4/8/88

---------- F I N A L ----------

MINUTES OF THE HLW LICENSING SUPPORT SYSTEM ADVISORY COMMITTEE

December 14-15, 1987
Washington, D.C.

MEETING LOCATION AND ATTENDANCE

The fourth meeting of the HLW Licensing Support System Advisory Committee (hereafter referred to as the committee) was held on December 14, 1987 from 9:30 a.m. to 5:00 p.m. and December 15, 1987 from 8:45 a.m. to 3:30 p.m. at the offices of The Conservation Foundation, 1250 Twenty-Fourth Street, N.W., Washington D.C.

A list of the committee members and the members of the public who attended the meeting is attached to these minutes (see Attachment 1).

REVIEW OF THE MINUTES

Committee members made several changes to the minutes of the November meeting. One committee member noted that he had not received the minutes of the last meeting until a few days before the current meeting and requested that the facilitators make every effort to draft and distribute the minutes in a more timely fashion.

PARTICIPATION REQUEST FROM THE U.S. COUNCIL FOR ENERGY AWARENESS

The facilitator indicated that he had received a letter from Dixon B. Hoyle of the U.S. Council for Energy Awareness (CEA), requesting that CEA's participation on the committee be "up-graded" from second tier to first tier (see Attachment 2). The facilitator noted that this request was consistent with the recommendation that had been made in the original convenor's report regarding CEA's participation on the committee.

Mr. Hoyle, speaking for the CEA, explained that CEA had initially chosen not to participate on the first tier, as had been suggested during the convening stage, because of the resource commitment that this would entail. Subsequent developments, including what CEA has learned in previous committee meetings and the addition of new staff, have caused CEA's membership to reconsider their original position.

Mr. Hoyle was asked whether there is any overlap in the membership of CEA and the Edison Electric Institute's Utility Nuclear Waste Management Group (EEI). He indicated that there was some overlap but CEA represented some utilities that were not represented by EEI, as well as several other "vendor" corporations that have a stake in the HLW licensing process. He was also asked what if any substantive differences existed in CEA's membership and EEI's membership and whether CEA would be willing to consider joining in a coalition with EEI. He indicated that there is not likely to be any major substantive differences in their interests and that CEA would be willing to consider participating in the first tier through such a coalition.

The facilitator then asked whether the committee wanted to act on this request at this meeting or defer on the matter until the next meeting. DOE representatives indicated their desire to defer until the next meeting. In response to a question from the NRC, Mr. Hoyle indicated that the CEA would be willing to abide by any tentative consensus that had been reached at the time the committee reaches a decision on CEA's request.

PRESENTATION BY REPRESENTATIVES OF THE DEPARTMENT OF ENERGY

A representative of the Department of Energy (DOE) provided a status report to the committee which she described as being more than a report on the DOE contractor "status meeting" that was held on December 3, 1987, but part of a continuing effort on DOE's part to build a foundation upon which to base the substantive discussions of the committee. The presentation was based on a series of generally self-explanatory view graphs and a document entitled "Indexing Methods." (These are attached hereto as Attachments 3 and 4.)

ADDITIONAL INFORMATION NEEDS

After DOE representatives completed their presentation, the representative from the State of Oregon indicated his desire for the committee to address a variety of information needs in a more systematic fashion. He distributed a two-page document which described his perspective on these needs (see Attachment 5). The Oregon representative proposed that technical staff from the NRC, DOE and the facilitation team attempt to provide answers to the types of questions listed in this document. The facilitators noted that the committee had discussed the possibility of forming a technical subcommittee at its last meeting and that several members expressed reservations at that time. The representative from Oregon described his proposal as being a "staff model" subgroup, rather than a technical subcommittee. Several committee members indicated their support for this proposal, but the committee as a whole decided to discuss some of the substantive items on its agenda and to return to this proposal later in the meeting.

CRITERIA FOR ENTERING DOCUMENTS INTO THE LSS

The Definition of Relevance

The discussion of the first substantive issue on the committee's agenda began with the facilitator summarizing where the committee had left off at its last meeting. He stated that the committee seemed to be close to reaching a tentative consensus on the definition of "relevance" as it applied to what documents should be entered into the LSS.

A position statement on this and other issues from the State of Nevada was distributed to the committee (see Attachment 6). A Nevada representative stated that one of the items proposed by Nevada is to get away from the use of the term "relevance" because what was being discussed was not so much traditional legal concepts of relevance, which relate more to admissibility of evidence in a trial, but traditional concepts of discovery. In particular, he was concerned that whatever word or definition was chosen to describe the universe of documents that would be

included in the LSS, that it be interpreted to include not only documents that are "relevant to the licensing of the HLW repository," but documents that might lead to the the discovery of relevant documents.

The committee agreed to substitute the word "discoverable" in place of the word "relevant" on pages B1-B3 of the NRC position paper in order to address the concerns of the State of Nevada on this issue. In making these changes, they agreed that discoverable records include those that might lead to the discovery of relevant information.

The committee also reached a tentative consensus that a discoverable record is one that is relevant to the licensing of a geologic respository for high-level nuclear waste pursuant to 10 CFR Chapter 1 regulations. This agreement reflected the fact that relevance is not limited solely to those issues in 10 CFR Part 60, but includes the totality of issues that might arise out of a license application.

The committee's agreements on a general definition of discoverable record reflected a tacit acknowledgement that parties would be exercising some discretion in determining what constitutes a discoverable document. It was recognized that matters may come up during depositions or during the hearing that may require a case-by-case response to the determination of what constitutes a discoverable record.

However, the committee did reach a tentative consensus that it is appropriate to assure that the discretion reposed in DOE does not result in the exclusion of certain records from the LSS (DOE will have a significant task in screening records for discoverability, given the large number of records likely to be generated by the Department and its contractors) and that to avoid any potential for misunderstanding, certain categories of records could be designated as discoverable. These categories will be proposed by committee members at the next meeting.

Proposed Criteria for Full Text Vs. Non-Full Text Document Entry

The committee then began to focus on issues related to the NRC's proposed use of a date-certain criterion as a means to distinguish between discoverable documents that should be entered into the LSS in searchable full text versus discoverable documents that should simply be "identified" in the LSS through some form of searchable document surrogate. After a very lengthy discussion, the committee agreed to try an approach that would distinguish between "backlogged" discoverable documents and "prospectively generated" discoverable documents, and to develop an inclusionary list for the former and an exclusionary list for the latter with respect to which types of documents should and should not be entered into the LSS in searchable full text.

As became clear during the course of discussions, the term "prospectively generated" documents was meant to include all discoverable documents that have been or will be "captured electronically" at the time of their generation (i.e., documents produced through the use of computerized data processing technology). Thus, this category of discoverable documents was meant to include not only those that are generated after some date in the future when the parties, particularly DOE, can be certain of their ability to contemporaneously capture documents

electronically, but those that may have been "generated" in the past or between now and some "prospective" date, but have nevertheless already been or will be captured electronically.

Prospectively generated/electronically captured documents are distinguished, then, from "backlogged" documents. The latter refers to all discoverable documents generated prior to the prospective date that have not already been captured electronically.

For all prospectively generated/electronically captured discoverable documents, the committee agreed to try to develop and agree upon a list of categories of these documents that would be excluded from entry into the LSS in searchable full text. All "prospectively generated" discoverable documents that are not included on this exclusionary list (to be reviewed and discussed at the committee's next meeting) would automatically be entered into the LSS in searchable full text. All categories of discoverable documents that are included on the agreed upon exclusionary list would be "identified" in the LSS through some form of document surrogate (e.g., bibliographic header, abstract, etc.). The precise form of surrogate to be used for the various categories of exclusionary discoverable documents will be discussed and agreed upon by the committee at some later date.

It was pointed out by several committee members that this approach for "prospectively generated documents" mirrors that which is proposed by the NRC in its Position Paper under criteria #4 -- "Type of Information" (pages B2-B3).

For all "backlogged" discoverable documents, the committee would attempt to develop and agree upon an inclusionary list of certain categories of documents that would automatically be entered into the LSS in searchable full text. All discoverable documents that are not placed on the agreed upon inclusionary list would automatically be identified in the LSS through some form of document surrogate, once again to be discussed by the committee at some later date.

