October 21, 1997

MEMORANDUM TO: Arnold E. Levin
Licensing Support System Administrator

FROM: John C. Voglewede
Office of Information Resources Management

SUBJECT: LSSNET RECORD MATERIAL, PART I

Attached for the record is a copy of information made available on the Licensing Support System Network (LSSNet) via the World Wide Web. This site was first made available in mid-September, 1996, for the use of the Licensing Support System Advisory Review Panel as well as the general public. Its availability was announced in a *Federal Register* Notice (Vol. 61, 225) dated Wednesday, November 20, 1996.

The attached material represents the LSSNet site contents as of November 1, 1996, the time the site was made generally available. Although some of the material is based on other hardcopy material (e.g., SEC-96-119), all of it was generated in hypertext or other electronic form. Much of it exists only in electronic form. In order to comply with the requirements of the NRC Records Management Program (Handbook 3.53, Part IX), a record copy of this material is being placed in NUDOCS and the NRC File Center.

A second transmital, documenting changes to LSSNet during its period of operation, is being provided separately.

Attachments: As stated

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

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Attachments: As stated

LSSNET ROADMAP

- LSSNet Home Page
  - References
    - Code of Federal Regulations, 10 CFR Part 2 Subpart J
    - LSS Advisory Review Panel Meeting Transcripts
      - May 2, 1996 Meeting (morning session)
      - May 2, 1996 Meeting (afternoon session)
    - Memorandum on "Licensing Support System Phase 2 Functional Requirements" - need electronic copy
    - U.S. Nuclear Regulatory Commission Paper (SECY-96-020)
    - U.S. Nuclear Regulatory Commission Paper (SECY-96-119)
      - U.S. Nuclear Regulatory Commission Paper (SECY-96-119)[WordPerfect format]
    - U.S. Nuclear Regulatory Commission Paper (SECY-96-151)
    - U.S. Nuclear Regulatory Commission Paper (SECY-96-178)
    - U.S. Nuclear Regulatory Commission
    - Southwest Research Institute Center for Nuclear Waste Regulatory Analysis
    - NRC Licensing Support System Test Bed
    - U.S. Department of Energy
    - DOE Nevada Operations
    - DOE Office of Civilian Radioactive Waste Management
    - DOE/OCRWM Yucca Mountain Project Office
    - DOE/OCRWM/YMP Records Information System Extension (RISWEB)
    - State of Nevada Nuclear Waste Project Office
  - LSSNet Footer
- News
  - Front Page
    - Story 1
  - LSSNet News
    - Story 1
    - Story 2
  - LSSNet Footer
- Help & Info
  - LSSNet Quick Start for web novices
  - LSSNet Quick Start for web pros
  - The National Performance Review
  - Acquisition Reform Net (ARNet)
  - RuleNet
  - ARNet
  - General Guidelines
  - Using E-mail
  - Using the World Wide Web
  - Glossary of Terms
  - LSSNet Footer
- Forum
  - Welcome
    - Forum Manager
    - Arnold (Moe) Levin
    - LSSNet Footer
  - Topic 1
    - LSSNET Caucus Area
    - LSSNET Voting Area
    - Public Discussion Area
    - Choose another topic
    - LSSNet Footer
  - Topic 2
    - LSSNET Caucus Area

- LSSNET Voting Area
- Public Discussion Area
- Choose another topic
- LSSNet Footer

Topic 3
- LSSNET Caucus Area
- LSSNET Voting Area
- Public Discussion Area
- Choose another topic
- LSSNet Footer

Topic 4
- LSSNET Caucus Area
- LSSNET Voting Area
- Public Discussion Area
- Choose another topic
- LSSNet Footer

Topic 5
- LSSNET Caucus Area
- LSSNET Voting Area
- Public Discussion Area
- Choose another topic
- LSSNet Footer

Topic 6
- LSSNET Caucus Area
- LSSNET Voting Area
- Public Discussion Area
- Choose another topic
- LSSNet Footer

- LSSNet Footer

Feedback
- Forum
- LSSNet Feedback
- LSSNet Footer

Purpose
- NRC
- RuleNet
- LLNL
- NRC Licensing Support System Test Bed
- DOE Yucca Mountain Project Office Records Information System Extension (RISWEB)
- LSSNet Footer

LSSNet Quick Start-Novice
- LSSNet vision
- Help and Information
- News
- Forum
- LSSNet Footer

LSSNet Quick Start-Pro
- News
- Forum
- LSSNet Footer

Comments
- LSSNet Footer

Technical problems
- tech-info@lssnet.llnl.gov

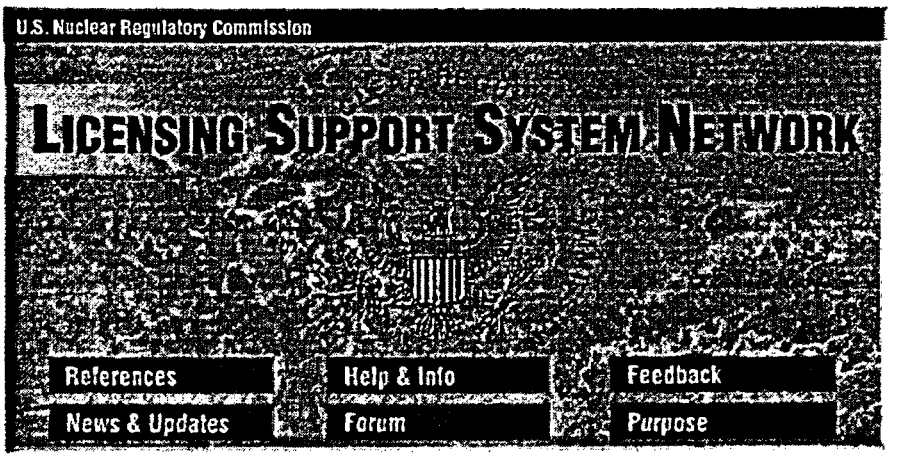
About LSSNet
- Dennis Bechtel
- Paul Bollwerk

- Chip Cameron
- John Dossett
- John Gandi
- Dan Graser
- John Greeves
- Chris Henkel
- Robert Holden
- John Hoyle
- Mal Knapp
- Moe Levin
- Brad Mettam
- Mal Murphy
- Claudia Newbury
- Bill Olmstead
- Jay Silberg
- LSSNet Usage Statistics
  - LSSNet Statistics
    - LSSNet Statistics
  - LSSNet Footer

[text only]Home Page

- Text Only Home Page
- References
- News
- Help & Info
- Forum
- Feedback
- Purpose
- Graphics Home Page

Disclaimer



[LSSNet Quick Start-Novice] [LSSNet Quick Start-Pro]

References | News | Help & Info | Forum | Feedback | Purpose

To comment on this service: *comment@nmsnet.llnl.gov*
Technical problems: *tech-info@nmsnet.llnl.gov*

About LSSNet

[text only]

Last Update: October 31, 1996
Disclaimer: *UCRL-MI- 116408*

References

LSSNET REFERENCES

- Code of Federal Regulations, 10 CFR Part 2 Subpart J
- LSS Advisory Review Panel Meeting Transcripts
  - May 2, 1996 Meeting (morning session)
  - May 2, 1996 Meeting (afternoon session)
- Memorandum on "Licensing Support System Phase 2 Functional Requirements" by Stephan J. Brocoum (DOE) dated October 25, 1995
- U.S. Nuclear Regulatory Commission Paper (SECY-96-020), Licensing Support System Program Administration - Semiannual Report for the six-month period ending December 31, 1995
- U.S. Nuclear Regulatory Commission Paper (SECY-96-119), Response to Public Comments on Draft Regulatory Guide, "Topical Guidelines for the Licensing Support System"
- U.S. Nuclear Regulatory Commission Paper (SECY-96-151), Licensing Support System Program Administration - Semiannual Report for the six-month period ending June 30, 1996
- U.S. Nuclear Regulatory Commission Paper (SECY-96-178), Action Plan to Address Outstanding LSS Issues

LSS-RELATED LINKS

- U.S. Nuclear Regulatory Commission
- Southwest Research Institute Center for Nuclear Waste Regulatory Analysis
- NRC Licensing Support System Test Bed
- U.S. Department of Energy
- DOE Nevada Operations
- DOE Office of Civilian Radioactive Waste Management
- DOE/OCRWM Yucca Mountain Project Office
- DOE/OCRWM/YMP Records Information System Extension (RISWEB)
- State of Nevada Nuclear Waste Project Office

To comment on this service: *comment@lssnet.llnl.gov*
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Last Update: October 31, 1996
Disclaimer: UCRL-MI-116408

Code of Federal Regulations, Title 10, Part 2

Subpart J - Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository

Source: 54 FR 14944, Apr. 14, 1989, unless otherwise noted

CONTENTS

2.1000-Scope of subpart

2.1001-Definitions

2.1002-High-level waste Licensing Support System

2.1003-Submission of material to the LSS

2.1004-Amendments and additions

2.1005-Exclusions

2.1006-Privilege

2.1007-Access

2.1008-Potential parties

2.1009-Procedures

2.1010-Pre-License Application Presiding Officer

2.1011-LSS management and administration

2.1012-Compliance

2.1013-Use of LSS during adjudicatory proceeding

2.1014-Intervention

2.1015-Appeals

2.1016-Motions

2.1017-Computation of time

2.1018-Discovery

2.1019-Depositions

2.1020-Entry upon land for inspection

2.1021-First prehearing conference

2.1022-Second prehearing conference

2.1023-Immediate effectiveness

2.1025-Authority of the Presiding Officer to dispose of certain issues on the pleadings

2.1026-Schedule

2.1027-Sua Sponte

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§2.1000-Scope of subpart.

The rules in this subpart govern the procedure for applications for a license to receive and possess high-level radioactive waste at a geologic repository operations area noticed pursuant to §2.101(f)(8) or §2.105(a)(5) of this part. The procedures in this subpart take precedence over the 10 CFR part 2, subpart G, rules of general applicability, except for the following provisions: §§2.702, 2.703, 2.704, 2.707, 2.709, 2.711, 2.713, 2.715, 2.715a, 2.717, 2.718, 2.720, 2.721, 2.722, 2.732, 2.733, 2.734, 2.742, 2.743, 2.750, 2.751, 2.753, 2.754, 2.755, 2.756, 2.757, 2.758, 2.759, 2.760, 2.761, 2.763, 2.770, 2.771, 2.772, 2.780, 2.781, 2.786, 2.788, and 2.790. *[56 FR 29410, June 27, 1991]*

§1.0001 - Definitions.

ASCII File means a computerized text file conforming to the American Standard Code for Information Interchange which represent characters and symbols.

Bibliographic header means the minimum series of descriptive fields that a potential party, interested governmental participant, or party must submit with a document or other material. The bibliographic header fields are a subset of the fields in the full header.

Circulated draft means a nonfinal document circulated for supervisory concurrence or signature in which the original author or others in the concurrence process have non-concurred. A ``circulated draft" meeting the above criterion includes a draft of a document that eventually becomes a final document, and a draft of a document that does not become a final document due to either a decision not to finalize the document or the passage of a substantial period of time in which no action has been taken on the document.

Document means any written, printed, recorded, magnetic, graphic matter, or other documentary material, regardless of form or characteristic.

Documentary material means any material or other information that is relevant to, or likely to lead to the discovery of information that is relevant to, the licensing of the likely candidate site for a geologic repository. The scope of documentary material shall be guided by the topical guidelines in the applicable NRC Regulatory Guide.

DOE means the U.S. Department of Energy or its duly authorized representatives.

Full header means the series of descriptive fields and subject terms given to a document or other material.

Image means a visual likeness of a document, presented on a paper copy, microform, or a bit-map on optical or magnetic media.

Interested governmental participant means any person admitted under §2.715(c) of this part to the proceeding on an application for a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to part 60 of this chapter.

LSS Administrator means the person within the U.S. Nuclear Regulatory Commission responsible for administration, management, and operation of the Licensing Support System. The LSS Administrator shall not be in any organizational unit that either represents the U.S. Nuclear Regulatory Commission staff as a party to the high-level waste licensing proceeding or is a part of the management chain reporting to the Director of the Office of Nuclear Material Safety and Safeguards. For purposes of this subpart the organizational unit within the NRC selected to be the LSS Administrator shall not be considered to be a party to the proceeding.

Marginalia means handwritten, printed, or other types of notations added to a document excluding underlining and highlighting.

NRC means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.

Party for the purpose of this subpart means the DOE, the NRC staff, the host State and any affected Indian Tribe in accordance with §60.63(a) of this chapter, and a person admitted under §2.1014 of this subpart to the proceeding on an application for a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to part 60 of this chapter; provided that a host State or affected Indian Tribe shall file a list of contentions in accordance with the provisions of §§2.1014(a)(2) (ii) and (iii) of this subpart.

Personal record means a document in the possession of an individual associated with a party, interested governmental participant, or potential party that was not required to be created or retained by the party, interested governmental participant, or potential party, and can be retained or discarded at the possessor's sole discretion, or documents of a personal nature that are not associated with any business of the party, interested governmental participant, or potential party.

Potential party means any person who, during the period before the issuance of the first pre-hearing conference order under §2.1021(d) of this subpart, is granted access to the Licensing Support System and who consents to comply with the regulations set forth in subpart J of this part, including the authority of the Pre-License Application Presiding Officer designated pursuant to §2.1010 of this subpart.

Pre-license application phase means the time period before the license application to receive and possess high-level radioactive waste at a geologic repository operations area is docketed under section 2.101(f)(3) of this part.

Pre-License Application Presiding Officer means one or more members of the Commission, or an atomic safety and licensing board, or a named officer who has been delegated final authority in the pre-license application phase with jurisdiction specified at the time of designation.

Preliminary draft means any nonfinal document that is not a circulated draft.

Presiding Officer means one or more members of the Commission, or an atomic safety and licensing board, or a named officer who has been delegated final authority in the matter, designated in the notice of hearing to preside.

Searchable full text means the electronic indexed entry of a document in ASCII into the Licensing Support System that allows the identification of specific words or groups of words within a text file.

[54 FR 14944, Apr. 14, 1989, as amended at 56 FR 7795, Feb. 26, 1991]

§2.1002 High-level waste Licensing Support System.

(a) The Licensing Support System is an electronic information management system containing the documentary material of the DOE and its contractors, and the documentary material of all other parties, interested governmental participants and potential parties and their contractors. Access to the Licensing Support System by the parties, interested governmental participants, and potential parties provides the document discovery in the proceeding. The Licensing Support System provides for the electronic transmission of filings by the parties during the high-level waste proceeding, and orders and decisions of the Commission and Commission adjudicatory boards related to the proceeding.

(b) The Licensing Support System shall include documentary material not privileged under §2.1006 or excluded under §2.1005 of this subpart.

(c) The participation of the host State in the Licensing Support System during the pre-license application phase shall not have any affect on the State's exercise of its disapproval rights under section 116(b)(2) of the Nuclear Waste Policy Act, as amended, 42 U.S.C. 10136(b)(2).

(d) This subpart shall not affect any independent right of a potential party, interested governmental participant or party to receive information.

§2.1003 Submission of material to the LSS.

(a) Subject to the exclusions in §2.1005 of this subpart and paragraphs (c) and (d) of this section, each potential party, interested governmental participant or party, with the exception of the DOE and the NRC, shall submit to the LSS Administrator --

(1) Subject to paragraph (a)(3) of this section, an ASCII file, an image, and a bibliographic header, reasonably contemporaneous with its creation or acquisition, for all documentary material (including circulated drafts but excluding preliminary drafts) generated by, or at the direction of, or acquired by, a potential party, interested governmental participant, or party after the date on which such potential party, interested governmental participant or party is given access to the Licensing Support System.

(2) An image, a bibliographic header, and, if available, an ASCII file, no later than six months before the license application is submitted under §60.22 of this chapter, for all documentary material (including circulated drafts but excluding preliminary drafts), generated by, or at the direction of, or acquired by, a potential party, interested governmental participant, or party, on or before the date on which such potential party, interested governmental participant, or party was given access to the Licensing Support System.

(3) An image and bibliographic header for documentary material included under paragraphs (a)(1) of this section that were acquired from a person that is not a potential party, party, or interested governmental participant.

(b) Subject to the exclusions in §2.1005 of this subpart, and subject to paragraphs (c) and (d) of this section, the DOE and the NRC shall submit to the LSS Administrator --

(1) An ASCII file, an image, and a bibliographic header, reasonably contemporaneous with its creation or acquisition, for all documentary material (including circulated drafts but excluding preliminary drafts) generated by, or at the direction of, or acquired by, the DOE or the NRC after

the date on which the Licensing Support System is available for access.

(2) An ASCII file, an image, and a bibliographic header no later than six months before the license application is submitted under §60.22 of this chapter for all documentary material (including circulated drafts but excluding preliminary drafts) generated by, or at the direction of, or acquired by, the DOE or the NRC on or before the date on which the Licensing Support System is available for access.

