the licensing process.

Finally, Mr. Ziegler provided an overview of recent and near-term project interactions with the NRC. He discussed the subjects of future interactions to be scheduled with the NRC including surface facility design and preclosure safety assessment; the Project schedule, igneous aeromagnetic survey results, revision of the QA requirements and description document, the total system performance assessment for the LA, the next quarterly NRC/DOE management meeting tentatively scheduled for November 17, 2004, and LA review interactions after submittal.

Ms. Federline (NRC) asked DOE how quality is measured in products that are considered complete. Mr. Ziegler responded that if the products don't meet the quality requirements, they won't be considered complete.

Mr. Reamer (NRC) asked what DOE learned as a result of the RIT phase I activities. Mr. Ziegler responded that RIT Phase I largely confirmed known issues with the documents involving consistency, transparency, and traceability.

Quality Assurance Program Update

Mr. Dennis Brown, Director, Office of Quality Assurance, provided an update and status of the DOE QA program activities. As a general comment, Mr. Brown noted that BSC has aggressively pursued quality issues resulting in a major improvement in corrective actions. Mr. Brown's presentation topics included QA aspects of model reports, the Corrective Action Program, audits (including internal OQA audit results), organizational changes, Quality Assurance Management Policy (QAMP), QARD status and issues, and strategic planning.

Regarding model reports, Mr. Brown said that the June surveillance of the Phase I Regulatory Integration Team work resulted in identification of no conditions-adverse-to-quality and only one minor issue, indicating that Phase I was very successful. Regarding CAR-001, verification activities will involve reviewing 16 revised AMRs sampled from the RIT process output.

Regarding the Corrective Action Program (CAP), Mr. Brown reported that BSC QA is reviewing 100 % of BSC Level C corrective actions and OQA is reviewing 100% of the DOE Level C corrective actions. OQA is observing selected BSC QA oversight activities. An OQA surveillance of CAP is scheduled for late FY04 and an OQA audit of CAP will occur in early FY05. Mr. Brown mentioned that Revision 15 of the QARD was issued on August 15, 2004.

Compliance audits of the CAP showed that procedures were effective and were being implemented, with the exception of one level B issue regarding records processing – a backlog issue. A surveillance of software QA demonstrated the effectiveness of procedures and confirmed that all prior recommendations from 2003 were being implemented.

Two audits of EM activities were performed. An audit of records at West Valley concluded that the QA program at West Valley was effective. Also, an audit of the Idaho National Engineering and Environmental Laboratory concluded that the QA program there was effective, however, it resulted in one significant condition adverse-to-quality report.

An internal audit of OQA, conducted August 9-13, 2004, using three independent QA auditors resulted in the finding that OQA was effectively implementing the QA program. One Level B Condition Report was issued.

Regarding a recent organizational change, Mr. Brown said that he (the OQA Director) reports to the Deputy Director, ORD for all 10 CFR Part 63-related activities and reports to Director, OCRWM for all other OCRWM related activities. A new OQA auditor for EM audits has been hired to support the one audit per month schedule for EM activities.

An overall OCRWM Quality Assurance Management Policy is being written, encompassing the QARD, Augmented QA Plan (AQAP), and other OCRWM QA plans. Mr. Brown explained that the AQAP is equivalent to a balance-of-plant QA plan, dealing with issues that are not important to safety or waste isolation.

Reviewing the status of the QARD, Mr. Brown said that Revision 16 of the QARD, which is based on 10 CFR Part 60, will be effective Monday, August 23. The next revision of the QARD, based on 10 CFR Part 63, will be addressed during a technical exchange in September. DOE plans to submit the revised QARD in the first week in September. Strategic planning is a new OQA initiative to support LA review, design, construction, and operations aspects of the project, which will investigate such items as skill mix and staffing issues, training requirements, and processes and procedures.

Mr. Elmo Collins (NRC) asked DOE what is DOE-OQA's biggest challenge. Mr. Brown responded that ensuring that the line is responsible for quality was the biggest QA challenge.

Noting that the recent RIT surveillance was compliance-based, Mr. Tom Matula asked what performance-based audits would be performed in the future – including performance-based audits of AMRs and other license application supporting documents. Mr. Brown responded that three performance-based audits are planned, including a Headquarters audit. Mr. Joe Ziegler further noted that, although it is not called a performance-based audit, the DOE staff performs reviews of BSC technical documents for adequacy as an oversight function.

Action Item Status

The status of open action items was discussed. It was agreed to modify one action item (MM0304-03) to provide a briefing to NRC at or before the next quarterly management meeting. No new action items were established. DOE agreed that the following topics would be discussed at the next quarterly management meeting: status of the licensee transition plan, new performance metrics for 2005, and SCWE aspects of the normal problem resolution process.

Public Comments

No members of the public made comments during the meeting.

C. William Reamer Date: 8/27/04

for C. William Reamer, Director
Division of High Level Waste Repository Safety
Office of Nuclear Material Safety
and Safeguards
U.S. Nuclear Regulatory Commission

Joseph D. Ziegler Date: 8/26/2004

for Joseph D. Ziegler, Director
Office of License Application and Strategy
Office of Repository Development
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