

**SUMMARY OF THE  
U.S. NUCLEAR REGULATORY COMMISSION / U.S. DEPARTMENT OF ENERGY  
QUARTERLY MANAGEMENT MEETING  
LAS VEGAS, NEVADA  
JUNE 14, 2007**

**Introduction**

The U.S. Nuclear Regulatory Commission (NRC) and U.S. Department of Energy (DOE) held a public Quarterly Management Meeting (QMM) on June 14, 2007, to discuss the overall progress of the Yucca Mountain Project (YMP). The meeting was held at NRC's Atomic Safety and Licensing Board hearing facility in Las Vegas, Nevada, with video conferencing to the Center for Nuclear Waste Regulatory Analyses in San Antonio, Texas, and the NRC Headquarters in Rockville, Maryland. Teleconferencing was also made available to interested stakeholders.

**Opening Remarks and Program Updates**

Mr. Michael Weber (NRC) thanked participants for attending and noted that changes in discussion topics for the QMM reflect the NRC's and DOE's revised focus on issues relevant to the forthcoming license application (LA) submittal. As the date for the LA submittal approaches, the NRC needs to understand DOE's approaches, assumptions, and data sources, as well as identify additional guidance that DOE may need. The NRC is poised to issue its conforming regulation promptly after the U.S. Environmental Protection Agency (EPA) Yucca Mountain environmental protection standard is promulgated. Additionally, the NRC continues to make progress on its ongoing security rulemaking for the repository.

Mr. Edward Sproat (DOE) stated that the DOE is managing the LA as a significant DOE project, and overall it remains on schedule for submittal of the LA by the end of June 2008. The U.S. House of Representatives has recommended the President's requested budget of \$495.5 M for fiscal year 2008, and Mr. Sproat is cautiously optimistic regarding support from the U.S. Senate. The Licensing Support Network (LSN) is expected to be certified by the DOE no earlier than Labor Day but before December 2007. Mr. Sproat discussed the OCRWM organization ramp-up and utilization of industry expertise. DOE is also utilizing the expertise and resources of the Institute for Nuclear Power Operations (INPO). In addition, independent contractors are performing reviews of the Quality Assurance (QA) Program, the Engineering organization, and the License Application, which will be discussed in a future management meeting. Finally, Mr. Sproat expressed his desire to initiate the dialog with the NRC Staff regarding how the NRC and DOE will interact during the Staff's review of the LA, given the complexity and uniqueness of the project, the lack of precedent for the risk informed regulation, and the bicoastal location of the resources.

**NRC Program Update**

Mr. Lawrence Kokajko (NRC) repeated that the LA has to be of high quality and needs to demonstrate compliance with both the preclosure and postclosure requirements. The NRC anticipates that it will make a docketing decision within approximately 6 months after receipt of

the LA. Mr. Kokajko emphasized that the acceptance review is not a technical review. Its purpose is to determine whether the LA contains sufficient information to begin a review that will determine whether the LA satisfies all regulatory requirements. The NRC acceptance review process will include a check list based on the regulatory requirements. Mr. Kokajko noted that the NRC does not expect to seek supplemental technical information to augment the LA during the acceptance review. Mr. Kokajko sought and received DOE's commitment to support a multi-day meeting approximately one month after the LA submittal date for the DOE to present an overview of the content and structure of the LA.

### **License Application Submittal and Review Process**

Mr. Mark Williams' (DOE) presented the LA submittal schedule and key milestones, the support that DOE can provide throughout the review process, availability of DOE reference and supplemental information, and related matters.

Mr. Sproat proposed Appendix 7 meetings to discuss communication between NRC and DOE before and during the NRC review process. DOE agreed to prepare a letter by the end of June, 2007 outlining DOE's issues of interest, and Mr. Kokajko indicated the Staff would respond with its list of issues shortly thereafter. The agencies would interact through both public meetings and teleconferences to achieve a mutual understanding, with the expectation that this topic would be on the agenda for the September, 2007 QMM.