(c)(1) Each potential party, interested governmental participant, or party shall submit, subject to the claims of privilege in §2.1006, an image and a bibliographic header, in a time frame to be established by the access protocols under §2.1011(d)(10) of this subpart, for all graphic oriented documentary material. Graphic-oriented documentary material includes, raw data, computer runs, computer programs and codes, field notes, laboratory notes, maps, diagrams and photographs which have been printed, scripted, hand written or otherwise displayed in any hard copy form and which, while capable of being captured in electronic image by a digital scanning device, may be captured and submitted to the LSS Administrator in any form of image. Text embedded within these documents need not be separately entered in searchable full text. Such graphic-oriented documents may include: Calibration procedures, logs, guidelines, data and discrepancies; Gauge, meter and computer settings; Probe locations; Logging intervals and rates; Data logs in whatever form captured; Text data sheets; Equations and sampling rates; Sensor data and procedures; Data Descriptions; Field and laboratory notebooks; Analog computer, meter or other device print-outs; Digital computer print-outs; Photographs; Graphs, plots, strip charts, sketches; Descriptive material related to the information above.

(2) Each potential party, interested governmental participant, or party, in a time frame to be established by the access protocols under §2.1011(d)(10) of this subpart, shall submit, subject to the claims of privilege in §2.1006, only a bibliographic header for each item of documentary material that is not suitable for entry into the Licensing Support System in image or searchable full text. The header shall include all required fields and shall sufficiently describe the information and references to related information and access protocols. Whenever any documentary material is transferred to some other media, a new header shall be supplied. Any documentary material for which a header only has been supplied to the system shall be made available to any other party, potential party or interested governmental participant through the access protocols determined by the LSS Administrator under §2.1011(d)(10) or through entry upon land for inspection and other purposes pursuant to §2.1020.

(3) Whenever documentary material described in paragraphs (c)(1) or (c)(2) of this section has been collected or used in conjunction with other such information to analyze, critique, support or justify any particular technical or scientific conclusion, or relates to other documentary material as part of the same scope of technical work or investigation, then an appropriate bibliographic header shall be submitted for a table of contents describing that package of information, and documentary material contained within that package shall be named and identified.

(d) Each potential party, interested governmental participant, or party shall submit a bibliographic header for each documentary material --

(1) For which a claim of privilege is asserted; or

(2) Which constitutes confidential financial or commercial information; or

(3) Which constitutes safeguards information under §73.21 of this chapter.

(e) In addition to the submission of documentary material under paragraphs (a) and (b) of this section, potential parties, interested governmental participants, or parties may request that another potential party's, interested governmental participant's, party's, or third party's documentary material be entered into the Licensing Support System in searchable full text if they or the other potential party, interested governmental participant, or party intend to rely on such documentary

material during the licensing proceeding.

(f) Submission of ASCII files, images, and bibliographic headers shall be in accordance with established criteria.

(g) Basic licensing documents generated by DOE, such as the Site Characterization Plan, the Environmental Impact Statement, and the license application, or by NRC such as the Site Characterization Analysis, and the Safety Evaluation Report, shall be submitted to the LSS Administrator by the respective agency that generated the document.

(h)(1) Docketing of the application for a license to receive and possess high-level radioactive waste at a geologic repository operations area shall not be permitted under Subpart J of this part unless the LSS Administrator has certified, at least six months in advance of the submission of the license application, that the DOE has substantially complied with its obligations under this section.

(2)(i) The LSS Administrator shall evaluate the extent of the DOE's compliance with the provisions of this section at six month intervals beginning six months after his or her appointment under §2.1011 of this subpart.

(ii) The LSS Administrator shall issue a written report of his or her evaluation of DOE compliance under paragraph (h)(1) of this section. The report shall include recommendations to the DOE on any actions necessary to achieve substantial compliance pursuant to paragraph (h)(1) of this section.

(iii) The LSS administrator shall circulate each evaluation prepared pursuant to paragraph (h)(2)(i) of this section, and the written report prepared pursuant to paragraph (h)(2)(ii) of this section, to potential parties to the high level waste proceeding. Potential parties may submit comments on or objections to the evaluations prepared pursuant to paragraph (h)(2)(i) of this section or the report prepared pursuant to paragraph (h)(2)(ii) of this section, to the LSS Administrator within 30 days of issuance of the evaluation or report. Comments or objections not filed within this time period are waived.

(3)(i) In the event that the LSS Administrator does not certify substantial compliance under paragraph (h)(1) of this section, the proceeding on the application for a license to receive and possess high-level radioactive waste at a geologic repository operations area shall be governed by subpart G of this part.

(ii) If, subsequent to the submission of such application under subpart G of this part, the LSS Administrator issues the certification described in paragraph (h)(1) of this section, the Commission may, upon request by any party or interested governmental participant to the proceeding, specify the extent to which the provisions of subpart J of this part may be used in the proceeding.

[54 FR 14944, Apr. 14, 1989, as amended at 56 FR 7795, Feb. 26, 1991]

§2.1004 Amendments and additions.

(a) Within sixty days after a document has been entered into the Licensing Support System by the LSS Administrator during the pre-license application phase, and within five days after a document has been entered into the Licensing Support System by the LSS Administrator after the license application has been docketed, the submitter shall make reasonable efforts to verify that the document has been entered correctly, and shall notify the LSS Administrator of any errors in entry.

(b) After the time period specified for verification in paragraph (a) of this section has expired, a submitter who desires to amend an incorrect document shall --

(1) Submit the corrected version to the LSS Administrator for entry as a separate document; and

(2) Submit a bibliographic header for the corrected version that identifies all revisions to the

corrected version.

(3) The LSS Administrator shall ensure that the bibliographic header for the original document specifies that a corrected version is also in the Licensing Support System.

(c)(1) A submitter shall submit any revised pages of a document in the Licensing Support System to the LSS Administrator for entry into the Licensing Support System as a separate document.

(2) The LSS Administrator shall ensure that the bibliographic header for the original document specifies that revisions have been entered into the Licensing Support System.

(d) Any document that has been incorrectly excluded from the Licensing Support System must be submitted to the LSS Administrator by the potential party, interested governmental participant, or party responsible for the submission of the document within two days after its exclusion has been identified unless some other time is approved by the Pre-License Application Presiding Officer or the Presiding Officer designated for the high-level waste proceeding; provided, however, that the time for submittal under this paragraph will be stayed pending Officer action on a motion to extend the time for submittal.

[54 FR 14944, Apr. 14, 1989, as amended at 56 FR 7795, Feb. 26, 1991]

§2.1005 Exclusions.

The following material is excluded from entry into the Licensing Support System, either through initial entry pursuant to §2.1003 of this subpart, or through derivative discovery pursuant to §2.1019(i) of this subpart --

(a) Official notice materials;

(b) Reference books and text books;

(c) Material pertaining exclusively to administration, such as material related to budgets, financial management, personnel, office space, general distribution memoranda, or procurement, except for the scope of work on a procurement related to repository siting, construction, or operation, or to the transportation of spent nuclear fuel or high-level waste;

(d) Press clippings and press releases;

(e) Junk mail;

(f) Preferences cited in contractor reports that are readily available;

(g) Classified material subject to subpart I of this part.

§2.1006 Privilege.

(a) Subject to the requirements in §2.1003(d) of this subpart, the traditional discovery privileges recognized in NRC adjudicatory proceedings and the exceptions from disclosure in §2.790 of this part may be asserted by potential parties, interested governmental participants, and parties. In addition to Federal agencies, the deliberative process privilege may also be asserted by State and local government entities and Indian Tribes.

(b) Any document for which a claim of privilege is asserted, but is denied in whole or in part by the Pre-License Application Presiding Officer or the Presiding Officer, must be submitted by the party, interested governmental participant, or potential party that asserted the claim to --

(1) The LSS Administrator for entry into the Licensing Support System into an open access file; or

(2) To the LSS Administrator or to the Pre-License Application Presiding Officer or to the Presiding Officer, for entry into a Protective Order file, if the Pre-License Application Presiding Officer or the Presiding Officer so directs under §2.1010(b) or §2.1018(c) of this subpart.

(c) Notwithstanding any availability of the deliberative process privilege under paragraph (a) of this section, circulated drafts not otherwise privileged shall be submitted for entry into the Licensing Support System pursuant to §§2.1003(a) and 2.1003(b) of this subpart.

[54 FR 14944, Apr. 14, 1989, as amended at 56 FR 7795, Feb. 26, 1991]

§2.1007 Access.

(a)(1) Terminals for access to full headers for all documents in the Licensing Support System during the pre-license application phase, and images of the non-privileged documents of DOE, shall be provided at the headquarters of DOE, and at all DOE Local Public Document Rooms established in the vicinity of the likely candidate site for a geologic repository.

(2) Terminals for access to full headers for all documents in the Licensing Support System during the pre-license application phase, and images of the non-privielged documents of NRC, shall be provided at the headquarters Public Document Room of NRC, and at all NRC Local Public Document Rooms established in the vicinity of the likely candidate site for a geologic repository, and at the NRC Regional Offices, including the Uranium Recovery Field Office in Denver, Colorado.

(3) The access terminals specified in paragraphs (a)(1) and (a)(2) of this section shall include terminals at Las Vegas, Nevada; Reno, Nevada; Carson City, Nevada; Nye County, Nevada; and Lincoln County, Nevada.

(4) The headers specified in paragraphs (a)(1) and (a)(2) of this section shall be available at the same time that those headers are made available to the potential parties, parties, and interested governmental participants.

(5) Public access to the searchable full text and images of all the documents in the Licensing Support System, not privileged under section 2.1006, shall be provided by the LSS Administrator at all the locations specified in paragraphs (a)(1) and (a)(2) of this section after a notice of hearing has been issued pursuant to §2.101(f)(8) or §2.105(a)(5) on an application for a license to receive and possess high-level radioactive waste at a geologic repository operations area.

(b) Public availability of paper copies of the records specified in paragraph (a) of this section, as well as duplication fees, and fee waiver for those records, will be governed by the Freedom of Information Act regulations of the respective agencies.

(c) Access to the Licensing Support System for potential parties, interested governmental participants, and parties will be provided in the following manner --

(1) Full text search capability through dial-up access from remote locations at the requestor's expense;

(2) Image access at remote locations at the requestor's expense;

(3) The capability to electronically request a paper copy of a document at the time of search;

(4) Generic fee waiver for the paper copy requested under paragraph (c)(3) of this section for requestors who meet the criteria in §9.41 of this chapter.

(d) Documents submitted to the LSS Administrator for entry into the Licensing Support System

shall not be considered as agency records of the LSS Administrator for purposes of the Freedom of Information Act (FOIA), 5 U.S.C. 552, and shall remain under the custody and control of the agency or organization that submitted the documents to the LSS Administrator. Requests for access pursuant to the FOIA to documents submitted by a Federal agency shall be transmitted to that Federal agency.

§2.1008 Potential parties.

(a) A person may petition the Pre-License Application Presiding Officer designated pursuant to §2.1010 of this subpart for access to the Licensing Support System.

(b) A petition must set forth with particularity the interest of the petitioner in gaining access to the Licensing Support System with particular reference to --

(1) The factors set out in §2.1014(c) (1), (2), and (3) of this subpart as determined in reference to the topical guidelines in the applicable NRC Regulatory Guide; or

(2) The criteria in §2.715(c) of this part as determined in reference to the topical guidelines in the applicable NRC Regulatory Guide.

(c) The Pre-License Application Presiding Officer shall, in ruling on a petition for access, consider the factors set forth in paragraph (b) of this section.

(d) Any person whose petition for access is approved pursuant to paragraph (c) of this section shall comply with the regulations set forth in this subpart, including §2.1003 and agree to comply with the orders of the Pre-License Application Presiding Officer designated pursuant to §2.1010 of this subpart.

[54 FR 14944, Apr. 14, 1989, as amended at 56 FR 7795, Feb. 26, 1991]

§2.1009 Procedures.

(a) Each potential party, interested governmental participant, or party shall --

(1) Designate an official who will be responsible for administration of its Licensing Support System responsibilities;

(2) Establish procedures to implement the requirements in §2.1003 of this subpart;

(3) Provide training to its staff on the procedures for implementation of Licensing Support System responsibilities;

(4) Ensure that all documents carry the submitter's unique identification number;

(5) Cooperate with the advisory review process established by the LSS Administrator pursuant to §2.1011(e) of this subpart.

(b) The responsible official designated pursuant to paragraph (a)(1) of this section shall certify to the LSS Administrator, at six month intervals designated by the LSS Administrator, that the procedures specified in paragraph (a)(2) of this section have been implemented, and that to the best of his or her knowledge, the documentary material specified in §2.1003 of this subpart has been identified and submitted to the Licensing Support System.

§2.1010 Pre-License Application Presiding Officer.

(a)(1) The Commission may designate one or more members of the Commission, or an atomic

safety and licensing board, or a named officer who has been delegated final authority on the matter (Pre-License Application Presiding Officer) to rule on all petitions for access to the Licensing Support System submitted under §2.1008; disputes over the entry of documents during the pre-license application phase, including disputes relating to relevance and privilege; disputes relating to the LSS Administrator's decision on substantial compliance pursuant to §2.1003(h); discovery disputes; disputes relating to access to the Licensing Support System; disputes relating to the design and development of the Licensing Support System by DOE or the operation of the Licensing Support System by the LSS Administrator under §2.1011, including disputes relating to the implementation of the recommendations of the LSS Advisory Review Panel established under §2.1011(e).

(2) The Pre-License Application Presiding Officer shall be designated six months before access to the Licensing Support System is scheduled to be available.

(b) The Pre-License Application Presiding Officer shall rule on any claim of document withholding to determine --

(1) Whether it is documentary material within the scope of this subpart;

(2) Whether the material is excluded from entry into the Licensing Support System under §2.1005 of this subpart;

(3) Whether the material is privileged or otherwise excepted from disclosure under section 2.1006 of this subpart;

(4) If privileged, whether it is an absolute or qualified privilege;

(5) If qualified, whether the document should be disclosed because it is necessary to a proper decision in the proceeding;

(6) Whether the material should be disclosed under a protective order containing such protective terms and conditions (including affidavits of nondisclosure) as may be necessary and appropriate to limit the disclosure to potential participants, interested governmental participants and parties in the proceeding, or to their qualified witnesses and counsel. When Safeguards Information protected from disclosure under section 147 of the Atomic Energy Act, as amended, is received and possessed by a potential party, interested governmental participant, or party, other than the Commission staff, it shall also be protected according to the requirements of §73.21 of this chapter. The Pre-License Application Presiding Officer may also prescribe such additional procedures as will effectively safeguard and prevent disclosure of Safeguards Information to unauthorized persons with minimum impairment of the procedural rights which would be available if Safeguards Information were not involved. In addition to any other sanction that may be imposed by the Pre-License Application Presiding Officer for violation of an order pertaining to the disclosure of Safeguards Information protected from disclosure under section 147 of the Atomic Energy Act, as amended, may be subject to a civil penalty imposed pursuant to §2.205. For the purpose of imposing the criminal penalties contained in section 223 of the Atomic Energy Act, as amended, any order issued pursuant to this paragraph with respect to Safeguards Information shall be deemed an order issued under section 161b of the Atomic Energy Act.

(c) Upon a final determination that the material is relevant, and not privileged, exempt from disclosure, or otherwise exempt from entry into the Licensing Support System under §2.1005 of this subpart, the potential party, interested governmental participant, or party who asserted the claim of withholding must submit the document to the LSS Administrator within two days for entry into the Licensing Support System.

(d) The service of all pleadings, discovery requests and answers, orders, and decisions during the pre-license application phase shall be made according to the procedures specified in §2.1013(c) of this subpart.

(e) The Pre-License Application Presiding Officer shall possess all the general powers specified in §§2.721(d) and 2.718.

(f) The Commission, in designating the Pre-License Application Presiding Officer in accordance with paragraphs (a) (1) and (2) of this section, shall specify the jurisdiction of the Officer.

[54 FR 14944, Apr. 14, 1989, as amended at 56 FR 7796, Feb. 26, 1991]

§2.1011 LSS management and administration.

(a) The Licensing Support System shall be administered by the LSS Administrator who will be designated within sixty days after the effective date of the rule.

(b)(1) Consistent with the requirements in this subpart, and in consultation with the LSS Administrator, DOE shall be responsible for the design and development of the computer system necessary to implement the Licensing Support System, including the procurement of computer hardware and software, and, with the concurrence of the LSS Administrator, the follow-on redesign and procurement of equipment necessary to maintain the Licensing Support System.

(2) With respect to the procurement undertaken pursuant to paragraph (b)(1) of this section, a representative of the LSS Administrator shall participate as a member of the Source Evaluation Panel for such procurement.

(3) DOE shall implement consensus advice from the LSS Advisory Review Panel under paragraph (f)(1) of this section that is consistent with the requirements of this subpart.

(c)(1) The Licensing Support System, described in §2.1002, shall not be part of any computer system that is controlled by any party, interested governmental participant, or potential party, including DOE and its contractors, or that is physically located on the premises of any party, interested governmental participant, or potential party, including DOE and that of its contractors.

(2) Nothing in this subpart shall preclude DOE, NRC, or any other party, potential party, or interested governmental participant, from using the Licensing Support System computer facility for a records management system for documentary material independent of the Licensing Support System.