Procedures for Revising the "Inclusionary" List

The committee discussed the need to establish a procedure for periodically updating and revising the list of backlogged discoverable documents that will be entered into the LSS in searchable full text. The idea behind establishing such a procedure is that the parties' information needs are likely to change and become further refined over time. At the start of the licensing proceedings, the Licensing Board will determine what constitutes the docket for the proceeding and the extent to which the docket can be expanded or refined during the proceeding itself. Committee members generally agreed that it was necessary to establish a similar mechanism during the pre-license application phase in order to avoid overloading the system at its inception due to overly broad inclusionary criteria for backlogged documents. Such a mechanism would allow for subtractions as well as additions to this list. NRC representatives noted that this was essentially their intent with the "potential reliance" criterion. The committee will discuss this issue further at its next meeting.

Relationship to NRC's Criteria #2 and #3

It was pointed out by several committee members that the use of an inclusionary list to decide which backlogged documents should be entered into the LSS in searchable full text, agreed upon in advance by the committee, along with a procedure for revising this list during the pre-application period, essentially represents an alternative to criteria #2 and #3 in the NRC Position Paper (pages B1-B2). The most significant difference between the alternative approach and the approach proposed in the NRC Position Paper is that the committee itself would attempt to reach an agreement as to which categories of backlogged discoverable documents would automatically be entered into the LSS in searchable full text, rather than having to justify inclusion at some later date on the basis of potential reliance. While at the same time, the alternative proposal preserves the concept of a mechanism to revise the inclusionary list based on the "potential reliance" criterion, or some other criterion during the pre-application period. It was thought that this approach would help ease the burden placed on intervenors to rely on some form of header to review backlogged documents and justify placing them into the LSS in searchable full text.

The DOE representatives noted that in order for them to agree to a broadly inclusive list of backlogged documents to be entered in searchable full text, the list itself must somehow be justifiable when comparing benefits to costs. When asked to whom DOE must make such a justification, DOE representatives responded that they would have to justify LSS expenditures to the Office of Management and Budget (OMB). Some committee members suggested that if OMB was so critical they should participate in these negotiations. The spokesperson for the NRC stated that, within the context of these negotiations, the accuracy of retrieval is the primary consideration rather than costs.

Several committee members posed a number of examples of categories of documents that they might suggest for this inclusionary list, and DOE representatives, in each case, responded positively as examples of what they might be willing to agree should included on such a list.

The committee agreed to test this approach by coming to the next meeting with suggestions for what categories of discoverable documents should be placed on the inclusionary list of backlogged documents and the exclusionary list of prospective/electronically captured documents. In further discussions, it was clarified that the tentative consensus respecting the development of inclusionary and exclusionary lists was contingent upon the committee being unable to agree on what categories of documents should be included on these lists. It was noted that if such an agreement could not be reached, the original NRC proposal was still on the table, along with any other proposal that might be made by a member of the committee.

NRC representatives noted that there may be a problem in drafting a rule which specifies an inclusionary list of the kind being considered, but supported this approach as a means to further the discussion and facilitate the possibility of reaching a consensus on what documents should and should not be entered into the LSS in searchable full text.

Proposed Deadline for Capturing Documents Electronically

The committee came to a tentative consensus on a date of July 1, 1988, after which all discoverable documents will, at the very least, be captured electronically in order to facilitate their eventual entry into the LSS in searchable full text when the system is fully operational. Any documents generated after that date, even if not captured electronically, would be required to be entered into the LSS in searchable full text.

In reaching this tentative agreement, however, the committee clarified its intent that all discoverable documents that have been or will be captured electronically prior to this date certain should be preserved and stored as such, and that DOE should make every effort during this interim period to increase the total number of discoverable documents that are captured electronically. In fact, the proposal to set a date certain was based, in part, on the desire of some members to assure that DOE had sufficient incentive to avoid delays in instituting procedures, throughout DOE and its contractors, to capture documents electronically.

In response to inquiries from committee members, DOE agreed to report at the committee's next meeting on the steps that remain in order to establish and fully implement OCRWM's internal records management procedures which will enable them to meet this prospective date certain for electronic capture of all prospective discoverable documents. DOE representatives agreed to make every effort to meet the July 1, 1988 deadline, but added that there may be some delays due to the sheer number of contractors being used for this program and normal bureaucratic resistance to large scale change such as this. In any event, DOE agreed that if procedures were not in place, all documents generated after this deadline would be required to be entered in the LSS in searchable full text, unless they are in the excluded category.

The committee was unable to agree, at this juncture, on whether this date should apply only to DOE, or whether it should apply to all parties. Some committee members stated their preference that a later date should apply to non-DOE parties, whereas others did not see a need for separate deadlines for this purpose. The proponents of separate deadlines explained that the volume of documents to be generated by parties other than DOE is likely to be very small. In addition, in order to ensure compatibility with the hardware and software that is used in the LSS, they felt it was best to have a later "date certain" for capturing documents electronically for these other parties. Another suggestion was that the deadline would be applied to all parties, but for non-DOE parties it would be interpreted to mean that they need not have the capability at this date, but they would ultimately will be responsible for the cost of converting any discoverable documents generated after this date into electronic media.

NRC representatives stated that they had no preference for what date should be used for this purpose because their records management procedures were already fully automated. They also noted that the rules themselves will not be promulgated until after July 1, 1988. Thus, this date will not be prospective when the rule is issued but retroactive. It was suggested that the

rule should require that documents that are generated electronically after this date should, at the very least, be convertible into "ASCII." Others suggested that the rule should actually go beyond this and include uniform procedures and standards for formating all documents that will be entered into the LSS.

Deadline for Entering Backlogged Documents

The committee discussed the need to establish a deadline for placing all backlogged discoverable documents that are included on the "affirmative" or "inclusionary" list into the LSS in searchable full text. One proposal that received support was that all such documents should be entered into the LSS in searchable full text no later than 24 months prior to the start of the licensing proceeding. DOE representatives suggested that a similar deadline would have to be imposed on intervenors parties concerning requests for entering backlogged documents in searchable full text. Although the committee did not reach a consensus on these proposals, it did agree to address this issue further at its next meeting.

PRELIMINARY SYSTEM DESIGN PROPOSALS

The committee listened to a proposal by an NRC staff member for designing the LSS that would address the need to review backlogged documents electronically before entering them into the LSS in searchable full text, as well as facilitate and reduce the cost of converting backlogged documents from microform into searchable full text. The proposed system design was based on capturing the non-searchable electronic image of documents contemporaneously with their capture on microfilm. Although this would not allow the user to search these documents in full text mode, it would allow the user to view and flip through the documents electronically. It would also reduce the the cost of converting the electronic image into searchable full text either immediately (for those that are on the inclusionary list) or after review by user parties (for those that are not on the inclusionary list). The committee generally responded favorably to this proposal but felt it was too early to reach any conclusions about system design.

The committee had previously briefly discussed whether all prospectively generated discoverable documents should, in addition to being entered into the LSS in searchable full text, include some form of header (i.e., "enhanced" searchable full text). Presumably, based on DOE's current plans, all of DOE's backlogged discoverable documents will include some form of header regardless of whether they are on the inclusionary list for entry into the LSS in searchable full text. The question posed here was whether all prospectively generated documents should include a header as well and, if so, what type of header. The committee heard opinions from a variety of technical experts on this matter but did not reach a conclusion.

CREATION OF A TECHNICAL STAFF WORK GROUP

In discussing the various preliminary system design proposals and technical issues noted above, the committee returned to the question of whether a technical work group should be established. After some discussion, the committee agreed to establish a

technical staff work group consisting of the technical staff of NRC, DOE, and a member of the facilitation team (Kirk Balcom). It was also agreed that the technical staff of any committee member could participate in any meetings of this technical staff group. The purpose of this work group is to identify the various technical system design options, including options for capturing the images of documents, the spectrum of searchable and non-searchable document surrogate options, alternative searchable full text options, alternative "enhanced" searchable full text options, etc.

As a start, the committee agreed that this technical work group will simply identify these various options along with their general advantages and disadvantages. Several committee members suggested that at some later date, subject to the consent of the committee, the technical staff group should attempt to estimate the costs of handling a hypothetical volume of documents (e.g., 1 million pages) or the per unit cost (e.g., cost per page) of each alternative. The representative of the Nez Perce Tribe asked that the subgroup present its findings in a written report. The facilitators indicated that the work group will make every effort to do so, particularly in the form of view graphs.