### **Lessons Learned from Recent Licensing Experience**

Mr. Brian Benney (NRC) provided an overview of lessons learned from recent NRC licensing reviews. In discussing the format and expectations, Mr. Benney noted that the standard NRC process used for industry licensing reviews will be used for this project, with some adaptation.

Next, Mr. Benney provided an overview of the NRC Safety Evaluation Report (SER) development process and the Request for Additional Information (RAI) process. The RAIs are intended to support the technical review process and preparation of the SER, and will not be utilized during the LA acceptance review. The RAI will be communicated by e-mails, copied to the docket, followed by a telephone call or meeting to ensure that the questions are understood, and then docketed by a formal letter. DOE will be required to respond to the RAIs within a 30-45 day time period. Mr. Sproat noted that management involvement may be required for those instances where the initial DOE response is insufficient for the NRC to complete the associated portion of the SER. The NRC will investigate its existing approach for management resolution.

### **Licensing Status**

Mr. Mark Williams (DOE) provided an update of the License Application Project, status of the LSN, and an overview of the completed, planned, and proposed interactions. DOE is approximately halfway through completion of the baseline products supporting the LA, and is on target for completion. He emphasized that self-assessments, QA audits, and surveillances are used to ensure the high quality of the information that will be included in or support the LA. The supplemental Environmental Impact Statement will be available for comment in October 2007.

## **Quality Assurance Program Status**

Mr. Larry Newman discussed the current activities and improvements to the QA program and building a quality organization, as implemented by the nuclear industry. Mr. Newman noted that the focus of the QA organization is to move from a compliance orientation to one with a focus on excellence. Mr. Kokajko noted that more information would be presented at the upcoming QA Technical Exchange on June 26, 2007.

## **Corrective Action Program**

Mr. Paul Golan focused on the processes and expectations for the Condition Screen Team (CST) activities, Management Review Committee oversight, trending program, and management behaviors and accountability. Mr. Golan indicated the CAP would continue to be a focus area for management.

Mr. Weber noted that the NRC expects the DOE to implement an effective CAP, and to be informed of the results of the improvement initiatives at the next QMM. Mr. Robert Latta (NRC) commented that the NRC Onsite Representative (OR) regularly attends the CST meetings, and has noticed significant improvements in the performance of the CST. In response to an NRC question regarding DOE goals for the CAP, Mr. Golan noted that he expects to see an increase in the number of Level D CRs, rapid closure of those improvement opportunities, and a significant reduction in the number of CRs that remain open for lengthy intervals.

## **Status and Closure Schedule for NRC On-site Representative Open Items**

Open items are initiated by the NRC OR, and are documented and managed in the DOE Commitment Management System. CRs are generated, if necessary, to resolve the issues. Mr. Williams and other DOE managers discussed the status of each open item and provided the schedule for providing closure packages to the NRC OR. Mr. Sproat emphasized DOE's intention to close all remaining OR open items prior to submittal of the LA.

Mr. Len Wert (NRC) indicated that the NRC has a standard process for handling allegations from any source, including Federal employees. The NRC expects to use the standard approach where allegations are dispositioned through the Regional offices, in this case, Region IV.

## **Action Item Status**

Two new action items were identified at the meeting. The first action was for a multi-day meeting approximately one month after the LA submittal date for the DOE to present an overview of the content and structure of the LA (MM0607-01). The second action was for DOE to submit to the NRC by the end of June 2007, a list of licensing process issues to consider for potential interactions (MM0607-02). Action item MM0606-04 was closed.

## **Public Comments**

Ms. Judy Treichel (Nevada Nuclear Task Force) questioned the availability of DOE reference and supplemental information to support the LA review process. She inquired whether the

information supporting the LA would be available in the LSN when the LA is submitted or be provided later. Ms. Treichel expressed concerns about the openness of the interactions process, and noted the potential for NRC decisions to be made during telephone interactions with the DOE. Mr. Weber (NRC) emphasized that such interactions are not for decision making but for exchange of information in support of the review process.