(d) The LSS Administrator shall be responsible for the management and administration of the Licensing Support System, including the responsibility to --

(1) Implement the consensus advice of the LSS Advisory Review Panel under paragraph (f) of this section that is consistent with the requirements of this subpart;

(2) Provide the necessary personnel, materials, and services for operation and maintenance of the Licensing Support System;

(3) Identify and recommend to DOE any redesign or procurement actions necessary to ensure that the design and operation of the Licensing Support System meets the objectives of this subpart;

(4) Make a concurrence decision, within thirty days of a request from DOE, on any redesign and related procurement performed by DOE under paragraph (b) of this section;

(5) Consult with DOE on the design and development of the Licensing Support System under paragraph (b) of this section;

(6) Evaluate and certify compliance with the requirements of this subpart under §2.1003(h);

(7) Ensure LSS availability and the integrity of the LSS data base;

(8) Receive and enter the documentary material specified in §2.1003 of this subpart into the Licensing Support System in the appropriate format;

(9) Maintain security for the Licensing Support System data base, including assigning user password security codes;

(10) Establish access protocols for raw data, field notes, and other items covered by §2.1003(c) of this subpart;

(11) Maintain the thesaurus and authority tables for the Licensing Support System;

(12) Establish and implement a training program for Licensing Support System users;

(13) Provide support staff to assist users of the Licensing Support System;

(14) Other duties as specified in this subpart or necessary for Licensing Support System operation and maintenance.

(e)(1) The LSS Administrator shall establish an LSS Advisory Review Panel composed of the LSS Advisory Committee members identified in paragraph (e)(2) of this section who wish to serve within sixty days after designation of the LSS Administrator pursuant to paragraph (a) of this section. The LSS Administrator shall have the authority to appoint additional representatives to the Advisory Review Panel consistent with the requirements of the Federal Advisory Committee Act, 5 U.S.C. app. I, giving particular consideration to potential parties, parties, and interested governmental participants who were not members of the NRC HLW Licensing Support System Advisory Committee.

(2) Pending the establishment of the LSS Advisory Review Panel under paragraph (e)(1) of this section, the NRC will establish a Licensing Support System Advisory Committee whose membership will initially include the State of Nevada, a coalition of affected units of local government in Nevada who were on the NRC High-Level Waste Licensing Support System Advisory Committee, DOE, NRC, the National Congress of American Indians, the coalition of national environmenal groups who were on the NRC High-Level Waste Licensing Support System Advisory Committee and such other members as the Commission may from time to time designate to perform the responsibilities in paragraph (f) of this section.

(f)(1) The LSS Advisory Review Panel shall provide advice to -- (i) DOE on the fundamental issues of the design and development of the computer system necessary to implement the Licensing Support System under paragraph (b) of this section; and

(ii) The LSS Administrator on the operation and maintenance of the Licensing Support System under paragraph (d) of this section.

(2) The responsibilities of the LSS Advisory Review Panel shall include advice on -- (i) Format standards for the submission of documentary material to the Licensing Support System by the parties, interested governmental participants, or potential parties, such as ASCII files, bibliographic headers, and images;

(ii) The procedures and standards for the electronic transmission of filings, orders, and decisions during both the pre-license application phase and the high-level waste licensing proceeding;

(iii) Access protocols for raw data, field notes, and other items covered by §2.1003(c) of this subpart;

(iv) A thesaurus and authority tables;

(v) Reasonable requirements for headers, the control of duplication, retrieval, display, image delivery, query response, and ``user friendly" design;

(vi) Other duties as specified in this subpart or as directed by the LSS Administrator.

[54 FR 14944, Apr. 14, 1989, as amended at 55 FR 51401, Dec. 14, 1990]

§2.1012 Compliance.

(a) In addition to the requirements of §2.101(f) of this part, the Director of the NRC Office of Nuclear Materials Safety and Safeguards may determine that the tendered application is not acceptable for docketing under this subpart, if the LSS Administrator has not issued the certification described in §2.1003(h)(1) of this part.

(b)(1) A person, including a potential party granted access to the Licensing Support System under §2.1008 of this subpart, shall not be granted party status under §2.1014 of this part, or status as an interested governmental participant under §2.715(c) of this part, if it cannot demonstrate substantial and timely compliance with the requirements of §2.1003 of this subpart at the time it requests participation in the high-level waste licensing proceeding under either §2.1014 or §2.715(c) of this part.

(2) A person denied party status or interested governmental participant status under paragraph (b)(1) of this section may request party status or interested governmental participant status upon a showing of subsequent compliance with the requirements of §2.1003 of this subpart. Admission of such a party or interested governmental participant under §2.1014 of this subpart or §2.715(c) of this part, respectively, shall be conditioned on accepting the status of the proceeding at the time of admission.

(c) The Presiding Officer shall not make a finding of substantial and timely compliance pursuant to paragraph (b) of this section for any person who is not in compliance with all applicable orders of the Pre-License Application Presiding Officer designated pursuant to §2.1010.

(d) Access to the Licensing Support System may be suspended or terminated by the Pre-License Application Presiding Officer or the Presiding Officer for any potential party, interested governmental participant or party who is in noncompliance with any applicable order of the Pre-License Application Presiding Officer or the Presiding Officer or the requirements of this subpart.

[54 FR 14944, Apr. 14, 1991, as amended at 56 FR 7796, Feb. 26, 1991]

§2.1013 Use of LSS during the adjudicatory proceeding.

(a)(1) Pursuant to §2.702, the Secretary of the NRC will maintain the official docket of the proceeding on the application for a license to receive and possess waste at a geologic repository operations area.

(2) Commencing with the docketing of the license application to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to part 60 of this chapter, the LSS Administrator shall establish a file within the Licensing Support System to contain the official record materials of the high-level radioactive waste licensing proceeding in searchable full text, or for material that is not suitable for entry in searchable full text, by header and image, as appropriate.

(b) Absent good cause, all exhibits tendered during the hearing must have been entered into the Licensing Support System before the commencement of that portion of the hearing in which the exhibit will be offered. The official record file in the Licensing Support System will contain a list of all exhibits, showing where in the transcript each was marked for identification and where it was

received into evidence or rejected. Transcripts will be entered into the Licensing Support System by the LSS Administrator on a daily basis in order to provide next-day availability at the hearing.

(c)(1) All filings in the adjudicatory proceeding on the license application to receive and possess high-level radioactive waste at a geologic respository operations area pursuant to part 60 of this chapter shall be transmitted electronically by the submitter to the Presiding Officer, parties, the LSS Administrator, and the Secretary, according to established format requirements. Parties and interested governmental participants will be required to use a password security code for the electronic transmission of these documents.

(2) Filings required to be served shall be served upon either the parties and interested governmental participants, or their designated representatives. When a party or interested governmental participant has appeared by attorney, service must be made upon the attorney of record.

(3) Service upon a party or interested governmental participant is completed when the sender receives electronic acknowledgment (``delivery receipt'') that the electronic submission has been placed in the recipient's electronic mailbox.

(4) Proof of service, stating the name and address of the person on whom served and the manner and date of service, shall be shown for each document filed, by --

(i) Electronic acknowledgment (``delivery receipt''); or

(ii) The affidavit of the person making the service; or

(iii) The certificate of counsel.

(5) One signed paper copy of each filing shall be served promptly on the Secretary by regular mail pursuant to the requirements of §§2.708 and 2.701 of this part.

(6) All Presiding Officer and Commission issuances and orders will be transmitted electronically to the parties, interested governmental participants, and the LSS Administration.

(d) Online access to the Licensing Support System, including a Protective Order File if authorized by a Presiding Officer, shall be provided to the Presiding Officer, the representatives of the parties and interested governmental participants, and the witnesses while testifying, for use during the hearing. Use of paper copy and other images will also be permitted at the hearing.

[54 FR 14944, Apr. 14, 1991, as amended at 56 FR 7796, Feb. 26, 1991]

§2.1014 Intervention.

(a)(1) Any person whose interest may be affected by a proceeding on the application for a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to Part 60 of this chapter and who desires to participate as a party shall file a written petition for leave to intervene. In a proceeding noticed pursuant to §2.105 of this part, any person whose interest may be affected may also request a hearing. The petition and/or request, and any request to participate under §2.715(c) of this part, shall be filed within thirty days after the publication of the notice of hearing in the Federal Register. Nontimely filings will not be entertained absent a determination by the Commission, or the Presiding Officer designated to rule on the petition and/or request, that the petition and/or request should be granted based upon a balancing of the following factors, in addition to satisfying those set out in paragraphs (a)(2) and (c) of this section:

(i) Good cause, if any, for failure to file on time;

(ii) The availability of other means whereby the petitioner's interest will be protected;

(iii) The extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record;

(iv) The extent to which the petitioner's interest will be represented by existing parties;

(v) The extent to which the petitioner's participation will broaden the issues or delay the proceeding.

(2) The petition shall set forth with particularity --

(i) The interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding, including the reasons why petitioner should be permitted to intervene, with particular reference to the factors in paragraph (c) of this section;

(ii) A list of the contentions that petitioner seeks to have litigated in the matter;

(iii) With respect to each contention:

(A) A specific statement of the issue of law or fact to be raised or controverted.

(B) A brief explanation of the basis of the contention.

(C) A concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing, together with references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion.

(D) Sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. This showing must include reference to the specific documentary material that provides a basis for the contention, or if the petitioner believes that any documentary material fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the petitioner's belief. In determining whether a genuine dispute exists on a material issue of law or fact, a dispositive factor shall be whether the contention, if proven, would be of no consequence in the proceeding because it would not entitle the petitioner to relief.

(E) The specific regulatory or statutory requirement to which the contention is relevant.

(3) Any petitioner who fails to satisfy paragraphs (a)(2) (ii) and (iii) of this section with respect to at least one contention shall not be permitted to participate as a party.

(4) Any party may amend its contentions specified in paragraph (a)(2)(ii) of this section. The Presiding Officer shall rule on any petition to amend such contentions based on the balancing of the factors specified in paragraph (a)(1) of this section, and a showing that a significant safety or environmental issue is involved or that the amended contention raises a material issue related to the performance evaluation anticipated by §§60.112 and 60.113 of this chapter.

(b) Any party or interested governmental participant may file an answer to a petition for leave to intervene or a petition to amend contentions within twenty days after service of the petition.

(c) Subject to paragraph (a)(3) of this section, the Commission, or the Presiding Officer designated to rule on petitions to intervene and/or requests for hearing shall permit intervention, in any hearing on an application for a license to receive and possess high-level radioactive waste at a geologic repository operations area, by an affected unit of local government as defined in section 2(31) of the Nuclear Waste Policy Act of 1982, as amended, 42 U.S.C. 10101. In all other circumstances, the Commission or Presiding Officer shall, in ruling on a petition for leave to intervene, consider the following factors, among other things:

(1) The nature of the petitioner's right under the Atomic Energy Act to be made a party to the proceeding;

(2) The nature and extent of the petitioner's property, financial, or other interest in the proceeding;

(3) The possible effect of any order that may be entered in the proceeding on the petitioner's interest;

(4) The failure of the petitioner to participate as a potential party in the Licensing Support System.

(5) In determining whether a genuine dispute exists on a material issue of law or fact, whether the contention, if proven, would be of no consequence in the proceeding because it would not entitle petitioner to relief.

(d) An order permitting intervention and/or directing a hearing may be conditioned on such terms as the Commission, or the designated Presiding Officer may direct in the interests of:

(1) Restricting irrelevant, duplicative, or repetitive evidence and argument,

(2) Having common interests represented by a spokesman, and

(3) Retaining authority to determine priorities and control the compass of the hearing.

(e) In any case in which, after consideration of the factors set forth in paragraph (c) of this section, the Commission or the Presiding Officer finds that the petitioner's interest is limited to one or more of the issues involved in the proceeding, any order allowing intervention shall limit the petitioner's participation accordingly.

(f) A person permitted to intervene becomes a party to the proceeding, subject to any limitations imposed pursuant to paragraph (e) of this section.

(g) Unless otherwise expressly provided in the order allowing intervention, the granting of a petition for leave to intervene does not change or enlarge the issues specified in the notice of hearing.

(h) If the Commission or the Presiding Officer determines that any of the admitted contentions constitute pure issues of law, those contentions must be decided on the basis of briefs or oral argument according to a schedule determined by the Commission or the Presiding Officer.

[54 FR 14944, Apr. 14, 1991, as amended at 56 FR 7796, Feb. 26, 1991]

§2.1015 Appeals.

(a) No appeals from any Pre-License Application Presiding Officer or Presiding Officer order or decision issued under this subpart are permitted, except as prescribed in paragraphs (b), (c), and (d) of this section.

(b) A notice of appeal from (1) a Pre-License Application Presiding Officer order issued pursuant to §2.1010, (2) a Presiding Officer First or Second Prehearing Conference Order issued pursuant to §2.1021 or §2.1022, (3) a Presiding Officer order granting or denying a motion for summary disposition issued in accordance with §2.1025 of this part, or (4) a Presiding Officer order granting or denying a petition to amend one or more contentions pursuant to §2.1014(a)(4), must be filed with the Commission no later than (10) days after service of the order. A supporting brief must accompany the notice of appeal. Any other party, interested governmental participant, or potential party may file a brief in opposition to the appeal no later than ten days after service of the appeal.

(c) Appeals from a Presiding Officer initial decision or partial initial decision must be filed and

briefed before the Commission in accordance with the following requirements.

(1) Notice of appeal. Within ten (10) days after service of an initial decision, any party may take an appeal to the Commission by filing a notice of appeal. The notice shall specify:

(i) The party taking the appeal; and

(ii) The decision being appealed.

(2) Filing appellant's brief. Each appellant shall file a brief supporting its position on appeal within thirty (30) days (40 days if Commission staff is the appellant) after the filing of notice required by paragraph (a) of this section.

(3) Filing responsive brief. Any party who is not an appellant may file a brief in support of or in opposition to the appeal within thirty (30) days after the period has expired for the filing and service of the brief of all appellants. Commission staff may file a responsive brief within forty (40) days after the period has expired for the filing and service of the briefs of all appellants. A responding party shall file a single responsive brief regardless of the number of appellants' briefs filed.

(4) Brief content. A brief in excess of ten (10) pages must contain a table of contents, with page references, and a table of cases (alphabetically arranged), statutes, regulations, and other authorities cited, with references to the pages of the brief where they are cited.

(i) An appellant's brief must clearly identify the errors of fact or law that are the subject of the appeal. An intervenor-appellant's brief must be confined to issues which the intervenor-appellant placed in controversy or sought to place in controversy in the proceeding. For each issue appealed, the precise portion of the record relied upon in support of the assertion of error must also be provided.

(ii) Each responsive brief must contain a reference to the precise portion of the record which supports each factual assertion made.

(5) Brief length. A party shall not file a brief in excess of seventy (70) pages in length, exclusive of pages containing the table of contents, table of citations and any addendum containing statutes, rules, regulations, etc. A party may request an increase of this page limit for good cause. Such a request shall be made by motion submitted at least seven (7) days before the date upon which the brief is due for filing and shall specify the enlargement requested.

(6) Certificate of service. All documents filed under this section must be accompanied by a certificate reflecting service upon all other parties to the proceeding.

(7) Failure to comply. A brief which in form or content is not in substantial compliance with the provisions of this section may be stricken, either on motion of a party or by the Commission on its own initiative.

(d) When, in the judgment of a Pre-License Application Presiding Officer or Presiding Officer, prompt appellate review of an order not immediately appealable under paragraph (b) of this section is necessary to prevent detriment to the public interest or unusual delay or expense, the Pre-License Application Presiding Officer or Presiding Officer may refer the ruling promptly to the Commission, and shall provide notice of this referral to the parties, interested governmental participants, or potential parties. The parties, interested governmental participants, or potential parties may also request that the Pre-License Application Presiding Officer or Presiding Officer certify, pursuant to §2.718(i) of this part, rulings not immediately appealable under paragraph (b) of this section.

(e) Unless otherwise ordered, the filing of an appeal, petition for review, referral, or request for

certification of a ruling shall not stay the proceeding or extend the time for the performance of any act.

[56 FR 7797, Feb. 26, 1991, as amended at 56 FR 29410, June 27, 1991]

§2.1016 Motions.

(a) All motions shall be addressed to the Commission or, when a proceeding is pending before a Presiding Officer, to the Presiding Officer. All motions, unless made orally on the record, shall be filed according to the provisions of §2.1013(c) of this subpart.

(b) A motion shall state with particularity the grounds and the relief sought, and shall be accompanied by any affidavits or other evidence relied on, and, as appropriate, a proposed form of order.

(c) Within ten days after service of a motion a party, potential party, or interested governmental participant may file an answer in support of or in opposition to the motion, accompanied by affidavits or other evidence. The moving party shall have no right to reply, except as permitted by the Presiding Officer or the Secretary or the Assistant Secretary.

(d) The Presiding Officer may dispose of motions either by order or by ruling orally during the course of a prehearing conference or hearing.

