

June 27, 2003

Mr. Joseph D. Ziegler
Acting Director
Office of License Application and Strategy
U.S. Department of Energy
P.O. Box 364629
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SUBJECT: REQUESTED FOLLOW-UP TO LICENSING SUPPORT NETWORK ADVISORY
REVIEW PANEL (LSNARP) ON JUNE 3, 2003

Reference: Letter, Ziegler to Graser, dated June 11, 2003

Dear Mr. Ziegler:

As requested at the June 3, 2003 Licensing Support Network Advisory Review Panel (LSNARP) meeting and subsequently in your June 11, 2003 letter, we have considered the Department of Energy (DOE) suggestion that alternative technical solutions be considered for future Licensing Support Network (LSN) operations. As we understand it, DOE has asked that the LSN Administrator (LSNA) address DOE's desire to make 3 to 4 million documents available in their totality at a point in time that would correspond with DOE's certification under 10 C.F.R. § 2.1009(b) relative to its section 2.1003 documentary material, i.e., six months prior to a planned submission of its application for authorization to construct a high-level waste (HLW) geologic repository. As outlined in your letter, DOE proposes to index its own documents using the same software, methodology, and auditing procedures that the LSN will use and subsequently deliver the resulting index to the LSN at the time its documents are placed on the DOE collection server. DOE would provide access to audit and otherwise monitor and comment on the DOE's indexing activity during the process. In effect, DOE proposes to implement a separate but functional LSN environment with the goal of having its documents converted for availability via the LSN by June 2004 (based on DOE's current estimated December 2004 application submission date), albeit without making any DOE materials available via the LSN until the entire DOE collection is LSN-available.

A DOE technical team has worked with the LSN staff extensively since the summer of 2001 to validate DOE's technical solution and its interoperability with the LSN. DOE thus should be fully cognizant of the overall structure of the LSN "spider" software module and the role it plays in the system's operation and administration. In this regard, the spider not only indexes textual materials, but also establishes a baseline snapshot of each document made available by a potential HLW repository licensing adjudication participant that the LSNA subsequently uses to

ensure the ongoing integrity of documentary material. That baseline thus is not established until such time as software that is under LSN operational control has parsed the document collection. As a result, even if a fully-indexed collection were made available on a date certain, the LSN spider would still have to process the full DOE collection separately to establish the baseline needed to provide an independent audit capability.

It should be added that we previously have assessed approaches to ensuring audit integrity and concluded that any audit based on manual reviews or merely having access to browse files populating a potential participant's server would be ineffective given the document volumes involved. Thus, recognizing that an automated approach to auditing is essential, we also have concluded that it is operationally impractical to have LSN staff routinely access a potential participant's server to install, execute, and then uninstall audit software. Further, the alternative of giving DOE (or any other potential participant) access to the LSN auditing program to utilize in conducting its own spidering would afford the participant significant technical details about the LSN data integrity scheme that could permit LSN auditing efforts to be circumvented.

Accordingly, given the current LSN design and operational configuration,^{*} the LSNA's technical assessment is that the proposed solution described in your June 11 letter is not feasible because it would preclude the LSNA from fulfilling his responsibilities regarding documentary material integrity pursuant to 10 C.F.R. § 2.1011(c)(4).

Although this DOE proposal thus is not technically viable, it should be noted that to the degree the June 11 proposal reflects a concern about the sensitivity of the timing of the release of certain portions of the DOE collection, DOE may wish to consider that the LSN rule contains no requirement about which participant documents must be made available when, so long as all documentary material is available by the time certification is made. Thus, DOE can choose to make those items available to the LSN spider last. As a practical matter, this alternative seems preferable to attempting to import into the LSN a 30- to 35-million page text database in its entirety on a time-sensitive basis.

Finally, it should be noted that, putting aside any technical considerations, implementing the DOE proposal appears to raise a number of regulatory compliance or policy issues that are outside the purview of the LSNA. Accordingly, if DOE wishes to pursue its current proposal further, it may wish to raise the matter through a rulemaking petition or by utilizing the procedures in 10 C.F.R. § 2.1010 for seeking to resolve disputes about pre-application availability of documents. Additionally, in accordance with the terms of 10 C.F.R. § 2.1011(c)(1), (d), it seems likely that the LSNARP would have to be consulted before a change such as that sought in the June 11 letter could be implemented.

^{*} In addition to the auditing problem, and putting aside the significant additional unbudgeted NRC manpower and funding resources that would be required to implement the proposed DOE solution, we have serious concerns about whether the time remaining under the current DOE schedule would be sufficient to address the problems inherent in ensuring that any DOE portal software would be able to create the necessary links between document indices and the headers required under 10 C.F.R. Part 2, Subpart J.

As is the case with each of the potential participants to the HLW repository licensing proceeding, the LSNA and the LSN staff continue to stand ready to provide appropriate advice and assistance to DOE in making its documentary material available through the LSN on a timely basis.

Sincerely,

/RA/

Daniel J. Graser
Licensing Support Network Administrator

cc: Those on Attached List

cc: G. P. Bollwerk, III, NRC/ASLBP
M. Schmit, NRC/ASLBP
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