HOW TO HANDLE PRIVILEGED MATERIAL

At the very beginning and throughout the discussion of privileged material, it was clear that there was a fundamental disagreement among several committee members about whether the Nuclear Waste Policy Act (NWPA) requires DOE to waive certain executive privileges. Committee members agreed that they would not be able to resolve this particular issue in this forum, rather this issue would have to be resolved in the the various law suits that are pending. Thus, committee members agreed to disagree on this issue for the purposes of discussion.

The discussion of how to handle privileged information began with an explanation of the "safeguards" privilege. It was explained that this executive privilege was designed to protect shipments of and facilities which handle special nuclear material from acts of sabotage. Information on shipments is available to certain parties, such as a governor or a governor's designee, but on a protective order basis. DOE representatives indicated that they will make a proposal on how this type of information should be handled in the LSS at the committee's next meeting.

The facilitator noted that the Nevada position paper distributed on the previous day covers privileged material issues (see Attachment 6).

The committee then began to discuss privileged materials issues in a general fashion. The representative from Wisconsin suggested that the committee view certain privileges differently with respect to whether and, if so, how and when documents for which there is a privilege asserted should be entered into the LSS. The example he posed was that safeguards and proprietary information privileges should be treated differently than attorney/client privileges. He felt the latter should not even be "identified" in the LSS, whereas the former should not only be identified but placed in the LSS in a "protected" but searchable full text mode.

NRC representatives reiterated the position that they had

taken in the NRC Position Paper that privileged material "may be withheld from entry into the LSS in searchable full text, or may be subject to special treatment in the LSS." They noted, however, that privileged material must, at least, be identified in the LSS in order to assert the privilege. This statement then lead the committee into a discussion of whether and, if so, how and when attorney/client and attorney work product privileged materials should be entered into the LSS.

Attorney/Client and Attorney Work Product Privileges

The committee agreed that attorney/client and attorney work product privileges should be available for all parties in the HLW licensing proceeding. A representative of the environmental coalition suggested that parties to the HLW licensing proceeding should provide a Vaughn index of such materials only if requested. NRC representatives explained that they had hoped to avoid first round interrogatories. Providing a Vaughn index or the equivalent of a Vaughn index only after requested would not accomplish this time-saving objective. Thus, NRC reiterated their position that all material for which any privilege is asserted should be identified in the LSS soon after its production, in order to facilitate any challenges to the asserted privilege and, if necessary, in camera review of the material for which a privilege is asserted.

When asked what the term "identified" meant in this context, NRC representatives explained that they intended it to mean something less than an abstract of a document but more than simple bibliographic information (i.e., author, title, date, addressee, etc.). That is, the information contained in such an identification should be sufficient to let another party know what the document was about so they can determine whether to challenge an asserted privilege.

The representative from the State of Texas agreed that such material should be identified in the LSS, but expressed a concern about when parties will be required to identify these documents. He felt that when information of the type to be provided in a document identification process is made available to an adversary it can provide important information about litigation strategy even if the privilege itself is not challenged. In particular, he was concerned that a requirement to identify attorney/client or attorney work product materials contemporaneously with their creation might provide DOE with an inappropriate tactical advantage.

One possible solution to the concern raised by the State of Texas representative that seemed to gain general support was to require periodic identification of such documents rather than contemporaneous identification. The example that was first posed was identification within at least one year after the production of a document for which an attorney/client or attorney work product privilege is asserted. Many committee members felt that this was too long of a period, and that within three months was probably more appropriate.

Several members proposed that identification timing requirements for asserting attorney/client and attorney work product privileges should be contemporaneous for DOE and something less than contemporaneous for all other parties (e.g.,

within three months). When asked why, the representative from Wisconsin explained that DOE is unlike any other party to the proceeding in that they have certain statutory obligations to uphold and that many attorney/client privilege claims will pertain to how they agency has decided to meet its statutory obligations, rather than litigation strategy per se.

DOE representatives agreed that all material for which an attorney/client or attorney work product privilege is asserted should be identified in the LSS. They stated, however, that differential treatment respecting the timing of identification was neither fair nor appropriate. They also stated that they would agree with whatever time delay for document identification was acceptable to the committee, so long as it was applied to all parties, including the DOE.

The committee seemed to be in agreement that all documents for which an attorney/client or an attorney work product privilege is asserted should be identified in the LSS. It did not reach any agreements regarding timing requirements for identifying such documents, nor whether the timing requirements will be applied universally or differentially. These issues will be addressed at the committee's next meeting.

One other issue concerning attorney/client and attorney work product privileges that was addressed by the committee was the definition that would be applied to the latter in the HLW licensing proceeding. It was generally agreed that what was intended to be protected under this privilege is communication between an attorney and his or her client concerning litigation strategy. Thus, if an independent technical or scientific "work product" is produced for an attorney that addresses a specific technical issue and does not include information on litigation strategy, it would not be subject to such a privilege.

The "gray area" is the case where the "attorney work product" includes a review and evaluation of the independent work of some other technician or scientist. If this document includes advice on litigation strategy (i.e., how to question the witness) it would be protected, if it did not contain such information it would not be protected. Several committee members felt that the federal rules that apply to this question should be sufficient for the HLW licensing proceeding. It was also pointed out, that if any material was to be "relied upon" by a party, regardless of whether it was an "attorney work product" or not, under NRC's current proposal, it would be entered into the LSS in searchable full text.

Deliberative Process Privilege

An NRC representative reiterated their proposal that the "deliberative process" privilege should be made available to states, local governments, and Indian Tribes, as well as federal agencies.

Representatives from the State of Nevada expressed their concern that DOE will only make available a handful of official documents after it has reached a decision on important policy matters. It was also noted that DOE and NRC practices differ with respect to the extent of deliberative process information which is made available after a policy decision has been made. NRC practice is that the deliberative process privilege detaches

after a decision has been made and that all pre-decisional documents are made available. This has not been the practice of the DOE in general, and in the high-level waste repository program in particular.

DOE representatives explained that they are aware of these concerns and they are generally leaning toward providing more, rather than less "deliberative process" information both before and after a decision has been made. For example, they stated that they would not claim such a privilege for all non-factual pre-decisional information. They also stated, however, that they were not about to change the general practice of the agency about releasing pre-decisional documents. They explained that the high-level waste program was one that has and will span several decades and that releasing all pre-decisional staff and contractor documents would likely have a chilling effect on the free exchange of ideas and criticism within the program.

DOE representatives stated that they would like to try to address these concerns without waiving the deliberative process privilege outright. The general rule that they would apply was whether a document contained advice, recommendations, or opinions. If it did, it would be considered for a deliberative process privilege assertion. However, the decision about whether to make such an assertion would be made on a case-by-case basis. In addition, they reiterated their intent to establish procedures by which contrary opinions are put into the public record, so as to facilitate post-decision review.

Several parties stressed the importance of early identification of all documents for which a deliberative process privilege is asserted in order to avoid lengthy battles during the licensing process. DOE representatives indicated that they would be willing to identify documents for which a deliberative process privilege is asserted contemporaneously with its creation. In addition, DOE representatives indicated that they would be willing to abide by whatever mechanism is established in these negotiations to resolve disputes over privilege claims during the pre-license application period (e.g., the proposed pre-license application License Review Board).

When questioned about the availability of "draft" documents, DOE representatives stated that this generally will not be a problem because DOE typically makes official drafts available to the public. They explained, however, that if what was being referred to here was the actual drafts of all DOE documents that are entered into the LSS, this could become quite burdensome, if not absurd. They suggested that the committee should consider some threshold time period for the life of a document (e.g., 48 hours) before it can even be considered a "draft." Whether a privilege will be asserted on a draft document would then be determined and fought out on a case-by-case basis.

The committee came to a tentative consensus that the deliberative process privilege should be available to all states, local governments and Indian Tribes, as well as federal agencies. DOE agreed to be bound by the decision of a pre-licensing board on this issue. It was reiterated, however, that this tentative agreement was subject to change depending on whether the NWPA is found to have waived the deliberative process privilege for DOE. It was also tentatively agreed that all parties who would assert

this privilege would be required to identify the privileged document in the LSS contemporaneously with the creation of the document for which the privilege is asserted.

Representatives of EEI stated that it was not entirely clear to them that such a privilege should not also be made available to private membership organizations. It was agreed that this issue would be addressed at the next meeting.