(e) Where the motion in question is a motion to compel discovery under §2.720(h)(2) of this part or §2.1018(f) of this subpart, parties, potential parties, and interested governmental participants may file answers to the motion pursuant to paragraph (c) of this section. The Presiding Officer in its discretion, may order that the answer be given orally during a telephone conference or other prehearing conference, rather than filed electronically. If responses are given over the telephone the Presiding Officer shall issue a written order on the motion which summarizes the views presented by the parties, potential parties, and interested governmental participants unless the conference has been transcribed. This does not preclude the Presiding Officer from issuing a prior oral ruling on the matter which is effective at the time of its issuance, provided that the terms of the ruling are incorporated in the subsequent written order.

[54 FR 14944, Apr. 14, 1991, as amended at 56 FR 7797, Feb. 26, 1991]

§2.1017 Computation of time.

In computing any period of time, the day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period so computed is included unless it is a Saturday, Sunday, or legal holiday at the place where the action or event is to occur, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor holiday. Whenever a party, potential party, or interested governmental participant, has the right or is required to do some act within a prescribed period after the service of a notice or other document upon it, one day shall be added to the prescribed period. If the Licensing Support System is unavailable for more than four access hours of any day that would be counted in the computation of time, that day will not be counted in the computation of time.

§2.1018 Discovery.

(a)(1) Parties, potential parties, and interested governmental participants in the high-level waste licensing proceeding may obtain discovery by one or more of the following methods: Access to the documentary material in the Licensing Support System submitted pursuant to §2.1003 of this subpart; entry upon land for inspection, access to raw data, or other purposes pursuant to §2.1020 of this subpart; access to, or the production of, copies of documentary material for which bibliographic headers only have been submitted pursuant to §2.1003 (c) and (d) of this subpart; depositions upon

oral examination pursuant to §2.1019 of this subpart; requests for admission pursuant to §2.742 of this subpart; informal requests for information not available in the Licensing Support System, such as the names of witnesses and the subjects they plan to address; and interrogatories and depositions upon written questions, as provided in paragraph (a)(2) of this section.

(2) Interrogatories and depositions upon written questions may be authorized by order of the discovery master appointed under paragraph (g) of this section, or if no discovery master has been appointed, by order of the Presiding Officer, in the event that the parties are unable, after informal good faith efforts, to resolve a dispute in a timely fashion concerning the production of information.

(b)(1) Parties, potential parties, and interested governmental participants, pursuant to the methods set forth in paragraph (a) of this section, may obtain discovery regarding any matter, not privileged, which is relevant to the licensing of the likely candidate site for a geologic repository, whether it relates to the claim or defense of the person seeking discovery or to the claim or defense of any other person. Except for discovery pursuant to §§2.1018(a)(2) and 2.1019 of this subpart, all other discovery shall begin during the pre-license application phase. Discovery pursuant to §§2.1018(a)(2) and 2.1019 of this subpart shall begin after the issuance of the first pre-hearing conference order under §2.1021 of this subpart, and shall be limited to the issues defined in that order or subsequent amendments to the order. It is not ground for objection that the information sought will be inadmissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

(2) A party, potential party, or interested governmental participant may obtain discovery of documentary material otherwise discoverable under paragraph (b)(1) of this section and prepared in anticipation of, or for the hearing by, or for another party's, potential party's, or interested governmental participant's representative (including its attorney, surety, indemnitor, insurer, or similar agent) only upon a showing that the party, potential party, or interested governmental participant seeking discovery has substantial need of the materials in the preparation of its case and that it is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of these materials when the required showing has been made, the Presiding Officer shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party, potential party, or interested governmental participant concerning the proceeding.

(c) Upon motion by a party, potential party, interested governmental participant, or the person from whom discovery is sought, and for good cause shown, the Presiding Officer may make any order that justice requires to protect a party, potential party, interested governmental participant, or other person from annoyance, embarrassment, oppression, or undue burden, delay, or expense, including one or more of the following: (1) That the discovery not be had; (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place; (3) that the discovery may be had only by a method of discovery other than that selected by the party, potential party, or interested governmental participant seeking discovery; (4) that certain matters not be inquired into, or that the scope of discovery be limited to certain matters; (5) that discovery be conducted with no one present except persons designated by the Presiding Officer; (6) that, subject to the provisions of §2.790 of this part, a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way; (7) that studies and evaluations not be prepared. If the motion for a protective order is denied in whole or in part, the Presiding Officer may, on such terms and conditions as are just, order that any party, potential party, interested governmental participant or other person provide or permit discovery.

(d) Except as provided in paragraph (b) of this section, and unless the Presiding Officer upon motion, for the convenience of parties, potential parties, interested governmental participants, and witnesses and in the interest of justice, orders otherwise, methods of discovery may be used in any sequence, and the fact that a party, potential party, or interested governmental participant is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's, potential party's, or interested governmental participant's discovery.

(e) A party, potential party, or interested governmental participant who has included all documentary material relevant to any discovery request in the Licensing Support System or who has responded to a request for discovery with a response that was complete when made is under no duty to supplement its response to include information thereafter acquired, except as follows:

(1) To the extent that written interrogatories are authorized pursuant to paragraph (a)(2) of this section, a party or interested governmental participant is under a duty to seasonably supplement its response to any question directly addressed to (i) the identity and location of persons having knowledge of discoverable matters, and (ii) the identity of each person expected to be called as an expert witness at the hearing, the subject matter on which the witness is expected to testify, and the substance of the witness' testimony.

(2) A party, potential party, or interested governmental participant is under a duty seasonably to amend a prior response if it obtains information upon the basis of which (i) it knows that the response was incorrect when made, or (ii) it knows that the response though correct when made is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment.

(3) A duty to supplement responses may be imposed by order of the Presiding Officer or agreement of the parties, potential parties, and interested governmental participants.

(f)(1) If a deponent of a party, potential party, or interested governmental participant upon whom a request for discovery is served fails to respond or objects to the request, or any part thereof, the party, potential party, or interested governmental participant submitting the request or taking the deposition may move the Presiding Officer, within five days after the date of the response or after failure to respond to the request, for an order compelling a response in accordance with the request. The motion shall set forth the nature of the questions or the request, the response or objection of the party, potential party, interested governmental participant, or other person upon whom the request was served, and arguments in support of the motion. For purposes of this paragraph, an evasive or incomplete answer or response shall be treated as a failure to answer or respond. Failure to answer or respond shall not be excused on the ground that the discovery sought is objectionable unless the person, party, potential party, or interested governmental participant failing to answer or respond has applied for a protective order pursuant to paragraph (c) of this section.

(2) In ruling on a motion made pursuant to this section, the Presiding Officer may make such a protective order as it is authorized to make on a motion made pursuant to paragraph (c) of this section.

(3) An independent request for issuance of a subpoena may be directed to a nonparty for production of documents. This section does not apply to requests for the testimony of the NRC regulatory staff pursuant to §2.720(h)(2)(i) of this part.

(g) The Presiding Officer pursuant to §2.722 of this part may appoint a discovery master to resolve disputes between parties concerning informal requests for information as provided in paragraphs (a)(1) and (a)(2) of this section.

[54 FR 14944, Apr. 14, 1989, as amended at 56 FR 7797, Feb. 26, 1991]

§2.1019 Depositions.

(a) Any party or interested governmental participant desiring to take the testimony of any person by deposition on oral examination shall, without leave of the Commission or the Presiding Officer, give reasonable notice in writing to every other party and interested governmental participant, to the person to be examined, and to the Presiding Officer of the proposed time and place of taking the deposition; the name and address of each person to be examined, if known, or if the name is not known, a general description sufficient to identify him or her or the class or group to which he or she belongs, the matters upon which each person will be examined and the name or descriptive title

and address of the officer before whom the deposition is to be taken.

(b) Within the United States, a deposition may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the examination is held. Outside of the United States, a deposition may be taken before a secretary of an embassy or legation, a consul general, vice consul or consular agent of the United States, or a person authorized to administer oaths designated by the Commission. Depositions may be conducted by telephone or by video teleconference at the option of the party or interested governmental participant taking the deposition.

(c) The deponent shall be sworn or shall affirm before any questions are put to him or her. Examination and cross-examination shall proceed as at a hearing. Each question propounded shall be recorded and the answer taken down in the words of the witness. Objections on questions of evidence shall be noted in short form without the arguments. The officer shall not decide on the competency, materiality, or relevancy of evidence but shall record the evidence subject to objection. Objections on questions of evidence not made before the officer shall not be deemed waived unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(d) When the testimony is fully transcribed, the deposition shall be submitted to the deponent for examination and signature unless the deponent is ill or cannot be found or refuses to sign. The officer shall certify the deposition or, if the deposition is not signed by the deponent, shall certify the reasons for the failure to sign, and shall promptly transmit the deposition to the LSS Administrator for submission into the Licensing Support System.

(e) Where the deposition is to be taken on written questions as authorized under §2.1018(a)(2) of this subpart, the party or interested governmental participant taking the deposition shall serve a copy of the questions, showing each question separately and consecutively numbered, on every other party and interested governmental participant with a notice stating the name and address of the person who is to answer them, and the name, description, title, and address of the officer before whom they are to be asked. Within ten days after service, any other party or interested governmental participant may serve cross-questions. The questions, cross-questions, and answers shall be recorded and signed, and the deposition certified, returned, and transmitted to the LSS Administrator as in the case of a deposition on oral examination.

(f) A deposition will not become a part of the evidentiary record in the hearing unless received in evidence. If only part of a deposition is offered in evidence by a party or interested governmental participant, any other party or interested governmental participant may introduce any other parts. A party or interested governmental participant shall not be deemed to make a person its own witness for any purpose by taking his or her deposition.

(g) A deponent whose deposition is taken and the officer taking a deposition shall be entitled to the same fees as are paid for like services in the district courts of the United States, to be paid by the party or interested governmental participant at whose instance the deposition is taken.

(h) The deponent may be accompanied, represented, and advised by legal counsel.

(i)(1) After receiving written notice of the deposition under paragraph (a) or paragraph (e) of this section, and ten days before the scheduled date of the deposition, the deponent shall submit an index of all documents in his or her possession, relevant to the subject matter of the deposition, including the categories of documents set forth in paragraph (i)(2) of this section, to all parties and interested governmental participants. The index shall identify those records which have already been entered into the Licensing Support System. All documents that are not identical to documents already in the Licensing Support System, whether by reason of subsequent modification or by the addition of notations, shall be treated as separate documents.

(2) The following material is excluded from initial entry into the Licensing Support System, but is

subject to derivative discovery under paragraph (i)(1) of this section --

(i) Personal records;

(ii) Travel vouchers;

(iii) Speeches;

(iv) Preliminary drafts;

(v) Marginalia.

(3) Subject to paragraph (i)(6) of this section, any party or interested governmental participant may request from the deponent a paper copy of any or all of the documents on the index that have not already been entered into the Licensing Support System.

(4) Subject to paragraph (i)(6) of this section, the deponent shall bring a paper copy of all documents on the index that the deposing party or interested governmental participant requests that have not already been entered into the Licensing Support System to an oral deposition conducted pursuant to paragraph (a) of this section, or in the case of a deposition taken on written questions pursuant to paragraph (e) of this section, shall submit such documents with the certified deposition.

(5) Subject to paragraph (i)(6) of this section, a party or interested governmental participant may request that any or all documents on the index that have not already been entered into the Licensing Support System, and on which it intends to rely at hearing, be entered into the LSS by the deponent.

(6) The deposing party or interested governmental participant shall assume the responsibility for the obligations set forth in paragraphs (i)(1), (i)(3), (i)(4), and (i)(5) of this section when deposing someone other than a party or interested governmental participant.

(j) In a proceeding in which the NRC is a party, the NRC staff will make available one or more witnesses designated by the Executive Director for Operations, for oral examination at the hearing or on deposition regarding any matter, not privileged, which is relevant to the issues in the proceeding. The attendance and testimony of the Commissioners and named NRC personnel at a hearing or on deposition may not be required by the Presiding Officer, by subpoena or otherwise: Provided, That the Presiding Officer may, upon a showing of exceptional circumstances, such as a case in which a particular named NRC employee has direct personal knowledge of a material fact not known to the witnesses made available by the Executive Director for Operations and the testimony sought is not reasonably obtainable from another source by any party, require the attendance and testimony of named NRC personnel.

[54 FR 14944, Apr. 14, 1991, as amended at 56 FR 7797, Feb. 26, 1991]

§2.1020 Entry upon land for inspection.

(a) Any party, potential party, or interested governmental participant may serve on any other party, potential party, or interested governmental participant a request to permit entry upon designated land or other property in the possession or control of the party, potential party, or interested governmental participant upon whom the request is served for the purpose of access to raw data, inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of §2.1018 of this subpart.

(b) The request may be served on any party, potential party, or interested governmental participant without leave of the Commission or the Presiding Officer.

(c) The request shall describe with reasonable particularity the land or other property to be inspected either by individual item or by category. The request shall specify a reasonable time,

place, and manner of making the inspection and performing the related acts.

(d) The party, potential party, or interested governmental participant upon whom the request is served shall serve on the party, potential party, or interested governmental participant submitting the request a written response within ten days after the service of the request. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, in which case the reasons for objection shall be stated. If objection is made to part of an item or category, the part shall be specified.

[54 FR 14944, Apr. 14, 1991, as amended at 56 FR 7797, Feb. 26, 1991]

§2.1021 First prehearing conference.

(a) In any proceeding involving an application for a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to part 60 of this chapter the Commission or the Presiding Officer will direct the parties, interested governmetal participants and any petitioners for intervention, or their counsel, to appear at a specified time and place, within seventy days after the notice of hearing is published, or such other time as the Commission or the Presiding Officer may deem appropriate, for a conference to:

(1) Permit identification of the key issues in the proceeding;

(2) Take any steps necessary for further identification of the issues;

(3) Consider all intervention petitions to allow the Presiding Officer to make such preliminary or final determination as to the parties and interested governmental participants, as may be appropriate;

(4) Establish a schedule for further actions in the proceeding; and

(5) Establish a discovery schedule for the proceeding taking into account the objective of meeting the three year time schedule specified in section 114(d) of the Nuclear Waste Policy Act of 1982, as amended, 42 U.S.C. 10134(d).

(b) The Presiding Officer may order any further formal and informal conferences among the parties and interested governmental participants including teleconferences, to the extent that it considers that such a conference would expedite the proceeding.

(c) A prehearing conference held pursuant to this section shall be stenographically reported.

(d) The Presiding Officer shall enter an order which recites the action taken at the conference, the schedule for further actions in the proceeding, and any agreements by the parties, and which identifies the key issues in the proceeding, makes a preliminary or final determination as to the parties and interested governmental participants in the proceeding, and provides for the submission of status reports on discovery.

[54 FR 14944, Apr. 14, 1991, as amended at 56 FR 7797, Feb. 26, 1991]

§2.1022 Second prehearing conference.

(a) The Commission or the Presiding Officer in a proceeding on an application for a license to receive and possess high-level radioactive waste at a geologic repository operations area shall direct the parties, interested governmental participants, or their counsel to appear at a specified time and place not later than thirty days after the Safety Evaluation Report is issued by the NRC staff for a conference to consider:

(1) Any amended contentions submitted under §2.1014(a)(4) of this subpart;

(2) Simplification, clarification, and specification of the issues;

(3) The obtaining of stipulations and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof;

(4) Identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;

(5) The setting of a hearing schedule;

(6) Establishing a discovery schedule for the proceeding taking into account the objective of meeting the three year time schedule specified in section 114(d) of the Nuclear Waste Policy Act of 1982, as amended, 42 U.S.C. 10134(d); and

(7) Such other matters as may aid in the orderly disposition of the proceeding.

(b) A prehearing conference held pursuant to this section shall be stenographically reported.

(c) The Presiding Officer shall enter an order which recites the action taken at the conference and the agreements by the parties, limits the issues or defines the matters in controversy to be determined in the proceeding, sets a discovery schedule, and sets the hearing schedule.

[54 FR 14944, Apr. 14, 1991, as amended at 56 FR 7797, Feb. 26, 1991]

§2.1023 Immediate effectiveness.

(a) Pending review and final decision by the Commission, an initial decision resolving all issues before the Presiding Officer in favor of issuance or amendment of a construction authorization pursuant to §60.31 of this chapter or a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to §60.41 of this chapter, will be immediately effective upon issuance except --

(1) As provided in any order issued in accordance with §2.788 of this part that stays the effectiveness of an initial decision; or

(2) As otherwise provided by the Commission in special circumstances.

(b) The Director of Nuclear Material Safety and Safeguards, notwithstanding the filing or pendency of an appeal or a petition for review pursuant to §2.1015 of this subpart, promptly shall issue a construction authorization or a license to receive and possess high-level radioactive waste at a geologic respository operations area, or amendments thereto, following an initial decision resolving all issues before the Presiding Officer in favor of the licensing action, upon making the appropriate licensing findings, except --

(1) As provided in paragraph (c) of this section; or

(2) As provided in any order issued in accordance with §2.788 of this part that stays the effectiveness of an initial decision; or

(3) As otherwise provided by the Commission in special circumstances.

