

**SUMMARY OF THE  
U.S. NUCLEAR REGULATORY COMMISSION / U.S. DEPARTMENT OF  
ENERGY  
QUARTERLY MANAGEMENT MEETING  
ROCKVILLE, MARYLAND  
September 25, 2007**

**Introduction**

The U.S. Nuclear Regulatory Commission (NRC) and the U.S. Department of Energy (DOE) held a public Quarterly Management Meeting (QMM) on September 25, 2007, to discuss the overall progress of the Yucca Mountain Project (YMP) at the proposed geologic repository site at Yucca Mountain, Nevada. The meeting was held at NRC Headquarters in Rockville, Maryland, with video and audio connections at the Center for Nuclear Waste Regulatory Analyses (CNWRA) in San Antonio, Texas, and the NRC's Atomic Safety and Licensing Board hearing facility in Las Vegas, Nevada. Other participants included Nuclear Energy Institute (NEI), State of Nevada, Nye County, Clark County, Lincoln County, Pine County and members of the public. Teleconference connections were also made available to interested stakeholders.

**NRC Program Update**

Mr. Michael Weber (NRC) provided NRC's opening remarks. The NRC anticipates DOE's Licensing Support Network certification in the proposed window between October and December, in order to ensure certification 6 months prior to their license application. Also in October, the NRC expects DOE's Environmental Impact Statement Supplement. The NRC continues to prepare for interactions on items of interest such as technical and licensing process exchanges, as well as rulemaking activities, as necessary. Finally, the NRC continues refinement of internal processes. The NRC asks DOE to keep NRC informed of any changes as soon as possible. These communications from DOE need to be effective, and efficient with respect to schedule or milestones, technical areas, and any licensing process difficulties that DOE may have. Once the license application is submitted, the NRC will be consistent with its licensing processes, which includes openness to the public.

**DOE Program Update**

Mr. Christopher Kouts (DOE) provided an update of the Office of Civilian Repository Waste Management (OCRWM) activities. The Licensing Support Network (LSN) will be certified within the next six weeks. The DOE expects to distribute the draft National Environmental Policy Act (NEPA) documents for both the repository and the rail route to allow the DOE and the U. S. Environmental Protection Agency (EPA) Notices of Availability to be published on October 12, 2007. The final Supplemental Environmental Impact Statement (SEIS) will be issued in the spring of 2008. Mr. Kouts noted that the U.S. House of Representatives budget committee will hear Mr. Sproat's testimony on

October 4, 2007. Independent assessments of the Quality Assurance (QA) program, the Engineering process, and the License Application (LA) process are being performed by consultants hired by DOE. The independent review of the engineering process will be completed within the next few weeks, while the QA assessment will be completed by November 2007. The Transportation, Aging, and Disposal (TAD) canister design solicitations were issued in July 2007 to qualified vendors. The proposals from the vendors were received in August 2007 and are currently being evaluated. Mr. Kouts introduced Mr. James Hollrith as the new Director of Infrastructure Management Office and Acting Director of Yucca Mountain Site Operations Office, and provided details of Mr. Hollrith's qualifications and work experience. Finally, Mr. Kouts stated that submittal of the LA remains on schedule for on or before June 2008.

### **Licensing Status**

A presentation on licensing status was provided by Dr. April Gil (DOE), which focused on recent, scheduled, and proposed NRC and DOE interactions (Attachment 1). A total of four Technical Exchanges and two Appendix 7 Meetings have been conducted since the last NRC and DOE Quarterly Management Meeting on June 14, 2007. Dr. Gil summarized the results of the September 13, 2007, Technical Exchange on Licensing Process Topics as follows:

1. **NRC/DOE interactions protocol during LA review** - The NRC stated that the current NRC/DOE interactions protocol will expire once the LA is submitted. The established NRC policies will supplant the existing preclicensing interactions agreement. Both the NRC and the DOE agreed that the LA review process should be predictable, flexible, and open to the public. Status: to be discussed at a future technical exchange.
2. **LA content** - DOE outlined the anticipated contents of portions of the LA such as the plans and programs in the LA, quality assurance program, and references. The LA Preclosure Safety Analysis (PCSA) content was used to illustrate the level of detail of information that will be in the LA. DOE expects that the information in the LA will be sufficient for the NRC to write the Safety Evaluation Report (SER). However, the references listed in the LA will be available to the NRC on request and to the public via the Licensing Support Network (LSN). An interaction was proposed for the January 2008 timeframe to discuss the NRC and the DOE interfaces during the acceptance and the technical reviews. Objectives for the proposed January 2008 interactions will include the suggested mechanisms for making the LA references readily available to the NRC. Status: to be discussed at a future technical exchange.