PLANNING THE AGENDA FOR THE NEXT MEETING

In planning the agenda for the next meeting, committee members agreed that it would be devoted, at least in part, to:

- o Reviewing and, if possible, agreeing upon a list (to be developed and suggested by each member individually or several members jointly)*

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* Melinda Kassen, spokesperson for the environmental coalition, volunteered to serve as the "collator" of suggestions for what categories of documents should be included on the various lists that the committee agreed to consider at its next meeting. Committee members were asked to either submit their suggestions to her by January 1, 1988 or directly to the committee at the next meeting.

of all documents or categories of documents that should be considered "discoverable."

- o Reviewing and, if possible, agreeing upon a list of all "backlogged discoverable documents" or categories of such documents (to be developed and suggested by each member individually or several members jointly)* that should be entered into the LSS in searchable full text, as opposed to simply being identified through some form of bibliographic header or abstract.

- o Reviewing and, if possible, agreeing upon a list of all "prospective/electronically captured discoverable documents" or categories of such documents (to be developed and suggested by each member individually or several members jointly)* that would be excluded from automatic entry into the LSS in searchable full text, but still identified in the LSS through some form of bibliographic header, abstract, or some other form of document surrogate.

- o To continue the discussion of how to handle privileged materials.

- o To discuss the proposed use of a pre-application license review board to handle disputes over privileged materials, as well as other matters to be determined by the committee.

- To address issues related to public access and the cost to private intervenors of access to the LSS (representatives of the environmental coalition and Texas local non-governmental interests reiterated that this issues was of particular concern to them).

LOGISTICS FOR THE NEXT COMMITTEE MEETING

It was announced that the next meeting would be held at the Stouffer Concourse Hotel in Denver, Colorado from 9:30 a.m to 6:30 p.m. on January 25, 1988 and from 8:00 a.m. to 3:00 p.m. on January 26, 1988. The telephone number to call for hotel reservations is 303/399-7500.

PUBLIC COMMENT

After having been given an opportunity to offer comments on the committee efforts, no member of the public chose to do so.

MEETING ANNOUNCEMENTS

It was announced that the next "DOE Status" meeting, at which DOE will report on the status of its contractor-based LSS activities, will be held on January 13, 1988 starting at 1:30 p.m. at the Forrestal Building. For information about the precise location of the meeting, please call Derek Ford at 202/586-9305.

It was also announced that the meeting of the technical staff group will be held at the offices of The Conservation Foundation (1250 Twenty-Fourth Street, N.W., Suite 500, Washington, D.C.) on December 22, 1987 starting at 9:30 a.m.

ATTACHMENT 1

ATTENDANCE LIST

December 14-15, 1987
Meeting of the HLW Licensing Support System
Advisory Committee

COMMITTEE MEMBERS

Steve Bradhurst
Nye County, Nevada

Francis X. Cameron
Office of the General Counsel
U.S. Nuclear Regulatory Commission

Barabara Cerny
Office of Inforamtion Resource Management
U.S. Department of Energy

Gail Chehak
National Congress
of American Indians

David Cross
Edison Electric Institute
Utility Nuclear Waste Management Group

James Davenport
Special Deputy Attorney General
State of Nevada

Stan Echols
Office of the General Counsel
U.S. Department of Energy

Ronald T. Halfmoon
Nuclear Waste Program
Nez Perce Tribe

Don Hancock
Consultant to the Texas Nuclear
Waste Task Force

Dan Hester
Attorney for the Confederated Tribes
of the Umatilla Reservation

Renea Hicks
Assistant Attorney General
State of Texas

Mary Ruth Holder
Assistant Attorney General
State of Texas

Dixon Hoyle
U.S. Council for Energy Awareness

Melinda Kassen
Environmental Defense Fund

Michael M. Later
Special Attorney
State of Utah

Mal Murphy
Special Deputy Attorney General
State of Nevada

Phillip A. Niedzielski-Eichner
Executive Director
Waste Deposit Impact Committee
of Deaf Smith County

William Olmstead
Office of the General Counsel
U.S. Nuclear Regulatory Commission

David Ortman
Friends of the Earth

Walter Perry
Department of Justice
State of Oregon

Narda Pierce
Assistant Attorney General
State of Washington

Charles B. Roe, Jr.
Senior Assistant Attorney General
State of Washington

Jerome Saltzman
Policy and Outreach Division
Office of Civilian Radioactive
Waste Management
U.S. Department of Energy

Jay Silberg
Attorney for EEI/UNWMG
Shaw, Pittmam, Potts & Trowbridge

Carl A. Sinderbrand
Office of the Attorney General
State of Wisconsin

Lisa A. Spruill
Office of the Attorney General
State of Mississippi

Harry W. Swainston
Special Deputy Attorney General
State of Nevada

Dean R. Tousley
Yakima Indian Nation
Harmon & Weiss

FACILITATORS

Howard S. Bellman
The Conservation Foundation

Timothy J. Mealey
The Conservation Foundation

Matthew A. Low
TLI Systems

Kirk Balcom
TechLaw, Incorprated

Donnie Grimsley
Division of Rules and Records, ADM
U.S. Nuclear Regulatory Commission

OTHER AGENCY OFFICIALS AND MEMBERS OF THE PUBLIC

Robert Ackerly
John S. Jordan Associates

Phillip Altomare
U.S. Nuclear Regulatory Commission

Joyce Amenta
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Avi Bender
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Carol Blackston
U.S. Department of Energy

Bernard M. Bordenick
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M. Daniels
Science Applications International Corp.

Charles Head
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John S. Jordan
DOE Consultant

Kenneth Kalman
U.S. Nuclear Regulatory Commission

Abel Lopez
U.S. Department of Energy

Bob McPherson
Roy F. Weston, Inc

David L. Meyer
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W. Richard Pierce
Science Applications International Corp.

Edward Regnier
U.S. Department of Energy

Thomas Scarbrough
U.S. Nuclear Regulatory Commission

Betsy Shelburne
U.S. Nuclear Regulator Commission

Charles Smith
U.S. Department of Energy

Robetta Virgilio
SLITP
U.S. Nuclear Regulatory Commission

Arnie Wight
Principled Negotiation, Inc.

Frank Young
U.S. Nuclear Regulatory Commission

ATTACHMENT 2

USCEA

December 11, 1987

Mr. Howard Bellman
The Conservation Foundation
1250 Twenty-Fourth Street, NW
Washington, DC 20037

Dear Mr. Bellman:

The U.S. Council for Energy Awareness (USCEA) requests that its membership in The HLW Licensing Support System Advisory Committee be upgraded from second-tier to first-tier.

As you may recall, it was intially suggested that USCEA should have first-tier membership. However, we did not believe at that time there was sufficient interest by our membership to justify the obligations which first-tier membership would entail; thus, we opted for second-tier membership instead. However, subsequent developments—including what has been learned through attendance at the Advisory Committe meetings held to date—have caused us to reexamine that position.

We believe that the USCEA can, through first-tier membership, represent a number of entities which have a substantive interest in licensing of the first HLW geologic repository and which are not currently represented by any other first-tier member of the Advisory Committee. For example, the USCEA—with the full support of the DOE and EEI/UNWMG—has offered to represent some 21 entities which are either a non-UNWMG member utility or a non-utility holder of a DOE Standard Contract for Disposal of Spent Nuclear Fuel or High-Level Radioactive Waste in discussions with DOE of unresolved issues under this contract. These entities have made and/or are currently making significant payments to the Nuclear Waste Fund and the efficient use of their payments is related to successful licensing of the first geologic repository.

Thus, the USCEA requests prompt review of its request for first-tier membership under the terms of Organizational Protocol II. E. If approved, Dixon Hoyle would continue as USCEA spokesperson, with Thomas Hunt and John Siegel as Alternates.

