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QA: N/A
Project No. WM-00011

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OVERNIGHT MAIL

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**STATUS OF REMAINING ACTIONS FROM U.S. DEPARTMENT OF ENERGY (DOE)
MAY 29, 2003, LETTER TO THE U.S. NUCLEAR REGULATORY COMMISSION
(NRC) CONCERNING THE YUCCA MOUNTAIN PROJECT (PROJECT)**

References: (1) Ltr, Chu to Virgilio, dtd 5/29/03 (Response to NRC DOE Quarterly Management Meeting of 4/30/03)
(2) Ltr, Ziegler to Chief, High-Level Waste Branch (NRC), dtd 10/29/03 (Status of Actions from the DOE 5/29/03 Letter to the NRC Concerning the YMP)

This letter provides the status of the two remaining actions of Reference 1, in which DOE provided details of actions being taken to ensure that the Yucca Mountain Repository License Application (LA) meets NRC expectations for completeness, accuracy, and compliance with quality assurance requirements. These two actions are:

- The Office of Civilian Radioactive Waste Management is committed to submitting an LA that complies with 10 CFR Part 63, and in which data, software, and models used in the Safety Analysis meet or exceed applicable quality assurance requirements.
- Goals under this improved (corrective action) program will be to prepare and approve 90 percent of corrective actions within 30 days of initiation for Deficiency Reports (DR) and Corrective Action Reports (CAR); to complete the corrective actions for DRs in fewer than 60 days on average; and to complete the corrective actions for CARs in fewer than 100 days on average.

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The DOE identified these actions as "Action No. 1 and 7," respectively in Reference 1. In Reference 2, DOE provided the NRC with the status of the actions and stated that Action No. 1 will remain open until DOE submits the LA, and that Action No. 7 will remain open until performance indicators show sustained improvement toward achieving the goals.

With respect to Action No. 1, substantial progress has been made towards preparation of an LA that will meet NRC's expectations of quality and regulatory compliance. In November 2004, Bechel SAIC Company, LLC, delivered to DOE a draft LA for review. In the following month, Phase II of the Project's Regulatory Integration Team's (RIT) activities were completed, providing added assurance that the Analysis and Model Reports supporting the LA are suitable for the intended technical and regulatory purpose. The outcome of quality metrics and quality assurance oversight indicate that the RIT process has been effective. Other activities intended to improve the quality of the LA and supporting documentation have been undertaken. Nonetheless, as discussed at the DOE/NRC Quarterly Management Meeting held November 22, 2004, DOE did not submit its LA to NRC in December 2004 as planned. The DOE is continuing work on preparation and improvements to the LA, and will inform NRC of the status of the schedule for submittal of the LA in early 2005.

With respect to Action No. 7, Project Performance Indicators show that progress is being made towards meeting corrective action program (CAP) goals. As was discussed in the DOE/NRC Quarterly Management Meeting in November 2004, the goals for Level A Condition Reports (CR), formerly known as CARs, have been revised and are reiterated below. For Level B and C Conditions Adverse to Quality (CAQ) (formerly known as DRs), improvement in meeting goals was made during calendar year (CY) 2004. The average time to approve Level B and C CAQs corrective action plans was 30 days or less for the last six months of CY 2004, and greater than 80 percent of corrective action plans were approved in 30 days or less during four of the last six months of CY 2004, as compared to the goal of 90 percent. The time to complete corrective actions for Level B and C CAQs also improved, averaging 77 days or less during five of the past six months of CY 2004 (including those related to the RIT activities), as compared to the goal of less than 60 days. Additionally, successful verification for CR closure steadily improved during CY 2004, to 96 percent or better for the past six months of CY 2004. Although all of the initial goals have not been met, the Project is actively managing the CAP and monitoring improvements.

Recent changes have been made to corrective action goals and other actions implemented to further improve the CAP. In late 2004, Project management reviewed data on Level A CRs representing more than a year's worth of effort towards meeting the 30 and 100-day goals. The data showed an average time of 53 days for an approved action plan, and an average of 615 days for closure of Level A CRs. The remaining open Level A CRs had been open for

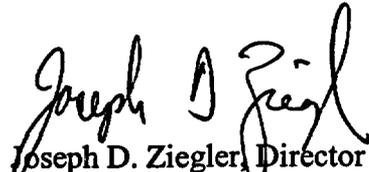
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an average of 412 days. This data was impacted by the closure of long-standing Level A CRs and by the Level A CR on model validation that has remained open for nearly four years, and should improve after the remaining long-standing Level A CR is closed.

However, since Level A CRs will likely continue to deal primarily with complex issues and processes, DOE believes that it is better to define the appropriate schedule for closing a CR rather than work to an arbitrary goal. Therefore, the 30 and 100-day goals have been eliminated for Level A CRs and replaced with a target of 10 working days to establish the root cause team and issue the team charter. The root cause analysis team will set the root cause target completion date within 30 calendar days after the charter is issued. Any exceptions to the 30-day target must be approved by the senior manager of the organization performing the root cause, and extension requests will be evaluated based on the complexity, breadth, and anticipated work scope of the root cause analysis. Due dates will be established for actions based on their nature and significance and DOE will hold organizations accountable for the due dates established. Revised performance metrics will consist of the following as a minimum: (a) 10-working-day target of Root Cause team and charter, (b) 30-calendar-day target (or approved extension date) for issuance of root cause report, and (c) meeting the action due dates for planned corrective actions resulting from the root cause analysis.

As stated earlier, DOE has not yet met all of the initial goals of Action No. 7. However, we are actively managing the CAP and monitoring improvements. This management attention has been sustained for over a year and is yielding positive results, and goals for Level A CRs have been revised. Therefore, we are closing Action No. 7. DOE will continue to actively manage the CAP to sustain and continue to improve performance. In the future, further discussions and reports to NRC regarding CAP will be in the context of management meetings and other interactions.

This letter is for your information, and, as such, there are no new regulatory commitments provided in this letter. Please direct any questions regarding this letter to April V. Gil at (702) 794-5578 or email april_gil@ymp.gov.


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