3. **NRC Office of Nuclear Material Safety and Safeguards (NMSS) organizational structure to support LA review** - The NRC outlined their anticipated reorganization to facilitate review of the LA. DOE will provide their points of contact for NRC's review. Status: to be discussed at a future technical exchange.

4. **Status of future Interim Staff Guidance (ISG)** - The NRC does not expect to issue any additional ISGs prior to the LA submittal unless there is a need for conforming changes flowing from new regulations related to EPA requirements. The NRC noted that a future revision of the Yucca Mountain Review Plan (YMRP) will include the existing ISGs and any additional changes as a result of the EPA-related rulemaking. Status: closed.

5. **Handling of sensitive information in the LA** - This topic was deferred to a future interaction. Status: to be discussed at a future technical exchange.

6. **Key Technical Issues (KTI)** - The NRC staff noted that it would be very helpful for the DOE to provide a correlation of the 293 KTI agreements (pre- and postclosure) to the LA rather than just providing the correlation of the nine KTIs to the LA.

DOE will develop a spreadsheet correlating the 293 KTI agreements to the Safety Analysis Report as appropriate, or to other suitable sources. If a specific KTI agreement is no longer relevant to the current analysis because the approach has changed or a new model is being used, this will be identified, with a brief explanation of the change. Status: closed.

7. **License Specifications** - DOE outlined their approach to license specifications by introducing the concept of the Technical Requirements Manual, and described the anticipated contents of the LA license specification section. The NRC acknowledged that DOE's approach generally appears consistent with the Staff's views. Status: closed.

8. **Timing of 10 CFR 63.44 - Changes, tests, and, experiments, applicability** - DOE stated that 10 CFR 63.44 will be effective at construction authorization and the NRC agreed with this approach. Status: closed.

9. **Electronic Information Exchange (EIE)** - DOE stated that the LA will be submitted in compliance with the regulatory requirements. Status: closed.

Next, Dr. Gil discussed interactions scheduled for the remainder of the 2007 calendar year and listed several proposed interactions. Also, a series of public meetings are planned on the environmental impact statement (EIS) and Supplemental Environmental Impact Statement (SEIS) in Nevada, California, and Washington, DC, during November and early December 2007.

Mr. Aby Mohseni (NRC) thanked the DOE for a relatively large number of successful and high quality interactions recently conducted, facilitating exchange of information.

### **Quality Assurance Program**

Mr. Larry Newman (DOE) discussed the current activities and improvements to the QA program, which will ensure a quality organization. Mr. Newman described recently performed and planned audits and surveillances to ensure compliance with 10 CFR 63 requirements. Of a total of approximately 40 planned surveillances, seven in the areas of LA and SEIS development processes have been completed, and the remainder will be completed prior to the LA submittal. The results of the surveillances have been generally positive and no significant concerns have been identified. With respect to the Office of Quality Assurance (OQA) oversight of the Corrective Action Program (CAP) performance, Mr. Newman noted that the focus of the QA oversight is shifting from the closure review of condition reports (CR) to oversight of all aspects of the CR process. The results of CAP effectiveness will be documented monthly and CAP performance has improved substantially. In response to an NRC question regarding the CAP assessment, Mr. Ward Sproat, Director of DOE OCRWM, noted that CAP effectiveness is clearly better; performance indicators show good results and the trends are in the right direction. However, the weakness of the program is still the number of backlog CRs that need to be addressed. Mr. Mohseni commented that the NRC's inspection program will be focused on the quality of the LA following the submittal.