Sincerely,

Dixon B. Hoyle

cc: William Olmstead, OGC, NRC

ATTACHMENT 3

DEPARTMENT OF ENERGY STATUS REPORT

HIGH LEVEL WASTE ADVISORY COMMITTEE

DECEMBER 14, 1987

BARBARA A. CERNY

TOPICS

CONCEPTS INVOLVED IN THE DEFINITION OF RELEVANCE

- O DOCUMENT MANAGEMENT
  - CONTROL OF PIECES OF PAPER
    - * RELEVANCE SCREEING
- O INFORMATION MANAGEMENT
  - CONTROL OF DATA IN THE DOCUMENTS
    - * INDEXING OF INFORMATION TO MAXIMIZE RECALL RELEVANT TO ANY QUERY
- O "STRAWMAN" DEVELOPED FROM DOE'S CURRENT SYSTEM AND PROCEDURES

SAIC PROGRESS REPORT

- O HARDWARE OR SOFTWARE SOLUTION FOR FULL TEXT
- O WORKSTATION BASED DISTRIBUTED ARCHITECTURE
- O PROTOTYPE LSS DEVELOPMENT

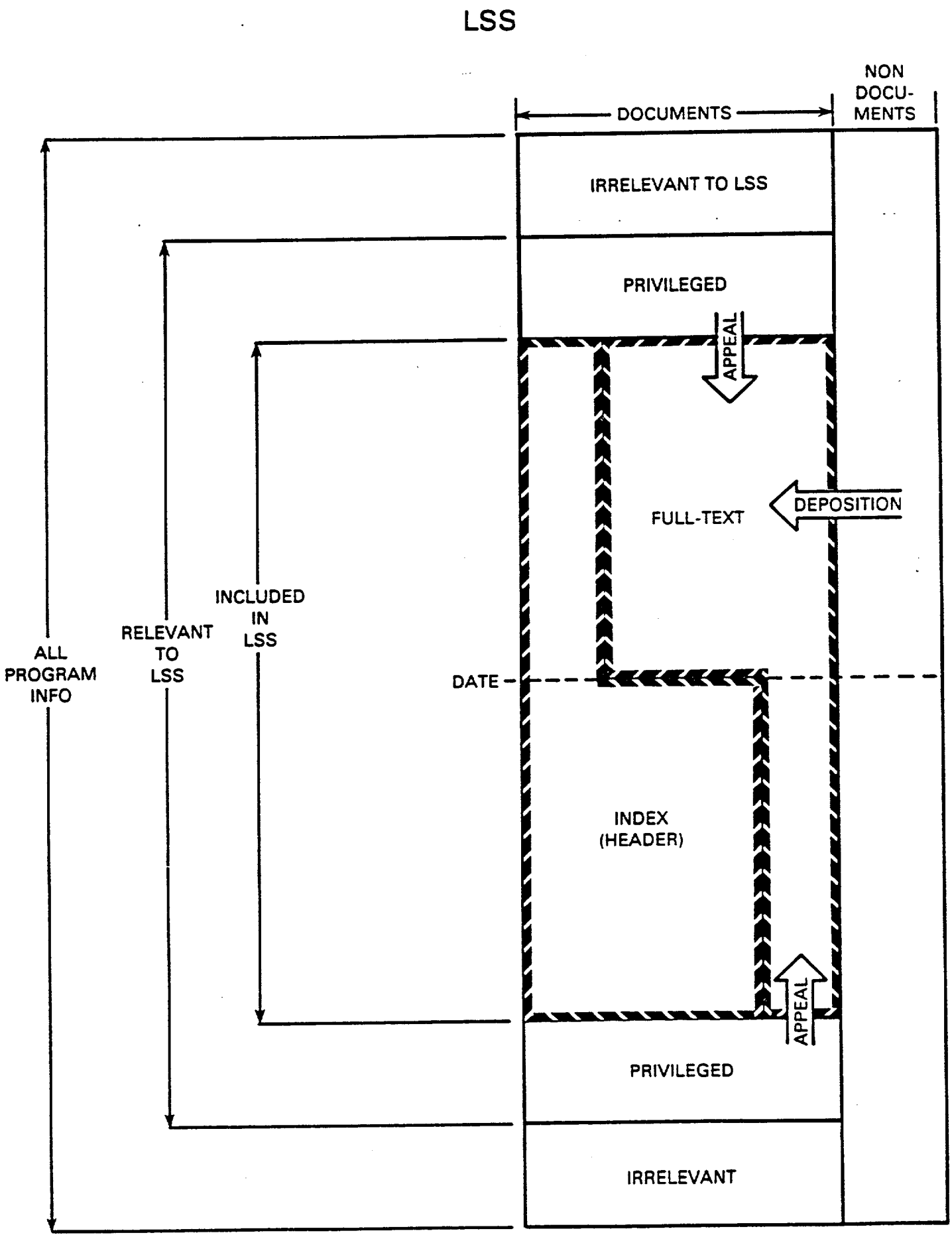
LSS
NON DOCU- MENTS
DOCUMENTS
IRRELEVANT TO LSS
PRIVILEGED
APPEAL
FULL-TEXT
DEPOSITION
INCLUDED IN LSS
RELEVANT TO LSS
ALL PROGRAM INFO
DATE
INDEX (HEADER)
APPEAL
PRIVILEGED
IRRELEVANT

Figure 2.2

DOCUMENT MANAGEMENT

COMPONENTS :

- O RECORDS MANAGEMENT POLICY
- O DOCUMENT PRODUCTION
- O DOCKET CONTROL
- O STORAGE AND CIRCULATION

LSS DESIGN IMPLICATIONS:

- O RELATIONSHIP OF RECORDS POLICY TO DOCUMENT DISCOVERY
- O ORGANIZATION OF DOCUMENT PRODUCTION FROM ALL SOURCES NOT MERELY DOE AND NRC
- O DEVELOPMENT OF CRITERIA, PERHAPS BASED ON ISSUES AND DATES FOR ACQUIRING AND EXCLUDING DOCUMENTS
- O PROVISION FOR DIFFERENTIAL HANDLING OF DOCUMENTS IN PHYSICAL AND COMPUTER STORAGE DEPENDING ON RELEVANCE AND SENSITIVITY
  - BIT IMAGES ON OPTICAL DISC
  - MICROFILM

INFORMATION MANAGEMENT

ADDRESSES THE QUESTION OF:

"WHAT CRITERIA SHOULD BE USED FOR THE ENTRY OF INFORMATION INTO THE LSS IN FULL TEXT OR BY AUTHOR, TITLE, SUBJECT, ETC.?"

NRC POSITION PAPER NOV. 19, 1987

BASIC IDEAS:

-- DISCOVERY WILL BE CONDUCTED THROUGH THE LSS USING INDEXES TO A COMPUTERIZED CARD CATALOG TO DETERMINE DOCUMENTS PERTINENT TO A SPECIFIC QUESTION. THEN DOCUMENTS WILL BE PRODUCED

-- THERE ARE ONLY TWO INDEXING METHODS: FULL TEXT OR SOME LEVEL OF SURROGATE. BOTH HAVE ADVANTAGES AND DISADVANTAGES.

-- THERE ARE ONLY TWO USES OF THE INDEXES IN RETRIEVING DOCUMENTS FROM THE DATABASE: BOOLEAN OPERATORS AND PROXIMITY SEARCHING

STRATEGIES FOR INDEXING OPTIMIZATION

AIDS TO FULL TEXT INDEXING

VOCABULARY CONTROL

INDEXER QUALITY CONTROL

CENTRALIZED RETRIEVAL

PROPOSED INDEXING METHODS

Levels of Treatment

A Bulk Treatment - A descriptive title used to index groups of documents (to a file or larger level) such as procurement data, contractor monthly/weekly reports, RTPs, etc. Will be filmed.

B Citation - Bibliographic citation to reading room location. Material is usually not filmed because it is copyrighted. Predominantly material referenced in technical reports.

C Bibliographic Coding Only - includes author and recipient names and organizations, document date, document type, titles, control numbers (including microfilm number) and attachment information. Used for transmittal memoranda and letters, administrative procedures and plans, contracts, etc.

D Bibliographic Coding, Objective Content Coding and Subject Indexing - Same as above but also including at least major subject areas and site codes. Used for some correspondence, some hearing transcripts, minutes or agenda computer printouts, graphics, raw data, press releases, etc.

E Bibliographic, Subject Indexing and Abstracting - Used for all documents that are important to program but would not be easily retrieved if entered full-text. Includes some correspondence, reports, hearings and publications.

F Full-Text - Also would capture bibliographic information and major subject information (category D level). Used for most governing documents, technical reports, depositions, some hearings, etc.