(c)(1) Before the Director of Nuclear Material Safety and Safeguards may issue a construction authorization or a license to receive and possess waste at a geologic repository operations area in accordance with paragraph (b) of this section, the Commission, in the exercise of its supervisory authority over agency proceedings, shall undertake and complete a supervisory examination of those issues contested in the proceeding before the Presiding Officer to consider whether there is

any significant basis for doubting that the facility will be constructed or operated with adequate protection of the public health and safety, and whether the Commission should take action to suspend or to otherwise condition the effectiveness of a Presiding Officer decision that resolves contested issues in a proceeding in favor of issuing a construction authorization or a license to receive and possess high-level radioactive waste at a geologic repository operations area. This supervisory examination is not part of the adjudicatory proceeding. The Commission shall notify the Director in writing when its supervisory examination conducted in accordance with this paragraph has been completed.

(2) Before the Director of Nuclear Material Safety and Safeguards issues a construction authorization or a license to receive and possess high-level radioactive waste at a geologic repository operations area, the Commission shall review those issues that have not been contested in the proceeding before the Presiding Officer but about which the Director must make appropriate findings prior to the issuance of such a license. The Director shall issue a construction authorization or a license to receive and possess high-level radioactive waste at a geologic repository operations area only after written notification from the Commission of its completion of its review under this paragraph and of its determination that it is appropriate for the Director to issue such a construction authorization or license. This Commission review of uncontested issues is not part of the adjudicatory proceeding.

(3) No suspension of the effectiveness of a Presiding Officer's initial decision or postponement of the Director's issuance of a construction authorization or license that results from a Commission supervisory examination of contested issues under paragraph (c)(1) of this section or a review of uncontested issues under paragraph (c)(2) of this section will be entered except in writing with a statement of the reasons. Such suspension or postponement will be limited to such period as is necessary for the Commission to resolve the matters at issue. If the supervisory examination results in a suspension of the effectiveness of the Presiding Officer's initial decision under paragraph (c)(1) of this section, the Commission will take review of the decision sua sponte and further proceedings relative to the contested matters at issue will be in accordance with procedures for participation by the DOE, the NRC staff, or other parties and interested governmental participants to the Presiding Officer proceeding established by the Commission in its written statement of reasons. If a postponement results from a review under paragraph (c)(2) of this section, comments on the uncontested matters at issue may be filed by the DOE within ten days of service of the Commission's written statement.

[54 FR 14944, Apr. 14, 1991, as amended at 56 FR 7797, Feb. 26, 1991]

§2.1025 Authority of the Presiding Officer to dispose of certain issues on the pleadings.

(a) Any party may move, with or without supporting affidavits, for a decision by the Presiding Officer in that party's favor as to all or any part of the matters involved in the proceeding. The moving party shall annex to the motion a separate, short, and concise statement of the material facts as to which the moving party contends that there is no genuine issue to be heard. Motions may be filed at any time. Any other party may file an answer supporting or opposing the motion, with or without affidavits, within twenty (20) days after service of the motion. The party shall annex to any answer opposing the motion a separate, short, and concise, statement of the material facts as to which it is contended there exists a genuine issue to be heard. All material facts set forth in the statement to be filed by the moving party will be deemed to be admitted unless controverted by the statement required to be filed by the opposing party. The opposing party may, within ten (10) days after service, respond in writing to new facts and arguments presented in any statement filed in support of the motion. No further supporting statements or responses thereto may be entertained. The Presiding Officer may dismiss summarily or hold in abeyance motions filed shortly before the hearing commences or during the hearing if the other parties or the Presiding Officer would be required to divert substantial resources from the hearing in order to respond adequately to the motion.

(b) Affidavits must set forth those facts that would be admissible in evidence and show affirmatively that the affiant is competent to testify to the matters stated therein. The Presiding Officer may permit affidavits to be supplemented or opposed by further affidavits. When a motion for summary disposition is made and supported as provided in this section, a party opposing the motion may not rest upon the mere allegations or denials of its answer; its answer by affidavits or as otherwise provided in this section must set forth specific facts showing that there is a genuine issue of fact. If no such answer is filed, the decision sought, if appropriate, must be rendered.

(c) The Presiding Officer shall render the decision sought if the filings in the proceeding show that there is no genuine issue as to any material fact and that the moving party is entitled to a decision as a matter of law. However, in any proceeding involving a construction authorization for a geologic repository operations area, the procedure described in this section may be used only for the determination of specific subordinate issues and may not be used to determine the ultimate issue as to whether the authorization must be issued.

[56 FR 7798, Feb. 26, 1991]

§2.1026 Schedule.

(a) Subject to paragraphs (b) and (c) of this section, the Presiding Officer shall adhere to the schedule set forth in appendix D of this part.

(b)(1) Pursuant to §2.711, the Presiding Officer may approve extensions of no more than 15 days beyond any required time set forth in this subpart for a filing by a party to the proceeding. Except in the case of exceptional and unforseen circumstances, requests for extensions of more than 15 days must be filed no later than 5 days in advance of the required time set forth in this subpart for a filing by a party to the proceeding.

(2) Extensions beyond 15 days must be referred to the Commission. If the Commission does not disapprove the extension within 10 days of receiving the request, the extension will be effective. If the Commission disapproves the extension, the date which was the subject of the extension request will be set for 5 days after the Commission's disapproval action.

(c)(1) The Presiding Officer may delay the issuance of an order up to thirty days beyond the time set forth for the issuance in appendix D.

(2) If the Presiding Officer anticipates that the issuance of an order will not occur until after the thirty day extension specified in paragraph (c)(1) of this section, the Presiding Officer shall notify the Commission at least ten days in advance of the scheduled date for the milestone and provide a justification for the delay.

[56 FR 7798, Feb. 26, 1991]

§2.1027 Sua Sponte.

In any initial decision in a proceeding on an application to receive and possess waste at a geologic repository operations area, the Presiding Officer, other than the Commission, shall make findings of fact and conclusions of law on, and otherwise give consideration to, only those matters put into controversy by the parties and determined to be litigable issues in the proceeding.

[56 FR 7798, Feb. 26, 1991]

Transcript of Proceedings
Nuclear Regulatory Commission
Title: Advisory Review Panel Meeting
Licensing Support System
Docket Number: (not applicable)
Location: Las Vegas, Nevada
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UNITED STATES AMERICA OF AMERICA
NUCLEAR REGULATORY COMMISSION
ADVISORY REVIEW PANEL MEETING
LICENSING SUPPORT SYSTEM
THURSDAY, MAY 2, 1996
PART I - MORNING SESSION
LAS VEGAS, NEVADA

The Advisory Review Panel met at Clark County Government Center, 500 Grand Central Parkway, Pueblo Room, at 8:45 a.m., John C. Hoyle, Chairman, presiding.

PRESENT:

JOHN C. HOYLE
CLAUDIA NEWBURY
KIRK BALCOM
STEVE FRISHMAN
ROBER I. HOLDEN
LORETTA METOXEN
LLOYD MITCHELL
DENNIS BECHTEL
EVE CULVERWELL
JASON PITTS
PETER CUMMINGS
MIKE BAUGHMAN
WAYNE CAMERON
PETE J. GOICHOECHEA
ARLO K. FUNK
FIDEL GOMEZ
JAMES REGAN
HEATHER ESTES
JUANITA D. HOFFMAN
BRAD METTAM
LES BRADSHAW
MALACHY MURPHY

NICK STELLAVATO
JAY SILBERG
CHRISTOPHER J. HENKEL
DAVID COPENHAFER

PROCEEDINGS

(8:45 a.m.)

MR. HOYLE: This is a meeting of the LSS Advisory Review Panel. The panel is a federal advisory committee which operates under the rules of the Federal Advisory Committee Act. It's a meeting that's been announced as open to the public. I would at the end of the meeting give an opportunity for anyone not a member of the panel to make any comments that they'd like to make. That would be tomorrow. If anyone has a paper they would like to give me of written comments, I'd be pleased to accept them.

This is the twelfth meeting of the panel since we were established in 1989. Our last meeting was not quite a year ago in Oneida, Wisconsin. This is an opportunity to meet face to face once again as money is dwindling from the effective units of government. It might be difficult to meet as frequently as we have in the past, though I wouldn't say that was tremendously frequent, two to three times a year, but we will be talking about that later on how we might continue to communicate.

At this time I would like to ask the members at the table to introduce themselves and then we can proceed. I will go over the agenda a little bit after that, but let's start with Chris Henkel.

MR. HOLDEN: Chris Henkel of the Nuclear Energy Institute representing the utility industry.

MR. SILBERG: Jay Silberg from Shaw, Pittman, Potts and Trowbridge representing the Nuclear Energy Institute.

MR. HOLDEN: Robert Holden with the National Congress of American Indians. We represent the tribes in some areas and provide them with information in areas such as this. This is John Dossett -- analyst NCAI (indiscernible).

MR. MURPHY: Mal Murphy, Nye county.

MR. OLMSTEAD: Bill Olmstead, NRC.

MR. GREEVES: John Greeves, waste management at NRC.

MR. LEVIN: Moe Levin, NRC and the LSS administrator.

MR. HOYLE: John Hoyle, NRC.

MR. CAMERON: Chip Cameron, NRC.

MR. TIESENHAUSEN: Englebrecht Tiesenhausen, Clark County and chief electrician (indiscernible).

MR. GANDI: John Gandi, Department of Energy, information management.

MS. NEWBURY: Claudia Newbury, Department of Energy.

MR. FRISHMAN: Steve Frishman, State of Nevada.

MR. DAVENPORT: Jim Davenport, State of Nevada.

MR. BECHTEL: Dennis Bechtel, Clark County.

MR. HOYLE: Okay. Dennis wants to make a few comments. He's going to make a few comments from the podium and then come down here.

The only other thing I wanted to say before I give Dennis an opportunity to welcome us is that the mikes on the table are those that feed into the court reporter's station. They're not tied into the house PA system. So I will ask all of the members, please, to speak up so that all in the room can hear us. If you can't hear, please raise your hand or say something and we'll try to do better.

At this time I will give Dennis an opportunity to say something.

MR. BECHTEL: Thank you very much. I'd like to welcome you all to the Clark County Government Center. We're real proud of this facility. It's been open for about a year. As I was telling these people before, until last year we were kind of all scattered over the town. Now we're in one place, which makes county government more efficient.

We're real appreciative of the LSS board meeting here. I guess it was fortuitous to combine this meeting with folks attending the high-level waste conference and hope no one had trouble finding their way down here.

In the future, I think, as John indicated, we're very uncertain about our funding as an effective government. In the future -- we're going to hang on for a while here but I think if, in fact -- I definitely believe there's a role for the LSS in the future and, of course, Clark County, even if we don't have a nuclear waste division, wants to be very much involved in that and, of course, you're welcome. This is a good centralized facility. You can use this facility anytime you so choose.

We've got some very important issues that we've been wrestling with for the last number of years. I think it's important that we, as a local government, and I think all of us feel that being able to organize data and be able to retrieve data of this very important project is important. I don't think we quite know what the future holds for the permanent storage part of it. I would like to think that that will carry on. Of course, the emphasis of Congress is kind of swinging toward interim storage, but I think there definitely is a need to carry on a role for this board, even if it's informal.

So we've got some good things we're going to look at today. It's interesting over the years how technology has kind of evolved and we were talking about something totally different when we got started. And maybe technology has kind of caught up with us and maybe the sole process will be a lot easier.

Welcome. Maybe a few logical pieces of information. The restrooms are out the door to the right. We have a fine cafeteria facility here for lunch, nice and close. And I notice you've got 12:30 on the agenda for lunch. Normally we have the rush from 12:00 to 1:00. So we may even want to defer that to maybe even 1:00 o'clock so we don't get caught up in the general county order or earlier if you wanted to do it that way.

But welcome again. If there is anything I can do to help you out, if you need some copies made, or some advice after the meeting. If you're not familiar with Las Vegas, we can help you out with the restrooms and hotels and things like that. We'd be glad to do it. So welcome and look forward to a good meeting.

MR. HOYLE: Thank you, Dennis. We greatly appreciate your offer to have the meeting here this time and we'll probably take you up on your offer to use it in the future if the opportunity arises.

Just looking at the schedule for a moment before DOE begins, Claudia, I have allotted a couple of hours -- we're running a little bit behind -- for your presentation but that can run over or run under.

MS. NEWBURY: I'm not sure we'll take quite that long.

MR. HOYLE: Okay.

MS. NEWBURY: We may get all excited about the computer display and spend days at it. I don't know.

MR. HOYLE: You never know. We were going to take a break after that and have a litigation software demonstration by the Athena Legal Automation Company. And that would be, I guess, back behind us and on the screen?

MR. OLMSTEAD: I haven't seen the representative yet. I told him we would have a screen, and we do have a screen, and if they can plug into it, that's probably what they'll do.

MR. HOYLE: It's kind of not really part of the meeting but it's an activity that Mr. Olmstead thought would be good to have us all experience. We'll see what time it is then, Dennis, for lunch, whether we're running early or late, and you can help us decide which way we want to go.

And then the afternoon would be the NRC's report from the Senior Management Team. Mr. Olmstead and Mr. Greeves are members of the NRC Senior Management Team, along with Moe Levin. They will be making a presentation this afternoon.

Unless there are comments from members -- a suggestion has been made that --

MR. BECHTEL: Just one comment. I wanted to thank you. You've done a lot of work in setting up the computer side of it and Carolyn Boyle, who is not here today, is the public information person who did the room organization and stuff like that.

MR. HOYLE: She's not here.

MS. NEWBURY: She's not here at all.

MR. HOYLE: Okay.

MR. DAVENPORT: I notice the agenda for tomorrow is quite short. Would there be any possibility that we'll be able to entertain future LSS activity today so that we could not hold tomorrow's meeting?

MR. HOYLE: That's always a possibility, Jim. I think we put that on there assuming that we'll be just initiating discussion this afternoon. And then if there are more thoughts about the afternoon discussion or this morning's discussion, we could continue it tomorrow. So it's partly that and partly to talk about how we will be able to get together in the future with lack of funding. If that can occur today --

MR. HOLDEN: I was going to make the same point at that. I'm leaving at 4:00 today.

MR. HOYLE: Well, I brought enough NRC people along to have the meeting continue forever.

MR. DAVENPORT: If we could shorten the meeting by a day, we might give you some additional funding.

MR. MURPHY: Do you have extra to give --

MR. DAVENPORT: No. I mean, I might have some additional funding. They might have some additional funding.

MR. LEVIN: Here again the logic was, we were going to introduce some thoughts and ideas today. And we wanted to give people a chance to think about it overnight and discuss it and everything and then come back and really try and have a good discussion on it. But if we can think quick and do it all today, then we can wrap it up today. Or maybe we could go -- well, I don't know if we can go later tonight because this room, I think, is booked at 6:00 o'clock. But maybe we could go a little longer to wrap it up today.

MR. HOYLE: Okay. Two other points. Those around the room has not had an opportunity also to introduce themselves. So why don't we ask them to tell us who they area. Dan, do you want to start?

MR. GRASER: Dan Graser, Nuclear Regulatory Commission.

MR. CUMMINGS: Martin Cummings, TRW.

MR. HOYLE: I'm not sure it's important for this to be on the record.

(Introductions off the record.)

MR. HOYLE: All right. Thank you very much. I am going to hand out a sign-up sheet, please, for the record so I'll have all the names.

Without further comment, unless someone does have a comment, why don't we ask Claudia to begin.

MS. NEWBURY: In true DOE fashion, I brought view graphs but I won't make -- break it up and set up a few graph machines. There's only five of them. It would be a waste of time and you all have copies or should.

As you all know, in FY96 DOE deferred most of their LSS activities due to budget constraints. In January of this year, we started a process of looking at a new program plan that would focus our activities and get us to a viability assessment in 1998, aiming at a license application in 2002. So the LSS activities had to resume and we put them on the schedule for 1997. What we found is that LSS, believe it or not, and I'm sure you do, is a critical path activity and we had to work very hard to bring it back in to make sure that the LSS that we have been working on would be available in the 2000-2001 time frame. We plan to fund and develop the LSS in time for that 2002 application.

What I've provided to you a little farther on is a schedule and we'll talk about that. We decided that the technical specifications for LSS, based on the requirements that were developed by the LSSARP, would be developed by DOE. That our M&O organization would be the procuring organization and that the LSS administrator, of course, as you know, will participate in the installation test and acceptance of the LSS. And then DOE, the M&O, and NRC will all participate in the certification of whatever system is developed.

Our goal is to have the technical specifications for the LSS delivered to the M&O in the first quarter of FY97. The make-by analysis should be completed by the fourth quarter of FY97. That's the end of September. We need the identification of an LSS center site under the current concepts by the fourth quarter of 1998, and that's an NRC responsibility but it is -- if it's not done in time is a schedule breaker. Then we expect to have the LSS acquisition and development completed in the first quarter of FY99. We plan to ask the NRC to certify the system by the first quarter of FY99, the installation and tests completed the third quarter 1999, and have it operational in the third quarter of 1999, and the final LSS certified by NRC first quarter 2000.

This is a very aggressive schedule for us and we will be working very hard to meet it. You'll see some of what we've done so far when John does his demo.

What we did is, the system acquisition development phase had to be reduced due to a change in our make-by methodology. It's now being done by DOE. We'll incorporate more extensive evaluation of commercial products and use as much as commercially available and do it in an operational mode at DOE facilities. That's expected to reduce our acquisition development phase by about six months, but again this is still very aggressive.