### **Corrective Action Program**

Mr. Gene Runkle (DOE) noted that OCRWM is currently focusing on areas of Condition Screening Team (CST), Management Review Committee (MRC), Monthly Program Review (MPR), use of metrics, trending program, and management accountability to maintain and drive continuous improvements in the effective implementation of CAP. The procedure governing CAP has been rewritten to simplify and clarify the CR process and will be issued shortly. The rewrite was based on feedback from users and greatly reduces the complexity of the procedure, provides increased consistency of level assignments, and better defines requirements for MRC and CST functions. Mr. Runkle then continued with a discussion of the status and improvements in the focus areas.

In conclusion, Mr. Runkle noted that the CAP is recognized as key to Program success and that the performance of the CAP is continuing to improve. In addition, OCRWM management has embraced the CAP and has received positive feedback on CAP from outside organizations.

### **Status of NRC On-site Representative (OR) 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 open issues. Dr. Gil and other DOE managers discussed the status of each of the NRC OR open items and provided schedules for submittal of closure packages to the NRC OR. -One of the eleven open items was reported as closed, closure packages for six open items are currently under review by the NRC, and closure packages for the remaining open items will be provided to the NRC OR, as scheduled. The NRC expects that Open Items 1 and 2 will be closed by the NRC in the next OR Report. DOE will continue to report on the status of the items at future Quarterly Management Meetings.

### **Action Item Status**

One new action item identified at the meeting (MM0709-01) requires DOE to provide to the NRC, in a separate submittal at the time of LA, information on how all the KTI agreement items are addressed in the LA. Also, action item MM0706-02 (regarding discussions of a list of licensing process topics) was closed. Status of the remaining action items is provided in the table attached to these minutes.

### **Public Comments**

Mr. Rod McCullum (NEI) requested clarification from the NRC on the contemplated future update of the YMRP, and inquired whether the update will include changes to the acceptance criteria or the scope of the review. The NRC noted that if the regulations (i.e., a final EPA rule) require changes to the guidance, then there will be changes. However, no changes of substance other than inclusion of the ISGs are planned at this time.

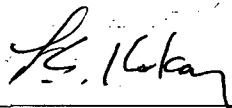
Mr. Marty Malsh (State of Nevada) asked DOE to confirm that any to-be-verified (TBV) data in the LA will be identified, to which Dr. Gil responded affirmatively. Mr. Malsh then asked several questions regarding the status of an NRC response to recent State of Nevada letters dealing with openness of licensing interactions and provisions for public attendance in safeguards information meetings. The NRC noted that they are in the process of preparing responses.

Closing Remarks

In closing, Mr. Weber recognized the value of the interactions and quarterly management meetings and noted that both agencies are continuing to make progress. Future interactions need to ensure that we are using our time and energy wisely to address issues.

Mr. Mohseni reiterated that the YMRP is only guidance and not a requirement. The NRC review of the LA will be to ensure that the requirements of 10 CFR 63 regarding the health and safety of the public and the environment are addressed.

Dr. Gil acknowledged the NRC remarks regarding the number and the quality of the recent interactions and noted that the level-of-design detail for the LA will be clarified by the DOE in a future technical exchange. Mr. Sproat commented on the engineering issues, specifically the design of the repository for the LA. Mr. Sproat noted that the risk-informed nature of Part 63 distinguishes this design effort from a Part 50 design effort, in that it involves an iterative process between the design and the PCSA. DOE is nearing completion of this iterative process. Thus, while only about 40% of the level of design required for repository construction will be completed to support the LA, that level is sufficient to complete a thorough PCSA and a quality LA. The NRC commented that a dialogue on the LA design detail to be held in the near future would be beneficial.



Date: 27 Nov 2007

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



Date: 11/29/2007

Dr. 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  
(September 25, 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 DOE's response to NRC's review comments on initial DOE response.
5	MM0706-01	DOE and NRC to hold an interaction within a month after submittal of the LA to walk through the LA.	Open.
6	MM0706-02	DOE will prepare a letter for submittal to the NRC by the end of June 2007 outlining DOE's issues of interest.	Closed. Based on DOE to NRC letter dated July 10, 2007 and a subsequent technical exchange on September 13, 2007
7	MM0709-01	DOE to provide to the NRC in a separate submittal at the time of LA mapping information on how all the Key Technical Issues (KTI) agreement items are addressed in the LA.	Open.

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.