DOCUMENT INDEXING REQUIREMENTS ESTIMATES

Doc Type Category Code	Est. % of Population	Doc Detail Category Code	Anticipated Level of Coding/ % at that Level
Correspond-ence	62.8	Letter	C/40; D/5; E/5; F/50
		Memo	C/40; D/5; E/5; F/50
		Verbal Communication Documentation	C/5; D/95
		Telefax	C/10; D/85; E/5
Reports	25.4	Administrative	C/95; D/5
		Technical	E/15; F/85
		Status	A/90; D/5; E/5
		Audit	A/30; C/20; D/50
		Hearings	D/40; E/50; F/10
		Minutes	D/90; E/10
		Computer Printouts	D/95; E/5
		Presentation (Speeches, Viewgraph)	C/55; D/40; E/5
Graphics	2.3	Map	C/15; D/80; E/5
		Chart (Tables)	
		Drawings	
		Photographs	
Publications	6.1	Book	B/95; C/5
		Journals	B/40: C/60
		Article	C/75; D/25
		Newspapers	C/75; D/25
		Press Release	D/95; C/5
		Paper	E/100
		Bulletin	D/100

Governing Documents	2.3	Orders	F/90; E/10
		Directives	F/85; E/15
		Instruction	A/65; C/20; D/15
		Plan	A/50; C/20; D/15; E/15
		Policy	D/50; E/50
		Guidelines	D/30; E/40; F/30
		Procedures	A/50; C/20; D/5; E/15
		Standards	E/80; F/20
		Regulations	E/20; F/80
		Requirements	E/20; F/80
		Law	E/50; F/50
Raw Data	0.4	Strip Chart	D/100
		Data Sheet	F/95; E/5
		Log	E/95; D/5
		Magnetic Tape	B/95; D/5
Procurement	0.6	Request for	A/85; C/10; D/5
		Proposal/ Evaluation	A/85; C/10; D/5
		Contract	A/85; C/10; D/5
		Bidders List	C/100
		Supplier/Vendor List	D/100
		Statement of Work	A/85; C/10; D/5
		Purchase/ Requisition Order	A/85; C/10; D/5
		Receipt Inspection	C/85; D/15
		Certificate of Compliance	C/85; D/15
		Invoice	A/85; C/10; D/5
Legal	0.1	Litigation (subpoena, affidavits, depositions, opinions)	C/5; D/5; E/5; F/85
		Patent	D/45; E/55
		Agreement non-procurement contract)	D/80; E/20

CURRENT DOE AUTOMATED RECORDS SYSTEM

DOCUMENT CATEGORY	% OF CATEGORY IN DATABASE	PERCENTAGE OF CATEGORY IN FULL TEXT	% OF DB IN FULL TEXT
CORRESPONDENCE	62.8%	50%	27%
REPORTS (INCLUDING MAJOR DOCUMENTS)	25.4%	85%	62%
GRAPHICS	2.3%	0%	0%
PUBLICATIONS	6.1%	0%	0%
GOVERNING DOCUMENT	2.3%	85%	.5%
RAW DATA	0.4%	0%	0%
PROCUREMENT	0.6%	0%	0%
LEGAL	0.1%	85%	.02%

CRITERION FOR SELECTION OF INDEXING METHOD IS TO OPTIMIZE RETRIEVAL

CRITERIA FOR LICENSING RELATING SUBSET, WHICH WILL CHANGE WITH TIME, ARE UNDER DEVELOPMENT

DATE AS RELATED TO RELEVANCE

CUTOFF DATE 1995 1998

<------|----------|----------|----->

FOR FULL TEXT

	TOTAL % OF PROGRAM PAGES PRODUCED A/		ESTIMATED TOTAL PAGES IN FULL TEXT FROM CUTOFF TO 1998 B/	
	1 SITE	3 SITES	1 SITE	3 SITES
JANUARY 1983	3%	2%	17.7M	25.7M
MAY 1986	22%	15%	14.4M	22.5M

A/ - INCLUDES NON LICENSING RELATED INFORMATION

B/ - ASSUMES 5% FULL TEXT PRIOR TO CUTOFF

- 38 MILLION PAGES TOTAL BY 1998

FULL TEXT SEARCH SYSTEM CONFIGURATION

SYSTEM TYPE	FULL TEXT METHOD	NO. USERS	MAX PAGES IN FULL TEXT	SINGLE SYSTEM HARDWARE/SOFTWARE COST ($1000)	NO. OF SYSTEMS
1. PC	SOFTWARE	1	.08-.5 MILLION	3-20	500
2. WORKSTATION	SOFTWARE	8-16	1 MILLION	200	6-8
3. WORKSTATION	HARDWARE	8-16	2 MILLION	250-400	6-8
4. MINICOMPUTER	SOFTWARE	10-50	3 MILLION	1000-2000	2-4
5. MINICOMPUTER	HARDWARE	50-100	8 MILLION	400-500	2-4
6. MAINFRAME	SOFTWARE	50+	25 MILLION	4000-8000	1

NOTES:

SEARCH TIME OF ENTIRE DATA BASE IS 5 MINUTES OR LESS FOR SINGLE USER. FILES WILL BE SEGMENTED SO THE MAXIMUM NUMBER OF PAGES ARE NOT SEARCHED SIMUTANEOUSLYL. MULTIPLE USERS AND QUERY COMPLEXITY IMPACT SYSTEM PERFORMANCE.

SYSTEM COST IS FOR COMMERCIAL HARDWARE/SOFTWARE AND DOES NOT INCLUDE CUSTOMIZATION, INTEGRATION, DATA ENTRY, OR HARDWARE, SOFTWARE FOR DATA LOADING.

EXAMPLE SYSTEMS:

(1) PC - IBM PC/AT
(2) WORKSTATION - SUN, BASIS
(3) TRW HARDWARE
(4) MINICOMPUTER - VAX, BASIS OR BRS
(5) GOULD MINICOMPUTER
(6) MAINFRAME - IBM, BASIS OR BRS

INTERESTING FACTS

DATA LOADING & INDEX CREATION	-	3,000,000 PAGES IN ONE FILE ON A VAX 8600 USING BRS OR BASIS WOULD TAKE 24 HOURS/DAY FOR 420 DAYS; SEGMENTING THE FILE ALLOWS MULTIPLE MACHINES TO BE USED FOR PROCESSING.
PC SOLUTION	-	25% OF THE 38 MILLION PAGES IN FULL TEXT WOULD FIT ON 110 CD-ROMS OR 18 12" DISCS. AT A PRODUCTION RATE OF 650,000 DOCUMENTS A YEAR, ONE CD-ROM A MONTH WOULD BE PRODUCED.
OCR IMPLICATIONS	-	COST OF $2.00 A PAGE IF FULL TEXT MUST BE OBTAINED FROM HARD COPY.

IMAGE TRANSMISSION OF BIT IMAGES

IMAGES CAN BE TRANSMITTED

- ELECTRONICALLY FROM OPTICAL DISK
- PRINTED LOCALLY FROM OPTICAL DISK AND MAILED OUT
- OPTICAL DISK DUPLICATED AND MAILED OUT FOR LOCAL USE
- BLOW BACK FROM MICROFILM AND MAILED OUT

KEY QUESTION TO SIZE SYSTEM:

WHAT USE WILL BE MADE OF THE INFORMATION ON OPTICAL DISK IF IT IS NOT LEGALLY ACCEPTABLE AS AN ARCHIVAL MEDIUM AND WE MUST MICROFILM ANYHOW?

TIME TO TRANSMIT 100 PAGE DOCUMENT FROM WEST COAST TO WASHINGTON , D.C.

	SPEED	ASCII	BIT MAP IMAGE	COST A/
SIZE		3,200KB	40,000KB	
	1200 BAUD	2,666 SECONDS	33,333 SECONDS	
	9600 BAUD	333 SECONDS	4,416 SECONDS	
	56 KBPS	74 SECONDS	928 SECONDS	$ 6,000 MTH
	T1 (1.544 MBPS)	2 SECONDS	33 SECONDS	$40,000 MTH

A/ COST FOR LEASING A LINE WITH THESE CAPABILITIES

ATTACHMENT 4

INDEXING METHODS

There are several indexing methods available for use for the LSS. Briefly, the six (6) proposed methods are:

A Bulk Treatment - A short descriptive title used to index groups of documents to a file or larger level.

B Citation - A Bibliographic citation to a reading room location.

C Bibliographic Coding Only - Bibliographic information such as author, recipient, date, document type, detail document type, title, control numbers and attachment information.

D Bibliographic, Objective Content and Subject Indexing- Subject areas, Keywords, Mentioned Names and Dates, and Site Codes are added to level C information.

E Bibliographic, Subject Indexing and Abstracting- Abstract summarizing document is added to level D information.

F Full Text - Entire record is entered onto system as is. In addition, bibliographic and subject information is coded.