That's basically my update on where we are. John is going to be doing a demonstration. We need to break for a couple minutes to get it up and running. Of what the RIS looks like at this point in time, we committed to you last July. Actually, I think we committed last March to putting the Records Information System, which is an index to all of our records, online and available to the LSSARP

members. We've got the prototype up here. John will talk about how it will be available to those people who want to use it and it really looks nice. I know that most of the NRC has gotten access already to the other system we have, the ATDT, which is the index to our technical documents, and has been using it. So between these two systems, you'll have all of our records and all of our technical data indexes available to you as a first cut.

Are there any questions on where we are now and what we're going to do?

MR. TIESENHAUSEN: If the NRC has access to the ATDT, when will the other (indiscernible).

MS. NEWBURY: The question was, if NRC has access to ATDT, when do the other parties -- the other parties do. I think you do. I know you do. I signed the paperwork that gave you a password. All of the effective units of government have been offered access to the system.

MR. TIESENHAUSEN: All right. We'll need to get together because I haven't seen it.

MR. OLMSTEAD: I don't want to jump ahead because there are some things we want to talk about later with regard to senior management, because in discussing before this meeting with some of the participants, there was a question as to whether there would be a capability of loading documents for those who chose to have their documents loaded. Has DOE made provisions for any of this?

MS. NEWBURY: For loading other participants' documents?

MR. OLMSTEAD: Other participants' documents.

MS. NEWBURY: That's part of the requirements for the LSS.

MR. OLMSTEAD: Well, I understand, but if you're up and running now and they have something they want to load, are you in a position to do that?

MS. NEWBURY: John, are you ready to do that right now?

MR. GANDI: No, not right now. I guess we've never envisioned that because of the LSS rule itself being that we would not be loading other participants' documents. That we'd be responsible for the DOE. I'm sure we could probably make provisions for that. I don't know how the state feels about DOE loading their documents or the NRC as far as the way they want to handle their QA process.

MR. OLMSTEAD: I also -- understand, I haven't seen this demo. That you have it on the Web.

MR. GANDI: Yes.

MR. OLMSTEAD: (Indiscernible).

MR. GANDI: Running under Netscape, yes.

MR. OLMSTEAD: If a participant wanted to put (indiscernible) to point to their site, would you control the security there?

MR. GANDI: Well, I'll give you the demonstration and show you what we're doing as far as security work. It's not a common user ID password type protected. It's more of a free Internet type access. Although we are not advertising the URL in any fashion, it will only be open to the members of this group.

MR. OLMSTEAD: But you're using somehow the password user's support.

MR. GANDI: Only in the point of delivery of the chosen documents.

MR. BECHTEL: If, in fact, this is a test, is it possible that say the effected parties could participate in the test to get familiar with say the process?

MS. NEWBURY: For the RIS?

MR. BECHTEL: Yes.

MS. NEWBURY: That's the objective here is to give everyone in LSSARP access to this system.

MR. BECHTEL: Yes. I mean, we're going to have to get familiar with just the process of actually doing it. And I don't know how long this test is envisioned, but I think we would like to participate in that just to understand the system and --

MS. NEWBURY: That's our attempt is to have you online and using it.

MR. BECHTEL: Good.

MR. OLMSTEAD: But that's different than saying they have your documents on --

MR. BECHTEL: Right.

MS. NEWBURY: That's right. This will just be the DOE part of the system at this point. Of course, we have a lot of documents from the state and counties that have been sent to us and those are --

MR. GANDI: We need to make a distinction. This is our Records Information System not the LSS. That was the intent of providing this (indiscernible).

MR. OLMSTEAD: No. I understand that, but also one of the savings that we could all realize is that instead of being forced to come up with records management systems for each individual party, one of the original assumptions was that there would be some shared savings associated with everybody using the same technology in loading.

MS. NEWBURY: John, do you want to --

MR. GANDI: If we could have about 10 minutes to connect to the display unit there, it would be helpful for everybody to see.

MR. HOYLE: Okay. Ten minutes.

(Gandi presentation off record.)

VOICE: The thing that I try to focus on is what's the licensing relevant records. There are some transmittal memorandums that are piling the numbers of records in this thing that I think at least this committee ought to look at and say, well, we've got to have a record (indiscernible). Nobody wants a system fouled up with that kind of stuff. Do you see what I mean?

VOICE: I understand. In other words, the National Archives and Records Administration standard usually has you dispose of that kind of stuff because it doesn't have value beyond the time period in which it's used. And I don't think it was ever anybody's intention that that kind of stuff was --

MR. GANDI: No, and that's part of our reprocessing plan on this accumulation of 500,000 documents is when we're reprocessing those determinations will be made (indiscernible) relevant. We're doing that based solely on (indiscernible) right now as it stands as far as exclusionary records.

VOICE: The problem with that is that the definition of what's relevant is a definition which all the parties in the proceeding are entitled to make. Where what may be relevant to one party may not be perceived to be relevant to the other.

MS. NEWBURY: (Indiscernible.)

MR. WARRINER: That's why we have followed a conservative policy and putting into it things that perhaps if we had better guidelines and more precise guidelines we would not.

MR. OLMSTEAD: And at the time we negotiated this rule nobody thought we were going to be sitting here 13 years later worrying about this issue. Had I known that, I clearly would have wanted to deal with it. So the fact of the matter is that we need to -- and I think, John, this committee needs to deal with that issue. What the records disposition schedule ought to be on what I would call routine administrative --

MR. GANDI: And the DOE greatly appreciates that.

MR. WARRINER: I think the NRC people speak later of the topical guidelines that might help in that direction at least.

MR. OLMSTEAD: Well, they help in identifying what everybody thinks is important, but you still have the problem of a contract transmittal document that refers to a subject that's in the topical guidelines that under the NARA schedule would be disposed of in two years. And I don't think anybody would really seriously want it anyway. If you actually put those documents in front of everybody and passed them around, most people probably would say destroy them tomorrow. But that's the kind of thing that I think needs to be focused on because it's vastly inflating the number of pages that you're putting in the system. And when you run searches like this, you're going to get hits that people are going to have to wade through that they're not going to be interested in.

VOICE: That's correct.

MR. CAMERON: And I would just add this is something that we've talked about before in terms of how we can refine our interpretation for the exclusions that are already in Subpart J, and also whether there is any new categories of exclusions that we might want to establish to get things out of the system that are not going to be important to licensing.

VOICE: The other issue I think we have is how to get at some contractor documents that you don't now have. The way those contracts are working, they submitted some final product but some intermediate documents are not submitted.

MS. NEWBURY: (Indiscernible.)

MR. OLMSTEAD: I know, but those record packages don't always have everything that a litigator would necessarily be looking (indiscernible) and the problem that we're going to get into with that is, that if we go to depositions and you say bring the documents with you and the witness you use is a contractor witness, they bring a ton of documents you don't have in the system, the whole thing falls with its own weight.

We'll get into that some more this afternoon on how to deal with those kinds of issues. I understand the contract requires we would submit this records package, but when you start breaking the record packages apart, what you really want to know is where is the technical data that the technical expert was relying on when they made the statement that's in the report.

MS. NEWBURY: (Indiscernible) is available.

MR. OLMSTEAD: Then I think we need to have everybody look at some of those packages.

VOICE: Those packages aren't on this system. All we'll get on this system is the record --

VOICE: Is the record?

VOICE: Yes, that's correct.

MR. LEVIN: Question John. Have you given any thought or have you matched the functionality you see under this mechanism to the MSS functionality we developed in our phase one and phase two, the functional requirements?

MR. GANDI: To some extent, but I do want to reiterate this is just our records system as it is today. I think there's some holes in mainly the data that's being put in, but I need to get some feedback from the users that are going to use a system like this to get a better feel of what's going to be required. Some of the term enhancements we're looking at is a form for searching. Such as you could key on the author, the title, keywords and such through the document that will display the identifiers of that header information and choose among those, speed up the search somewhat, and also clarify some of the holes that we have.

MR. LEVIN: Under the LSS functional requirements there are aspects of two-way communication. Not just receiving information but sending information both ways. I was just wondering if when you were putting this up and when you were thinking about the future, what you might possibly be able to do, if you kind of looked at things like that along the way so you could have in the back of your mind, say, yes, if we had to, we could do that.

MR. GANDI: Yes, and I think, Moe, this is one of the important things about the technology that's gone forward even from a year ago when we were talking with this Web technology, the Internet itself. It's the ease of use, the functions that are built into the Web itself, and just the availability.

MR. LEVIN: Yes.

MS. SCHRECONGOST: Jill Schrecongost with the DOE. I just want to clarify that we have not been funded to do anything on the LSS as far as analysis this year. And our main efforts have been on driving the schedule to meet the license application requirements for the revised program plan that started in January. So anything that we're discussing is, of course, not formal because of the requirement for the change to the CFR to change any of those requirements.

MR. LEVIN: No. I understand that, but still it's kind of ordinary practice when you're developing systems and you know some things may be blooming in the future that you kind of along the way look for opportunities and think about. I know there wasn't any formal type analysis.

MS. SCHRECONGOST: I understand that also. I just wanted to clarify that we have not done anything that would take us away from the current regulatory requirements for the LSS.

MR. LEVIN: Understood.

MR. GANDI: Any other questions?

MR. HOYLE: So, John, what you're saying is you want the folks around the table to use this to give you feedback and you would be changing this system further?

MR. GANDI: Yes.

MR. HOYLE: Will those new thoughts that we have feed into the requirements for the LSS? I know we kind of put them to bed, but maybe there are going to be some new thoughts here.

MR. GANDI: I think it's important, of course, of one to think of the LSS when we're talking something that's relevant to our records and access to our records. It's natural. But we're looking at this as a pilot basically in the spirit of openness with DOE. That we hope to get some use and some relative ideas of the LSS in the future because that is a DOE task we have to consider.

MR. HOYLE: (Indiscernible.) I know Dennis has brought that up a few times. Give us something that we can manipulate and work with and get some thinking going on.

So I encourage everyone as soon as they can get into it. We can hardly read the address from here. I want to be sure we all have the information that we need when we leave here.

MR. CAMERON: How did you plan to distribute the Web site address and all of that, John?

MR. GANDI: This is right off our home page (indiscernible) and the URL's an extension off of that home page.

MR. HOYLE: What's the home page again? WWW.YM -- MR. GANDI: P.go.

VOICE: So anybody can get at it from that?

MR. GANDI: Anyone can get at it right now. There's not going to be -- it's an extension off that home page of which we're not going to publicize.

VOICE: Well, if they can get to the home page --

MR. GANDI: If you get to the home page, you can (indiscernible).

VOICE: When you said extension, I thought that there was --

MR. GANDI: (Indiscernible.)

VOICE: Are you going to give that to us now?

MR. GANDI: Yes. Before the end of the day, I'll have that out plus a list of instructions -- I'd like to have from you as far as what we would like to have as a mailing address.

VOICE: Okay.

VOICE: One other item on that. We intend to have a fully operational prototype with all the data by June 1, I believe, John, wasn't it?

MR. GANDI: That's right.

VOICE: At that time -- right now we only have -- well, actually what's running right here is a stand-alone system. It's not even hooked to the Internet. In fact, here on this machine you can actually play with it on the Internet (indiscernible). I just added the address to the bookmarks on there so you can actually just pull it up very easily on that machine during a break or over lunch or whatever and explore. But right now we have a subset of 1995 data there (indiscernible) and there are no images except for the one image that John brought up as a demonstration of capability. So all we have are the header information on our existing records that are in the Records Information System.

MR. OLMSTEAD: But one could break a records packet down?

VOICE: There are cross references at the bottom of the header that would link you to other relevant records.

MR. LEVIN: John, what's your Web server? What are you using?

MR. GANDI: That's the address right there.

MR. LEVIN: No. I mean what hardware/software?

VOICE: Running Windows (indiscernible) 351 server and we're running process corporations (indiscernible).

MR. LEVIN: Are you running on an alpha or --

VOICE: Pentium.

MR. LEVIN: Just out of curiosity, when you load all 600,000 records, what platform are you planning? The same platform?

VOICE: The same platform.

MR. GANDI: Either that or moving up to an alpha search.

MR. LEVIN: Okay. I was just --

MR. GANDI: And we have budgetary plans. Hopefully it will go (indiscernible).

MR. LEVIN: When you go the alpha, you'd be running NT also. So it's just a matter of --

MR. GANDI: That's our plan right now.

MR. LEVIN: How many simultaneous hits do you expect -- I mean, how many transactions per second do you think you can -- any idea?

MR. GANDI: (Indiscernible) are you talking about this specific aspect (indiscernible)?

MR. LEVIN: I guess the entire thing. What would you be able to support? What do you envision even if we moved to an alpha? What are you targeting for as far as transaction levels?

MR. GANDI: (Indiscernible.)

VOICE: (Indiscernible.)

VOICE: So when you talk about an alpha, you're talking about a large (indiscernible) machine and a --

MR. GANDI: Yes, but this has to (indiscernible).

VOICE: Do you monitor the activity on it?

MR. GANDI: Yes.

VOICE: (Indiscernible.)

MR. OLMSTEAD: I guess I'm not getting totally clear. When we set up with Lawrence Livermore and we anticipated about 50 people using the serve at the same time, the problem you have is in the sequence. If I'm in the middle of this, pulling stuff off your server, and somebody else (indiscernible), how many can you sequence without having somebody start getting somebody else instead?

VOICE: Are you talking about --

MR. OLMSTEAD: I'm talking about segregating the packets. If all of us hit it at the same time and started asking for information, it's got to have some mechanism to keep straight which user is which.

MR. GANDI: That's not a concern at all. That's all handled by (indiscernible).

MR. OLMSTEAD: It's only -- function by the Internet if you've got the software --

MR. HOYLE: No, Bill. No, it keeps track of (indiscernible).

MR. OLMSTEAD: When we were doing -- they told me this was a concern.

MR. HOYLE: The concern might be on efficiency because of -- depending on how the cache works and everything and the hits, you may -- you know, a matter of going back to the disk. Is that what your --

MR. OLMSTEAD: Yes. There was a problem in terms of the ability of the people to get reasonable responses.

MR. HOYLE: But that's a different issue. He's talking about hits on the cache and those type things.

VOICE: And again as your pulling images down, you may see performance degradation but it won't be because of the server. It will be because of the (indiscernible). I don't know the application (indiscernible).

VOICE: Well, there's not enough people in this room to affect (indiscernible) as far as the Internet is concerned.

VOICE: The chain is only as strong as the weakest link. If you're --

VOICE: What's the CCDF on (indiscernible)?

VOICE: Not likely.

VOICE: (Indiscernible.)

MR. GANDI: (Indiscernible) probably more as we get involved with our inventory and the number of users that do attack the database. (Indiscernible) if the alpha system can't handle the load, we'll have to look at something better.

MR. HENKEL: Are you confident of the security in this system? That somebody can't hack into this and disrupt the database (indiscernible).

MR. GANDI: There really isn't anything they can hack up in this database. We may see something once we get into the full text, but we plan on putting more secure measures in at that time. This is basically a pilot and what we wanted was as much availability and use from the members here as we could.

MS. NEWBURY: John, also you have two systems, right? The system that's online is not the archive system.

MR. GANDI: Yes. This is not our production system. This is a feed-off of that on the separate firewall system. So we have our original production system maintained.

MR. DAVENPORT: You're saying this is just a clone of something else?

MR. GANDI: Yes.

MR. DAVENPORT: How often is your clone updated?

MR. GANDI: We're going to move into that as we go on to more production mode from this pilot. Right now I think we're looking at a weekly update to the database, which is (indiscernible) of our records. (Indiscernible.)

VOICE: Is what's going to the system all the documents that would be covered by NLSS?

MR. GANDI: That and more. That's what I was trying to --

VOICE: On an ongoing basis.

MR. GANDI: Yes.

VOICE: At least from DOE not necessarily --

MR. GANDI: From the DOE -- well, DOE and their contractors. That's our DOE record holdings.

VOICE: (Indiscernible.)

MR. GANDI: Right.

MS. NEWBURY: Yes, it is.

VOICE: (Indiscernible.)

VOICE: Could future participants add to this system (indiscernible)?

MR. GANDI: That would take a change in the rule.

VOICE: What was the question?

MR. GANDI: Could participants add into this system their records. What I'm saying is, my understanding is that would take a change in the rule.

VOICE: (Indiscernible.)

MR. DAVENPORT: What you're doing now isn't part of the rule. The fact that what the rule says is irrelevant.

MR. SILBERG: (Indiscernible) of the rule that it would include all parties --

VOICE: (Indiscernible.)

MR. SILBERG: What rule are you referring to?

VOICE: That's what I'm referring to.

MS. NEWBURY: This is only the records system that we are maintaining for our own purposes. This is not an LSS.

VOICE: Exactly.

MS. NEWBURY: (Indiscernible.)

MR. LEVIN: But if you wanted to do a pilot program, there is nothing to stop DOE from entering other parties' documents in this system.

VOICE: (Indiscernible.)

MR. GANDI: I think the rule is that under the rule, DOE doesn't enter other parties' documents because the party enters them or the LSS and district --

VOICE: Yes, but this has nothing to do with the rule. Sure, they could do whatever they want to do. (Indiscernible.)