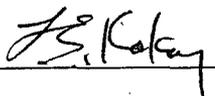
Mr. Rod McCullum (NEI) congratulated both the DOE and the NRC for the progress made during the public meeting, in an open and transparent fashion. Mr. McCullum also noted that at some point it becomes too late for additional interim staff guidance from the NRC to be addressed by the DOE, and encouraged the NRC to define a point before the LA submittal where no additional guidance is planned.

Mr. Marty Malsh (State of Nevada) inquired about the status of EPA rulemaking and the 10 CFR Part 51 rulemaking petition. Mr. Weber (NRC) responded that the NRC has been coordinating with the EPA to ensure that the NRC is poised to proceed promptly with the NRC rulemaking after the EPA rule is promulgated. Mr. Weber then noted that the 10 CFR Part 51 rulemaking petition remains under consideration within the agency. Mr. Malsh asked whether the LA would reference or physically include some 1,500 supporting documents. Mr. Sproat noted that the supporting documents will be included within the LSN, and noted that the LA will include the information summarized from these documents necessary for submittal of a complete, accurate, and quality LA.

Mr. Charles Fitzpatrick (State of Nevada) asked whether his request for the DOE's product baseline had been sent to the State as requested by the Freedom of Information Act. Mr. Williams (DOE) responded that this request has been satisfied and that the most current product baseline will be provided shortly.

### **Closing Remarks**

In closing, Mr. Sproat (DOE) was encouraged by the ongoing discussions and noted that the Program is on the right track. Mr. Weber (NRC) recognized that the program is moving into a new phase, and future interactions are required to structure a process that will be efficient and productive. While acknowledging progress on the CAP, Mr. Weber cautioned that while timeliness is important, effectiveness is more important. Mr. Kokajko (NRC) commented that during this meeting, dialog on a number of important issues occurred, and observed that this was the best management meeting he has attended during his tenure on the project. Mr. Kokajko then recognized and congratulated Mr. Robert Latta (NRC) for his services to the program during his seven-year tenure at the YMP, and his new assignment at NRC Region IV.

 Date: 31 July 2007

Lawrence E. Kokajko, Director  
Div. of High Level Waste Repository Safety  
Office of Nuclear Material Safety and  
Safeguards  
U.S. Nuclear Regulatory Commission

 Date: 7/30/07

April V. Gil, Acting Director  
Regulatory Authority Office  
Office of Civilian Radioactive Waste  
Management  
U.S. Department of Energy

**Consolidated Action Items  
From NRC/DOE Quarterly Management Meetings  
(June 14, 2007)**

Item No.	Action Item	Description	Status
1	MM 0402-C1	DOE will identify any to-be-verified (TBV) data in the LA that needs to be qualified (if any) at the time of LA submittal (Commitment).	Open. This item will remain open until LA submittal.
2	MM 0506-01	DOE and NRC to determine the dates for the list of proposed technical interactions discussed during previous Management Meetings.	Open. This item will remain open as a continuing action and progress will be reported at future management meetings.
3	MM 0509-01	DOE/NRC to hold technical exchange after the DOE report addressing the USGS alleged falsification of documents has been released by the Secretary.	Open. The referenced report including the root cause, extent of condition, and action plan was issued and was handed out during the March 27, 2007 MM.
4	MM0606-01	DOE and NRC to hold an interaction (management meeting or technical exchange - technical exchange preferred) on DOE's response to NRC's audit observation report (January 9, 2006) regarding the BSC's LLNL report.	Open pending completion of NRC's review of DOE response.
5	MM0606-04	DOE and NRC to schedule a technical exchange on Science and Technology Program including a discussion of the set of controls that are in place to ensure appropriate development and integration of results from Science and Technology Program into baseline program.	Open. Will remain open until a TE on S&T has been held.

Note: The Quarterly Management Meeting action items are designated as "MM yy-mm-nn" where yy is the two digit year, mm is a two digit month and nn is a two digit action item number from that meeting.