Three representative types of documents are attached to explain these methods. Sample 1 is a transmittal memo which encloses a copy of the NNWSI Project System Engineering Management Plan. Sample 2 is the NNWSI Project System Engineering Management Plan. Sample 3 is a memorandum on the submission guidelines for the FY 1988 Approved Funding Programs. These attached samples demonstrate what information would be retrieved using each method.

SAMPLE 1

Sample 1 is a transmittal memo enclosing a copy of the NNWSWI Project Systems Engineering Management Plan. Clearly the bulk treatment or citation indexing methods are inapplicable for such a document and are not set out below.

Level

C Bibliographic Coding Only - Indexing Sample 1 for bibliographic information would retrieve:

Author - Carl P. Gertz and his affiliation with DOE
Recipient - Stephen H. Kale
Date - November 24, 1987
Document Type - Correspondence
Detail Doc Type-memo
Title - Nevada Nuclear Water Storage Investigation (NNWSI) Project's Systems Engineering Management Plan (SEMP) (WMPO Action Item #88-476).
Accession Number - HQX.871125.0025
Microfilm Number
Attachment Range - RPT/HQX.871125.0026
ZZZ/HQ0999-9999-9999

D Bibliographic and Subject Indexing - Indexing Sample 1 to this level would retrieve no additional information as no subject area is substantively discussed in the memo.

E Bibliographic, Subject Indexing and Abstracting. Indexing Sample 1 to this level would retrieve no additional information, as the title covers all pertinent data that would be included in the abstract.

F Full Text
Indexing Sample 1 would retrieve biliographic information plus the name of John K. Robson found in text of memo and names of copyees, but no differentiation among the names.

SAMPLE 2

Sample 2 is the NNWSI Project Systems Engineering Management Plan. Applicable methods for reports could be type C, D, E, and F, but F would be recommended.

LEVEL

C Bibliographic Indexing Coding Only.
Sample 2 under this method would retreive the following information:

Author - DOE
NV Nuclear Waste Storage Investigations
Date - November 23, 1987
Accession No. - HQX.871125.0026
Attachment - MEM/HQX.871125.0025
Doctype - Report
Detail Doctype - Administrative
Title - NNWSI Project Systems Engineering Management Plan

D Bibliographic and Subject Indexing.
Indexing Sample 2 would retrieve bibliographic information listed in level C plus:

Site Codes - Yucca Mountain; Nevada
Subject Codes -
1. Waste Package Design
2. Management Procedures
3. Systems Engineering Management Plan

E Bibliographic, Subject Indexing and Abstracting.
Indexing Sample 2 would retrieve the information listed in level D plus a summary such as:

NNWSI Project Systems Engineering Management Plan that describes the system engineering functions and requirements for the NNWSI Project. The purpose of this plan is to describe the way in which the NNWSI Project will implement the system engineering to manage, integrate, interface and document the technical activities of the Project and to develop and manage the technical element of the Project Baseline, which consists of the technical, management and regulatory elements.

F Full Text
Indexing Sample 2 would enter verbatim the entire plan into the system plus the information included in level D.

SAMPLE 3

Sample 3 is a memorandum detailing the submission guidelines for the FY 1988 approved funding program. Applicable methods for memoranda are levels C, D, E and F.

LEVEL

C Bibliographic Coding Only

Indexing Sample 3 under this method would retrieve the following data:

Author - Ronald Milner and affiliation DOE
Recipient P Van Loan
BW Lott
FS Smith
LE Perrin
M Perry
RJ Lyht

Date - November 10, 1987
Doctype - Correspondence
Detailed Document Code - Memo
Accession Number - HQX.871127.0031
Title - Office of Civilian Radioactive Waste Management (OCRWM) FY 1988 Approved Funding Program (AFP) Guidance
Control Number - RW 121

D Bibliographic and Subject Indexing

Indexing Sample 3 under this method would retrieve not only bibliographic information enumerated in level C and also the following Subject Codes:

Nuclear Waste Fund
Government Operating Expenditure
Financial Plans
Waste Management

E Bibliographic, Subject Indexing and Abstract

Indexing Sample 3 under this method would add a summary to level D coding:

*ABSTRACT Congressional action on the FY 1988 energy and water development appropriations act is still underway, leaving the program's final FY 1988 funding level unknown. Therefore, effective November 11, 1987 DOE will be operating under a new continuing resolution, which will be in effect through December 16, 1987. Final controller guidance concerning issuance of the December AFP's has not been received at this time. January AFP changes will be due on December 11, 1987. (c)

(Sample 3, cont.)

F Full Text

Full Text method would enter the entire memorandum into the system in addition to level D information.

SAMPLE 1

Department of Energy
Post Office Box 98518
Las Vegas, NV 89193-8518

HQX.871125.0025

NOV 24 1987

Stephen H. Kale, Associate Director, Geologic Repositories, HQ (RW-20) FORS

NEVADA NUCLEAR WASTE STORAGE INVESTIGATIONS (NNWSI) PROJECT'S SYSTEMS ENGINEERING MANAGEMENT PLAN (SEMP) (WMPO ACTION ITEM #88-476)

Enclosed is the NNWSI Project's SEMP for your review and approval. This submittal satisfies major systems acquisition milestone M108. The SEMP is also being reviewed by the Nevada Operations Office.

If you have any questions, contact John K. Robson of my staff at FTS 575-8933.

Carl P. Gertz, Project Manager
Waste Management Project Office

WMPO:JKR-549

Enclosure:
NNWSI Project's SEMP

cc w/encl:
V. J. Cassella, HQ (RW-222) FORS
Ralph Stein, HQ, (RW-23) FORS
M. W. Frei, HQ (RW-231) FORS
C. E. Brooks, HQ (RW-231) FORS
T. O. Hunter, SNL, 6310, Albq., NM
L. D. Ramspott, LLNL, Livermore, CA
L. R. Hayes, USGS, Denver, CO
D. T. Oakley, LANL, Livermore, CA
M. E. Spaeth, SAIC, Las Vegas, NV
M. P. Kunich, WMPO, NV
L. P. Skousen, WMPO, NV
M. B. Blanchard, WMPO, NV
W. R. Dixon, WMPO, NV

SAMPLE 2

U.S. DEPARTMENT OF ENERGY

OCRWM

OGR

Nevada Nuclear Waste Storage Investigations PROJECT

HQX.871125.0026

NNWSI PROJECT SYSTEMS ENGINEERING MANAGEMENT PLAN

NOVEMBER 1987

UNITED STATES DEPARTMENT OF ENERGY
NEVADA OPERATIONS OFFICE
LAS VEGAS, NEVADA

VAX Final =62
DRAFT 13 cjk
23-Nov-87

NEVADA NUCLEAR WASTE STORAGE INVESTIGATIONS

SYSTEMS ENGINEERING MANAGEMENT PLAN

NOVEMBER 1987

Prepared by Nevada Nuclear Waste Storage Investigations (NNWSI) Project participants as part of the Civilian Radioactive Waste Management Program. The NNWSI Project is managed by the Waste Management Project Office of the U.S. Department of Energy (DOE) Nevada Operations. NNWSI Project work is sponsored by the Office of Geologic Repositories of the DOE Office of Civilian Radioactive Waste Management.

Prepared for

U.S. Department of Energy
Nevada Operations

(This report is about 50 pages long)

SAMPLE 3

2 520

United States Government Department of Energ

memorandum

DATE: NOV 10 1987

HQX.871127.0031

REPLY TO ATTN OF: RW-121

SUBJECT: Office of Civilian Radioactive Waste Management (OCRWM) FY 1988 Approved Funding Program (AFP) Guidance

TO: P. VanLoan, CH/SRPO
B. W. Lott, CH/TPO
F. S. Smith, IDO
L. E. Perrin, NVO
M. Penry, ORO
R. J. Light, RLO

The purpose of this memorandum is to followup on telephone guidance given to your staff on November 6, 1987 concerning submission of FY 1988 December AFP's.

Congressional action on the FY 1988 Energy and Water Development (EWD) Appropriations Act is still underway, leaving the program's final FY 1988 funding level unknown. Therefore, effective November 11, 1987 the Department of Energy will be operating under a new Continuing Resolution, which will be in effect through December 16, 1987.

Due to the uncertainty regarding the program's FY 1988 funding level, Nuclear Waste Fund (NWF) activities will continue to operate under limited funding through the month of December. The levels provided in the December AFP for both budget authority and cost are intended to cover NWF activities through December 31, 1987. Obligations should be closely monitored to ensure strict adherence to the cost ceilings to be contained in the December AFP.