MR. WARRINER: Could I jump in the middle of this part of it? As the Senior Management Team

recognized last July -- this is Steve Warriner for the record. As the Senior Management Team for the NRC realized last July when they visited our records system, we do have in our record system documents that have been generated by other organizations outside of DOE and its contractors. We have EPA documents. We have NRC documents. When we receive something from the State of Nevada, we put that into our record system because we want to maintain those for our own purposes. So we do have in our record system records generated by participants outside of the DOE organizations. So that's already there. Now if you wanted to add to that as part of this prototype, we can sit down and talk about that.

MR. LEVIN: (Indiscernible) work logistically and everything if somebody outside of DOE would want to enter data into the system. So that's one of the things we could learn from this pilot.

MS. NEWBURY: I think, too, we're making more out of this than it really is. We committed to giving you access to our Records Information System headers. This is not a pilot LSS. This is not something we're going to throw everything into and see if we like it. This is only our way of showing you what we have in our records system and how we can electronically access it. And if we go beyond that, then we're looking at a lot more work for DOE than we ever intended to do. And you're looking at things that are beyond the scope of anything we ever committed to and we don't have the resources at this point to do it.

MR. LEVIN: I don't think what we're looking for is a commitment. We're just exploring the possibility and maybe next year --

MS. NEWBURY: Well, I'm hearing a lot of great ideas, but I'm also saying that that's not what this was intended to be and let's not think it more than it was.

MR. CAMERON: I think don't lose sight, though, of the questions that people are putting on the floor that relate to is there a different way to handle the records, the relevant records of all the parties, through either a distributed system or through some other configuration that's not set forth in the rule at this point. I know that's a serious question but I know that's something that when we get to the Senior Management Team report, I think Bill and John and Moe are going to talk about some alternatives along those lines.

MR. MURPHY: Why are we concerned about other parties' records at this point in time? I think Claudia is absolutely right. How did you describe it? Aggressive schedule?

MS. NEWBURY: Yes.

MR. MURPHY: Meeting that schedule is going to be tough enough. I would prefer that they continue to -- whatever resources they get out of Congress to developing the LSS rather than be shunted off on these little side streets (indiscernible).

MR. CAMERON: You mean developing the DOE's commitments. Keep in mind that DOE wears two hats. They have two obligations under the rule. One is their obligations as a party to get all their relevant records in. The second is their obligation to develop the system that would then under the present rule be turned over to the LSS administrator to load all the other parties' documents.

MR. MURPHY: No. I understand that. But I would -- Claudia is going to have enough trouble getting an LSS that meets the rule online without having to worry about my records. I'm not worried about my records. I don't want her to be worried about my records. I want her to develop an LSS that I can then use for my records and her records.

MS. NEWBURY: Thanks.

MR. CAMERON: Let it be noted that Mel Murphy and Claudia agreed on something.

MR. SILBERG: I move we adjourn on that note.

MR. CAMERON: Yes. Let's quit while we're ahead here.

MR. HOYLE: There was no second to that motion.

VOICE: Second.

MR. HOYLE: Too late.

MR. GANDI: As I started this presentation, this is to make good our commitment to allow you access to our record system under a median that I feel is probably available to all participants -- our RIS system was developed in Basis Plus and it's a very cumbersome system for someone who is not Basis Plus wise to use. I think this is a good choice in the fact that (indiscernible) and the availability is there.

Any other questions?

MR. HOYLE: Thank you, John. Let's see if we can get some lights. I know during this portion of the meeting the court reporter was having a difficult time identifying. So when we see the transcript, we're going to probably see voice this and voice that. He's doing his best effort. We should all speak up, please.

It's now 10:00 o'clock. Is Kimberly Hodes here?

VOICE: She's the speaker at 10:00 or 11:00?

MR. HOYLE: At 11:00. I just didn't know if she had gotten here early.

VOICE: You just gave us a piece of information we didn't have. Her name.

VOICE: It was right there.

MR. LEVIN: John, I could jump in to what I was going to say and we could pick up some time there.

MR. HOYLE: We have a suggestion from Moe Levin that we continue on with what would have been the afternoon schedule. So let's go ahead and do that. I also had a recommendation earlier that if we wanted to go next door and get a sandwich, Chris thought it would be cool if we sat and had a working lunch. So let's keep that in mind, too, as we role through the day here.

Moe?

MR. LEVIN: I think everybody can hear me. It's more comfortable sitting here.

First thing I wanted to do is just bring you up to speed of what the LSS Senior Management Team has been doing. The activities we've been doing since the last meeting last July in Oneida, just as kind of a status check. We had a lot of things in the works and they all came to a grinding halt with the budget situation. So I'll just tell you where things were left.

On the LSSMOU between DOE and NRC, that was supposed to cover the development, implementation, and operations of the LSS. The first MOU we ended up with a draft that both Claudia and myself had agreed to. It was basically MOU agreed at staff level but it had not been submitted for high-level agency concurrence before the budget situation put a halt to things.

Also the LSS participants commitment and Compliance Assessment Program and the auditing scheme has been completed. That was done by our contractor Labat Anderson. That contract is now terminated and that program and the results of that work are on the shelf.

Also, as we've talked about, the Senior Management Team -- the DOE records management facility to research the relevancy of the documents that were there and to see if they could track the decision chain

on how decisions were made on issues through the documents. We've already talked a little bit about that. You'll be hearing more about that later when Bill and John give their presentation.

Also we pursued two promising funding mechanisms to fund the operation of the LSS. And they were promising but here again they were not brought to a conclusion because of the budget situation.

MR. SILBERG: Are you going to describe what those were, Moe?

MR. LEVIN: I don't know. Dan, do you remember what -- to tell you the truth, we put that on the shelf and I don't remember what the details were. I didn't bring the documentation.

MR. CAMERON: I think it was basically instead of some of the more complicated things that we thought might be necessary, it was basically the scheme that was set forth that we were thinking about originally where there would be an agreement between DOE and NRC that DOE would have money within their appropriations for funding LSS administrator activities. That's correct, right? That's basically what we were going to do.

MR. GRAYSON: Dan Grayson from NRC. I think the way things were pretty much left is that all of the options that were explored related from the get-go to having the money come through the normal DOE appropriation. And the different iterations or options that we were looking at were simply the internal transfer mechanism. The language of the mechanism that would actually get the money out of the DOE pot and transferred over to the Nuclear Regulatory Commission. And the variations in the wording are fairly esoteric. And again off the top of my head I can't recall the really fine distinctions that we had but they all had essentially the same starting point and they all achieved the same effect, which was to get the money to support operations into an NRC pot. And the exact nature of the transfer mechanism between the agencies -- I mean, if you wanted more detail, I'd be glad to get back to you, but I cannot recall the details.

MR. SILBERG: That would internal accounting - -

MR. LEVIN: That's it exactly, yes.

Also since our last meeting the inspector general of the NRC did a follow-up survey to their March 1995 audit on NRC's information management needs to support high-level waste repository licensing. In that survey they concluded that the need for an LSS or LSS functionality remains despite changes in technology, funding, and DOE's program approach. And that it's critical to capture and maintain key records in decision documents. That NRC needs to keep working towards achieving the LSS goals. Finally that NRC needs to maintain its relationship with the LSSARP.

Following that about maintaining a relationship with the LSSARP, and given the situation we have with the budget, I would like to make a suggestion that we continue our communications but we may have to look at alternatives to meetings such as this when we're all here in person. I think we have to look at things like video conferencing capabilities. NRC, we now have three video conference team setups available at NRC headquarters so we can participate from that end.

Also, we can hold discussions and discuss issues in cyberspace using the Internet, we we're prepared to demonstrate if anybody's interested in what we did for a rulemaking as a pilot on our Rule Net. It's basically an interactive what you call threaded conversation on the Internet. If anybody is not familiar with that, we're prepared to demonstrate that. It's a very effective way to discuss issues over a long period of time, keep track of what the issues are. There is self-documenting. Everybody has a fair shot at giving their comments. It's what we call asynchronous in that you can do it in your own time whenever you want to. It's every effective and there's a lot of relatively easy to use and commercially or even free software available that allows you to do this over the Internet in the World Wide Web.

Then also we'd like to continue, and I think it's important that we continue to meet face to face periodically as the situation allows. But what I would like to do, and maybe we could have some discussion right now, is pursue these concepts and see if it's workable and agreeable. And then maybe

talk about mechanisms that we might use and what parts different parties would play in setting this up and making it work.

MS. NEWBURY: Well, I did look at Rule Net and I thought it was real nice. I was very impressed with it. It's easy to use. As you said, anybody can get in and talk about things and do it at their own time and pace.

MR. LEVIN: Was it obvious to you how it would work in a situation like this?

MS. NEWBURY: Yes, it was obvious to me, and I figure if it's obvious to me, it should be obvious to almost anybody. I'm a point and click person.

MR. LEVIN: Has anybody else looked at Rule Net or has anybody -- does anybody else -- do you know what I'm talking about? I see some nos.

MR. MURPHY: Would you like me to give a quick presentation?

MR. LEVIN: That's what I was leading up to since we have time now. He would be very disheartened if I didn't ask him to show this.

MS. NEWBURY: That was a really good (indiscernible).

MR. HOYLE: I haven't heard anyone say that they do not have access to the Internet. So I'm assuming that all of the participants do have access to Internet and have an Internet address. I would hope that one thing we would leave with is that we have everybody's Internet address with us to take back.

Moe, I want to hear you say again that we now have a teleconferencing facility at NRC?

MR. LEVIN: Video conferencing.

MR. HOYLE: Video conferencing.

MR. LEVIN: John just left. The first one we did was for MSS and John should be aware of the status. I think we had it operational a week or so ago. I'm pretty sure it's up and running. If not, it's within days for that first one. We have two other ones in the works. The equipment is in. It's just a matter of installation. So we would be in pretty good shape there and that was another pullet I had. I would like to everybody's e-mail address or Internet address because, if nothing else, if we have to continue this discussion before we get into the more sophisticated or these interactive forms, we could still talk about things through e-mail and we just have to keep the conversation going.

VOICE: (Indiscernible).

MR. LEVIN: I hadn't really anticipated using a list serve right now. More just e-mail with YCC lists because hopefully we can jump over the list serve and go straight to the news group or the forum type thing. I'd prefer doing that rather than set up --

MR. HENKEL: (Indiscernible.)

MR. LEVIN: Sure.

Mr. CAMERON: One other possibility, Moe, is that we use the subcommittee working group concept. In other words, there may be some issues that we could delegate to a small but to a subset and they could meet and then put it into either the Internet context or whatever.

MR. LEVIN: Well, actually the Internet context allows for that. You can set up little subforums and assign certain people to working groups. This can all be managed and done electronically and then it's all there. And then when they're done with their work, they can open it up to the larger community. So this

all works.

MR. MURPHY: (Indiscernible.)

MR. LEVIN: Is there an underline? Is it all run together?

MR. MURPHY: (Indiscernible.)

MR. LEVIN: No, it can't be a space. It can't be a space. It has to be some kind of a (indiscernible).

MR. CAMERON: (Indiscernible.)

MR. MURPHY: I think it's all run together.

MR. LEVIN: That would make sense. That would be easier. As a matter of fact, we might discuss, while Bill is setting up the demo, things like the memos, the letters that John puts out as the chairman of ARP. What if we did that by e-mail? Does anybody object? Is there a problem doing that? It would sure make things a lot easier.

MS. STOTLER: I'm Jan Stotler. The only suggestion I would have is that you should acknowledge receipt when you get something like that because the Internet is so (indiscernible) if one of the connections is down (indiscernible) get something and you won't know it unless everybody tells you they received everything.

MR. LEVIN: That's an excellent point. What we'll probably do is when we send these out we'll have a little boilerplate paragraph at the bottom saying please respond or --

VOICE: Put it at the top.

MR. LEVIN: Put it at the top so they'll see it.

VOICE: Not everybody reads all the way down.

MR. LEVIN: You're right. No. You're absolutely right.

VOICE: Half the e-mail I get I read halfway through it and say I don't care about that.

MR. LEVIN: No. You're absolutely right. We will make that part of the heading.

VOICE: Perhaps you could even set it up where it automatically returns --

MR. LEVIN: Some systems allow that and some don't. So that depends on your own internal e-mail system. So that's not under our control. That's an excellent suggestion. So from now on if we get everybody's e-mail address we'll just do it through e- mail.

MS. NEWBURY: Remember, too, Moe, that you and I have trouble sometimes because I don't get your attachments. So we'll have to work out how it is for transmitting --

MR. LEVIN: What we -- yes. There's a lot of protocol issues that will have to be ironed out, but the easiest thing would be just don't have attachments. Make sure everything is buried in the message. And that works as long as it isn't very long. So these things generally tend not to be too long. So we'll avoid attachments.

VOICE: (Indiscernible.)

MR. LEVIN: But it depends.

VOICE: I have trouble opening attachments sometimes (indiscernible).

MR. LEVIN: One of the problems with attachments is there are several ways of encoding the attachments that will make it. And if you aren't in sync, if you can't handle the way I encode, and that's the problem we have with Claudia with the Economic Project Office. We were using different schemes for encoding. So the easiest way is not to do it until later when we really start passing around substantive large type documents. We'll work out a protocol and say, hey, here's the common denominator.

Here again, if we go to the Web technology, that's the nice thing about the Web technology. It puts everybody on the same playing field. You don't have to worry about it. If everybody is using Netscape, you already have the means to make sure that you can move files across and there's no compatibility problems. It makes it a lot easier.

MR. HOYLE: Moe, were you going to say anything more about video conference?

MR. LEVIN: No. I was just saying that we will have that capability and that may be -- all the people on the panel have that capability available to them?

MR. HOYLE: Yes. I was going to ask where else does the capability exist?

MS. NEWBURY: We have several sites that we can make available.

MR. HOYLE: And back at the forestall --

MR. HENKEL: I still move that we hold our annual winter meetings at Lake Tahoe.

MR. HOYLE: We came out this week not knowing it was going to be 98 degrees. This is still early day, I think.

MR. OLMSTEAD: This is the presentation I use to describe Rule Net to people. What the Commission asked us to do in -- they asked us to investigate participation in the National Performance Review's Reg Net Project. At the time, I was the executive director of the administrative conference and the Commission and the National Performance Review staff came to the conference and asked us to start designing a process by which rulemaking could be done on the Internet using Mosaic. The idea was that there would be public participation, consensus building, and interactive text drafting. As Congress decided to do away with the administrative conference and the NRC finally took me back, the Commission asked me to help develop this concept and the Rule Net was the result.

What you have down in the lower left-hand corner of the screen is the home page for Rule Net on the Internet. You can get to it from our home page, the NRC.go home page or from the Lawrence Livermore site. What we did was, we developed a system which has a library of all the documents related to the rulemaking, which you see with the references button in the lower left corner of the home page screen. A news and update section, which is where the system administrators keep people apprised of what's gone on in the forums on Rule Net. And help and information section, which is where we provide frequently answered questions.

The forum, which is made up of three parts, I'll talk a little bit later. It has a dialogue discussion area, it has a caucus area, and it has a registered participant area. Quite frankly, it was modeled on the negotiated rulemaking model, which everybody on this advisory committee is somewhat familiar with. It is not designed to get an absolute consensus, though. The tools that are developed are developed to help collaborative discussion. Then there was a feedback area, which is basically feedback on technical problems, and a purpose and vision statement, which describes what it was we thought we were all about.

The idea is public participation in an electronic town hall. The participation is enhanced with collaborative tools. There are caucus opportunities and there are facilitated discussions. We also use these kind of character drawings to guide people through the process. And in the discussion we have a

little light bulb for bright idea. A question for question. A thumbs down, meaning I disagree. A yes but. There are a number of other icons. So that when you look at the threaded discussion, you can tell quickly what the nature of that particular comment is all about.

We use the Mosaic Web Browser. Many people don't realize that it was December of 1993 when the Web Browser first appeared. Here we are three years later and there has been no piece of software take off quite like Mosaic did. In this particular rulemaking, we had petitions for rulemaking on fire protection and she chose fire protection because -- one of the reasons we chose it was because we had reluctant participants. So we weren't going to get just people who were computer geeks participating. We were going to get people who have stakes in the outcome having to use the technology and who were somewhat negative about it. It gave us an opportunity to measure that and we're in the evaluation stage at the moment. I'm sure if I told everybody at the time if they opposed it, it meant I was going to look favorably on the project, they would have applauded it greatly.

The Reg Net idea was that you take distributed data from many different places and you access it with a graphical user interface like Mosaic, Netscape, SPRY Mosaic, American Online, CompuServe, your local Internet provider. All of these databases can be distributed out on the Net and you can get access to them very easily. It allows the public to participate at the low end. Very simply, with a links browser, even a blind person using a brailler can access this information and make sense out of it. You don't have to have all the pretty pictures.

The industry is able to use whatever software forms that they may have and convert them with these using protocols like standard generalized markup language, adobe, PDF files, signature and authentication devices. And the government is able to provide the public a uniform interface across agencies. In other words, you shouldn't have to deal with the IRS and the NRC using different software. So the theory was everybody would be using the same software and the same protocols and the same interfaces and they would be able to have equal access to modeling and analytical tools.

