

February 5, 2004

Mr. Joseph D. Ziegler
Acting Director
Office of License Application and Strategy
U.S. Department of Energy
P.O. Box 364629
North Las Vegas, Nevada 89036-8629

BY E-MAIL AND OVERNIGHT DELIVERY

SUBJECT: DEPARTMENT OF ENERGY DOCUMENT AVAILABILITY VIA THE LICENSING
SUPPORT NETWORK

Dear Mr. Ziegler:

At the June and December 2003 Licensing Support Network Advisory Review Panel (LSNARP) meetings, the Department of Energy (DOE) requested that the Nuclear Regulatory Commission (NRC) give further consideration to operational alternatives for populating the Licensing Support Network (LSN) with DOE documents. The Commission recognizes that the reason for this request is that, given the expected volume of DOE documents, the operational capabilities of the NRC LSN system would require a long period of time in advance of DOE's intended date of certification of document availability (compliance with 10 C.F.R. §2.1003(a)) in order to index/load DOE documents so that they would be fully accessible to the public by the certification date. In this regard, the Commission believes that, if DOE requests, documents submitted by DOE to the Licensing Support Network Administrator (LSNA) for the purpose of being indexed/loaded into the LSN need not be made available to the public or to any other high-level waste repository construction authorization proceeding parties/potential participants until such time as DOE provides its certification of documentary material availability in compliance with 10 C.F.R. §2.1003(a), or at any earlier date that DOE may specify. Appropriate measures will be taken by the LSN staff to assure that any DOE documentary material made available for indexing and loading under this arrangement is protected from disclosure prior to DOE's certification, including restricting access to the documents only to those LSN staff members directly involved with the maintenance of the LSN.

It should be noted that a similar arrangement would be available upon request for any other party/potential participant intending to take part in the LSN and the HLW repository licensing proceeding.

The Commission has requested that I report back regarding the DOE decision on whether or not it will pursue this alternative and commence loading operations promptly. Accordingly, please advise me by Friday, February 27, 2004, whether DOE intends to begin making documents available for indexing under this arrangement. If DOE decides to pursue this option,

I also request that at the same time DOE provides its notification it also furnish me with a current estimate regarding the size of the DOE HLW document collection that will be loaded onto the LSN and a projected schedule for making those documents available for indexing. In formulating its response relative to an indexing schedule, DOE should anticipate that the current LSN indexing capacity is approximately 150,000 documents per week, as was outlined in the LSN status briefing at the December 2003 LSNARP meeting.

As is the case for all the parties and 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:

N. Diaz, Chairman, NRC
E. McGaffigan, Commissioner, NRC
J. Merrifield, Commissioner, NRC
K. Cyr, General Counsel, NRC
A. Vietti-Cook, Secretary, NRC
M. Adams, State of Nevada
A. Bates, SECY, NRC
G. P. Bollwerk, ASLBP, NRC
L. Bradshaw, Nye County
W. Briggs, Ross Dixon & Bell
J. Ciocco, NMSS, NRC
R. Clark, EPA
E. Culverwell, Lincoln County
J. Egan, Egan & Associates
E. Ezra, Terraspectra
L. Fiorenzi, Eureka County
S. Frishman, State of Nevada
J. Gandi, DOE/OCRWM
K. Garcia, Nye County
G. Hellstrom, DOE/OCRWM
R. Holden, NCAI
A. Johnson, Eureka County

(Continued on next page)

A. Kall, Churchill County
D. Kolkman, White Pine County
S. Kraft, NEI
J. Larson, White Pine County
H. Leake, DOE/OCRWM
J. Linehan, NMSS, NRC
C. Little, Nye County
S. Lynch, State of Nevada
G. McCockrell, Esmeralda County
R. McCullum, NEI
T. Manzini, Lander County
R. Massey, Churchill and Lander Counties
L. Mathias, Mineral County
S. Morris, DOE/OCRWM
M. Murphy, Nye County
I. Navis, Clark County
L. Pitchford, Lander County
J. Pitts, IDT Services
V. Reich, NWTRB
A. Remus, Inyo County
J. Schaeffer, OCIO, NRC
M. Schmit, ASLBP, NRC
J. Treichel, NNWTF
M. Van Der Puy, DOE/OCRWM
E. Von Tiesenhausen, Clark County
J. Wallace, Mineral County
R. Wells, DOE/OCRWM
J. Wooley, DOE/OCRWM