Final Controller guidance concerning issuance of the December AFP's has not been received at this time, and it is uncertain as to whether the normal AFP changes will be made or whether emergency allotments only will be required. Therefore, allottees are instructed to submit December requests as planned, noting and providing sufficient justification for any request that may require an emergency allotment in the event December changes are not made. Requests should be sufficient to continue operations through the entire month of December. Please keep in mind that the funds included in any one allotment may be applied in any proportion to the projects and activities reflected in the AFP's; however, no funds should be used for FY 1988 new starts or for the continuation of projects or activities not funded in FY 1987. The obligational authority available is limited to the amount of funds indicated on the allotment, plus the unobligated balances as delineated in the Controllers September 22, 1987 memo, "Initial FY 1988 Allotments and Approved Funding Programs."

3 320

This Office provided guidance (memorandum from Samuel Rousso dated September 21, 1987, "Nuclear Waste Fund Program Initial FY 1988 Funding"), which established cost ceilings intended to cover NWF activities through the month of November. Subsequent to this, the Controller issued guidance, making available all prior year uncosted and unobligated balances. However, for NWF activities, adherence to the cost ceilings established by OCRWM in the initial FY 1988 AFP should continue.

Additionally, it is requested that a status report on actual costs for the month of October in FY 1988 and projected costs for the months of November and December, respectively be submitted. This information should be provided consistent with the level reported in the Headquarter's AFP Detail Report. This information should be provided to the Financial Management and Analytical Services Division by close of business Friday, November 20, 1987.

January AFP changes will be due Tuesday, December 11, 1987. If you have any questions or desire additional information, please contact Terri Lamb (FTS-896-8992) or Richard Levan (FTS 896-9007) of my staff.

Thank you for your cooperation and attention to this guidance, adherence to which is essential for maintaining a sound and productive program during this critical funding period.

Ronald A. Milner

Ronald A. Milner, Director
Financial Management and
Analytical Services Division
Office of Civilian Radioactive
Waste Management

cc:
J. Neff, SRPO (Hereford, Texas)
S. Mann, RTP/TPO (Chicago)
J. Anttonen, BWIP (Richland)
C. Gertz, WMPO (Nevada)
J. Solecki, IDO
J. Roberts, TPO, (Chicago)
M. Heiskell, ORO
S. Perkins, ORO
D. Kenyon, RLO
P. Gross, ORO
A. Pino, ALO
H. Youngmeyer, CH/SRPO
N. Oetter, CH/TPO
C. Folker, IDO
G. Yip, NVO
D. Cooper, [illegible]

ATTACHMENT 5

LSS COMMITTEE INFORMATION REQUIREMENTS

In order to make an informed decision about the appropriate way to handle the LSS, committee members need to know what options are available and the costs and benefits associated with them. There is no way to make an informed judgment until further information is made available.

For instance, a number of committee members believe that a search of the full text of all documents is desired. Other members assert that this is either not feasible or is too costly. This has resulted in a proposed time cutoff for searchable full text.

This proposal has the greatest impact on those sites which have been under consideration the longest. For instance, the Hanford site has been under study as a waste site as early as 1968, the Nevada site has been under consideration since the late '70's.

The following questions, at a minimum, must be answered before informed agreement can occur. The answers must contain sufficient detail to allow committee members to inquire into the assumptions and calculations involved.

A. **FEASIBILITY:**

1. Is there a maximum size for a file that can be full text searched? It that a hardware or software limitation?

2. If there is no technical maximum size, is there a practical limit? What practical problems occur with searching large files?

   a. Does search time increase? If so, how much per additional document? Using what assumptions about the type of system? What technical solutions are available to mitigate this problem? (e.g., different hardware, different software; use of more than one database)

   b. Does the "quality" of the search decrease? If so, what problems occur? Are there technical solutions to this problem (e.g., software, training in search of techniques).

B. **COST:**

We have been told that a "worst case" system would cost $100 million. Several committee members feel that is too costly. What are the assumptions that went into this figure?

If the committee wants to consider less expensive alternatives, they need answers to the following types of questions.

1. What are the incremental costs associated with changing any particular factor. Such as:

   a. Increasing or decreasing the total number of full text searchable documents (e.g., by 1 million);

   b. Increasing or decreasing the speed of the searches (e.g., by 30 seconds);

   c. Increasing or decreasing the number of documents that have headers or changing the amount of information in the headers;

   d. Increasing or decreasing the number of documents stored as images; and

   e. Adding or substituting the use of stand alone PC's assuming various types of memory (e.g., hard disk, CD ROM disks).

We recommend that the committee set up a mechanism to provide the answers to these and other questions to the committee as a whole.

Some of this information may already exist. Kurt Balcom, has had experiences with other large litigation support systems. NRC has already studied the LSS and has created a pilot project. DOE is currently studying it. Other committee members may also have some expertise.

We recommend that the committee request Kurt, Avi and a DOE or SAIC representative meet today to develop a proposal for answering these and other similar questions. To the extent they can provide estimates or ball park figures immediately they should do so.

Walter Perry
Charlie Roe
Narda Pierce

bj/1245C

ATTACHMENT 6

NRC LICENSING SUPPORT SYSTEM NEGOTIATED RULEMAKING

State of Nevada Position Paper Re:

Criteria for Entry of Documents (NRC Issues 2, 1, 5)

Priveleged Material (Issues 2 and 3)

CRITERIA FOR ENTRY OF DOCUMENTS (Issues 2, 1, 5)

We must keep in mind that the purpose of any LSS is to enhance and facilitate discovery, and to provide a means to conduct an expedited, electronic motions practice, particularly on motions with respect to the production of documents. Accordingly, the basic criteria to be used to determine which documents are to be entered in the LSS in searchable full text (SFT) are the same as the criteria which govern discovery generally; that is, all documents which are relevant to the licensing proceeding, or which appear reasonably calculated to lead to the discovery of admissible evidence. These are the same criteria which are currently expressed in 10 C.F.R. 2.740(b)(1), which, of course, tracks FRCP 26(b)(1).

"Relevant" in this context should mean relevant to any issue which <u>may be</u> the subject of the Commission's licensing proceeding, including, for example, the adequacy of the Department's (or the Commission's) EIS, and that term should therefore not be limited by the provisions of 10 C.F.R. Part 60. In determinations

respecting the relevancy of any document, or category of documents, we should be guided by the definition of "relevant evidence" found in Rule 401 of the Federal Rules of Evidence, which provides as follows: "Relevant evidence means evidence having <u>any</u> tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." (Emphasis supplied).

Relevant in this context should also be taken to mean relevant in any way to the selection of a proposed site for a repository, including documents related to, or which provide a comparison with, the site selected, and thus the subject of a licensing proceeding, and other sites or locations considered and or characterized by the Department, as well as relevant in any way to the suitability of that site and its ability to isolate waste and spent fuel for the required period of time.

We should also begin with the assumption that any party may place any of its own documents, or documents in its possession, into the LSS in SFT. The negotiation should thus focus on which documents are <u>required</u> to be entered in SFT.

With these basic criteria and definitions in mind, Nevada's specific positions, responding to the NRC position paper dated 11/19-20/87, are as follows:

1. Date. All documents created after the date on which the planning for site specific work at or in the vicinity of a site was commenced should, and which meet the basic criteria, be entered in the LSS in SFT by the party who created the document, or on whose behalf the document was created.

2. Other Relevant Information. Nevada accepts the NRC's position on other relevant information, on the condition that the designated time frame is the beginning of planning for site specific work, and not some artificial or arbitrary date.

3. Potential Reliance By A Party. We begin with the assumption that any information or documents which the Department has used in the selection of a site, or which any party intends to rely on at the hearing, must be entered in the LSS in SFT. In that context used should mean, reviewed, referred to, relied on, critiqued, or otherwise obtained information from. The obvious intent of this provision is to capture all documents which the DOE should have or could have relied on in the

selection of a site, and not only those which it intends to offer in support of its application.

In all other respects, Nevada accepts the NRC's position on potential reliance, with the qualification that "sufficient justification" means nothing more than the demonstration that the information or document appears reasonably calculated to lead to the discovery of admissible evidence.

4. Type of Information. Nevada accepts the NRC's position on the type of information, with the exception of annotated documents and otherwise relevant hand-written notes, both of which should be initially entered in the LSS in SFT.