Rule Net gave us an opportunity to show real live modeling. We had a video conference kickoff where we had the Commission in Rockville at a video conference center. We had our regions hooked up with video conference centers. And we had a court reporter who used a stenographic machine, pumping ascii text out onto the Internet simultaneously. And if you were in Hoboken, Iowa, you could see that conference on your computer screen at home using America Online within four minutes of the spoken words in Rockville. And we provided a form where people could submit questions at the time and those questions were fed back to us from Lawrence Livermore to Rockville and the Commission was able to respond. I'm not going to go into fire protection and thermal lag for you, but what we learned on this was that the public on the Internet asked more questions through their computers than they did in the video conference centers around the country.

So our milestones where we started this project in November, we let people play with it in November and December, we brought it online in January, we closed the forum in February, and we're now in the evaluation phase. And we have it set up back here on the World Wide Net where I can actually show you the discussions. I could do it here but I can't get the phone line (indiscernible).

MR. LEVIN: I thought it would be very useful for everybody for people who haven't seen what the thread of discussions looks like to actually see it.

MR. OLMSTEAD: Right. So I think you do want to go look at one. I can probably pull one up here, given a minute or two, that's on this hard drive. But it would be better if we looked at it back here.

The one thing I should say is, we developed some consensus evaluation tools using John Hellie of Conflict (indiscernible) in San Francisco and patterned it somewhat on the University of Arizona's Ventana software. I don't know if any of you have ever used that, but it's designed to improve meetings where you have somebody using a flipchart. And the theory is, everybody goes around and tells you what they think and you hear the same thing sometimes 20 times by the time you get around the room. With collaborative software, everybody has a pc terminal. Like the one that I'm using here. And whatever proposition is before you, you type the information in. The computer or the artificial

intelligence agent then sorts it. And people then get a screen presentation of everything that people said and they can prioritize it right at their computer screen and then it's reorganized that way. And essentially you can take what would take eight hours worth of meetings and consolidate it into about 45 minutes using these software tools.

VOICE: (Indiscernible.)

MR. OLMSTEAD: What we are suggesting that we might do is, instead of having a meeting like this, we have virtual meetings using these tools where we give people three days to comment on a particular proposition. And then we provide them the sorts back and in the threaded discussions you would see the results.

We also had a bozo monitor tool. That anytime a registered participant used profanity, they got the e-mail returned to them asking them to clean it up before it was posted or to submit it in writing.

We had facilitators review the threaded discussion in the facilitated area. And the theory was, if somebody was getting a little bit hot under the collar, and we had some of that, the facilitator would talk offline to the person suggesting how they could make their point and then post it after that offline discussion. I don't think for the LSSARP we would do anything quite that elaborate.

We also put this in three phases. The first phase was brainstorming where everybody was asked just to pose their ideas. The second phase we had the facilitators try to structure that into subject matter and have people respond to the subjects. And then in the third phase the staff said what they thought about it. And we asked for traditional comments on that.

We're not talking about anything quite that sophisticated here either. What we're really talking about it using the threaded discussion where we might pose something for people to talk about over a period of time, let everybody respond to it, and then use the facilitation tools to move on from there. We think that might be useful in the context of LSS development.

MR. SILBERG: Bill, did you do an analysis of how much the process costs versus how much the typical process costs?

MR. OLMSTEAD: How much this process costs?

MR. SILBERG: Yes, your Rule Net.

MR. OLMSTEAD: We're in the process now of doing that analysis. I can give you some interesting feedback. We've done a statistical regression analysis of a survey we gave to all of the participants and there's a surprising support for this concept in the public. There is less support for it within the Agency. And the reason is that it probably changes the way the Agency does business more than it changes the way the public does business.

Normally, when the Agency puts a notice out, it doesn't have to do anything until the comments come back in. So that period of time is available for other tasks. Whereas in this type of process your technical staff actually as to be engaged while the public process is going on. They're actually engaged with the public who is commenting in order to move from phase one to phase two to phase three.

So it is more resource intensive within the Agency during the public comment period. It appears to be a wash, though, in the total comments analysis if you accept the legal proposition that if there's a comment and a response you don't have to further analyze that in the comments analysis on the rule. I don't know where I come out on that right now. I'm still hearing everybody's argument. But those are the differences that bear on costs at the moment.

MR. LEVIN: Excuse me. If anybody would like to see what this threaded conversation looks like --

MR. GIL: April Gil, Department of Energy. I assume that you've got a concurrence process that the staff

goes through when they respond to comments on the rule. How is that handled with the electronic format?

MR. OLMSTEAD: In Rule Net, Rule Net is a team-based management approach, which we were in team with Lawrence Livermore. I was the one that everybody looked to for the authoritative decision on this. And my decision was, we would not have authoritative agency responses during the period that Rule Net was pending. We said that nobody in the staff spoke for the Agency but anybody on the staff could speak their mind. So we didn't have any problem with that, that I could detect. What I did was, if some staffer did put something out there that I thought was ill-advised, I did attempt to get -- I used the facilitation tool to have an offline discussion with them before they actually posted what they posted. But it was largely to say do you really want to appear to be that hostile to this particular comment.

MR. SILBERG: What does that do to the argument that you don't have to respond to the comments if the response to the comments are not agency positions.

MR. OLMSTEAD: My tentative thinking on that is, I don't have to respond to commenters where the commenter doesn't expect a further response. And that becomes a judgment call. Not every commenter wants every comment that they've already got a response to responded to again if they're satisfied with the answer.

MR. SILBERG: The question is whether that meets APA requirements.

MR. OLMSTEAD: Well, it does. As you well know, all the APA requires is notice of issuance, which we gave, and a reasoned response, which I would argue those are.

MR. SILBERG: The question is whether it's reasoned if only one party gets it as opposed to the world at large.

MR. OLMSTEAD: No. Everybody gets it. Everybody can see it.

MR. MURPHY: Everybody who's on the Rule.

MR. OLMSTEAD: Anybody who has access to the Internet can see any of the comment responses.

MR. SILBERG: The next question is whether it's a reasoned response if it's not the Agency response.

MR. OLMSTEAD: Well, it is the Agency's response when we get done.

MR. MURPHY: (Indiscernible), but that's a good question. When does an informal comment that goes out over the Rule Net become an Agency response?

MR. OLMSTEAD: The problem is really -- the correct question is, when does the Agency actually propose a rule. My answer to that is, this is more into advance (indiscernible) proposed rulemaking than it is --

MR. SILBERG: Okay. So this is not rulemaking. This is ANPR's space.

MR. OLMSTEAD: Right. And the theory is you have to be tested. That when we promulgate the notice of proposed rule we'll get fewer comments.

MR. SILBERG: If it's ANPR, then it doesn't matter because that's nonlegal.

MR. HOYLE: I think we're also seeing an example of some of the conversation that might go on in the interactive --

MR. OLMSTEAD: Jay is just treating us to the conversation that's already gone on.

In order to keep on schedule so we can make the 11:00 o'clock demonstration, here again I just want to make the offer. If anybody wants to see what we're talking about, I can show you right here. You'll have to huddle around.

MR. HOYLE: What I would propose to do, Moe, is invite us to take a break and utilize your demonstration at that time.

We're expecting Kimberly Hodes in before 11:00 we hope and set up this other demonstration. So let's take a break at this time and hopefully get back together around 11:00 o'clock.

(Whereupon, a brief recess was taken.)

MR. HOYLE: We're back on the record. At this time we will take our lunch recess.

(Whereupon, at 12:28 p.m., the above-entitled matter recessed to reconvene at 1:40 p.m., the same day.)

Go to Part II

UNITED STATES AMERICA OF AMERICA
NUCLEAR REGULATORY COMMISSION
ADVISORY REVIEW PANEL MEETING
LICENSING SUPPORT SYSTEM
THURSDAY, MAY 2, 1996
PART II - AFTERNOON SESSION
LAS VEGAS, NEVADA

PROCEEDINGS
AFTERNOON SESSION
(1:40 p.m.)

MR. HOYLE: We're back in session now. I'm going to ask Moe, the LSS administrator, to enlighten us to pick up where he left off this morning.

MR. LEVIN: This afternoon John is going to discuss the status of the topical guidelines and also the decision capture process and procedure issues. And Bill is going to talk about assessment of licensing support technology and options for the future.

This morning has kind of started to set the stage for what we're going to discuss this afternoon. I'd just like to run through a few ideas that are the underlying theme for the discussion about LSS technology this afternoon.

What we've been discussing internally at NRC, the Senior Management Team, is that the centralized monolithic original concept for the LSS, basically an early 1980s type of concept, is no longer cost effective or even desired given the current state of technology. That computer technology now is available to everybody. Not like it was back in the early 1980s. And that litigation support software is now commonplace and off the shelf as we saw with this presentation this morning on summation. Also, we now have the Internet, which is a relatively new technology that has just recently come on the scene. And the World Wide Web makes many separate databases appear as one, can tie it all together, and basically provides a common playing field for everybody to get to very easily.

On the surface one could think that the LSS could just be an agreement between everybody involved on structures, procedures, and protocols we all would use over the Internet using the World Wide Web. And there are many real life examples of what we're talking about using the Web. For instance, there is a search engine on the Web, which is called Alta Vista. It's by Digital Equipment Corporation. And it allows you to do freeform searches much like you would do in the LSS. Currently it represents 21 million pages of information, eight billion words of text. This is all done under a VAX-based system under the operating system OSF-1. And if you looked at and did any of these searches, you'd look at this and you'd say, hey, this is a lot of functionality already from the LSS. We saw this morning with the demonstration on RIS. It doesn't take a great intellectual lead to put it all together and say this could be the basis for the LSS.

And this is basically what our thinking is. And what you're going to hear we're going to present for discussion this afternoon. Not to say that there won't be a lot of problems doing it this way. We've started thinking about what it would take to administrate this from the LSS administrator's perspective. And things like the Compliance Assessment Program, the auditing, the guaranteeing of availability and up time and those kind of issues.

Looking at the original LSS requirements as they were developed, I'm not sure that all those requirements could even be met under an Internet-based approach. But if we think it's the way to go, we may want to go back and look at some of those requirements and say what requirements are really necessary and what requirements have just kind of been added on as a nicety as time has gone on. If we agree this is the way to go and we look at it and we can get reasonable in what our functional requirements are, I think we have a real good shot at putting together a system that will work for

everybody and will be very cost effective.

So this was just all. We're going to now, as a part of these discussions, get into more detail in this.

Bill? Who is first? John's going to --

MR. GREEVES: Why don't I -- yes.

MR. LEVIN: Okay.

MR. GREEVES: Bill is playing catchup over there. Playing maybe. I don't know.

I've really got a set of talking points. I laid a bunch of copies over there. Hopefully people have been picking them up. Do people around the table have this set of notes?

MS. NEWBURY: Yes.

MR. GREEVES: Okay. Good. If you don't, we've got like three over here. It's just points that I thought would be useful to get through.

Many of you were at the High-Level Waste Program this week but a few of you were not. So I'll just give a little bit of background.

Again, I'm the director of the High-Level Waste Program at NRC. The changes that are affecting the program are having a large impact on me, my program, DOE, others, and I think most are familiar with the fact that DOE is coming out with a new program plan. It was a 1994 program plan. Now there's a 1996 program plan. A lot of this was caused by budget cuts. Doctor Dreyfus is talking about his viability assessment in 1998. At one point in time the license application was due in 2001. Then it was no date at all in mind. And very recently the date that is being talked about is 2002. Well, separately, there's two pieces of legislation on the hill.

So with these real time impacts, it's very difficult to sort of understand what is it that I, and whoever the I is, whether it's NRC or DOE, what is it that I need to be doing. So sort of in self-defense, our approach is, we need to keep our focus on the disposal issue. There's a lot of attention being paid to the storage issue. Well, my program has to focus on the disposal issue.

Also, our resources are cut. We had a $22 million program. Budget cut it to 11. Fortunately we have some carryover funds that allow us to operate a little bit above 11. So with that, I've had to slim down my staff and try and focus on the important issues. We did a number of papers at the conference here to try and identify what those issues are. And we refer to what we call the 10 key technical issues and the staff sitting around the table are familiar with that. So I just do this as a little background.

But for lots of reason, I, my staff, we need to streamline our efforts. We've done that in terms of defining what we think the issues are. I think these techniques, that we have video conferencing, use of the World Wide Web, are tools that I need to, my staff needs to get better at utilizing. So that's sort of the background.

I come to this LSS topic. I wasn't there at the beginning, but coming to it, there's a recognition that we need to document decisions. Now where we are at some point in time, what that decision is, document it. It doesn't mean it can't change, but I think a need that we have is to have an agreement with DOE that they will document the decision process that they're going through. There's a number of things in the past that weren't documented as well as they should be. My point at this point in time is, I'd like to come to some agreement as to how we're going to document the decisions moving forward. We can talk about past decisions but minimum at least document the decisions moving forward. I'd like to just throw that out for discussion, one of the discussion items.

When the Commission staff puts together papers, makes recommendations, the Commission comes back

to us and not always, but frequently they agree with the recommendations that we have and all that is a matter of record. I think if we could agree on what level of decision needs to be documented, how it's going to be documented, that that is an important step that will help us in the licensing process.

So I'll just throw that open to the floor. I know Bill's got some views on this. And I won't ask him to go over his old views but maybe his views of how we can constructively work this in the future. Bill, you want to help me out here in terms of -- that's a small --

MR. OLMSTEAD: You don't want me to do this.

MR. GREEVES: Not yet. No. Just the topic of documenting decisions.

MR. OLMSTEAD: Well, one of the problems I had when I -- there's a story I like to tell that some of the people in this room have probably heard me tell about. It's a Russian folktale and it has to do with the cold winter in Siberia when this bird was freezing to death.

MR. GREEVES: This was a small bird, Bill.

MR. OLMSTEAD: And a Russian peasant comes along and the bird is lying on the ground and is about to freeze to death. He'd like to do something to help it, but he looks around and he can't find anything to help the bird except that he sees a steaming cowpat over in a field and he sticks the bird in it and goes on his way. Pretty soon the bird warms up. The bird starts feeling pretty good and starts to sing a little song. And as the bird is singing a little song, another peasant comes along and sees the bird in this cow manure. He takes it out, cleans it off, and very delicately puts it on its back and continues on the path. Then the bird dies. The moral of the story is, it isn't always your enemies who you in it, it isn't always your friends who get you out of it, but when you're up to here in it, for God's sake don't sink.

I think the story is apocryphal for the High- Level Waste Program because everybody has good intentions and people's intentions aren't always interpreted the way that they ought to be. But the fact is that people are trying to do a good job with respect to their particular piece of the program, whatever that may be. Whether it's the state's interest, the federal interest, the local interest or not. But the time frames involved are much longer than the political institutions and the consensus available to support them. And we've had that problem.

When I first came into government in 1974 from the State of Kansas, I was told, gee, we're going to put a young, ambitious lawyer on high-level waste because by the end of your career you can have this done. And I am now going to retire in a few years and pass it on to yet another group of young lawyers that probably won't have any better success than I've had at seeing a program come to an end.

One of the problems we dealt with in the negotiated rulemaking years ago, and we're still dealing with today, and it's not going to change, is documenting who made what decision when on the basis of what data. It is just absolutely important to know whether or not a particular decision was made in cognizance of a particular set of facts.

When I got back to the NRC and started looking at just our piece of the LSS, we weren't doing a very good job of it. I don't think a very good job of it is still being done even though everybody knows that you should do it. And it isn't that they don't know that you should do it and that they're not trying to do it. It is that people's work habits as human beings make it awfully hard to get them to conform their habits to some kind of systematic approach to documentation of issues and decisions.

The good new is, I think at Yucca Mountain on the technical side with QA data we got the message across. And at least up to now the data trails are there. But if you go to headquarters and look and say can I find what data was available to Ben Rushe when, we'll find that Ben Ruche has gone and taken his records with him.

What's that? You never wanted them anyway.

So the same thing is true with NRC. We've had John Davis leave. We've had Bob Browning leave. We've had Joe Bunting, Bob Benaro, and it's just important.

MR. GREEVES: I think, Bill, in the Commission we do have a procedure at least for things like Commission papers. I mean significant items we raise up to the Commission. Those are documents that are released, they're public documents, and they're available. I think a question is, do we have a parallel set in DOE land and have we got an eye on that set. They need to find their way ultimately into an LSS.

VOICE: We can't hear you over here, John.

MR. GREEVES: Okay. I'll speak louder.

MR. OLMSTEAD: Let me just address the Commission piece of it and John will tell you the pain we just went through because we wanted to set up a Commission decision tracking system to do the very thing that I'm talking about here. And the agony we went through to get that tracking system put in place, and we've only done that in the last year and a half, was horrendous. People did not want to support that effort. We were in desperate straits. We were about to lose our agency historical memory because of retirements in the Agency. And we had no method of getting to the key documents so people didn't waste time letting a lot of stuff that they only found out later didn't mean anything. But to put the professional team together to put that database in place, and it's not a very big database, was hugely controversial within the Agency. And that's the type of thing that I'm talking about.

I think we're in good shape at the moment. How long it stays in good shape --

MR. GREEVES: You're talking about NRC space we're in good shape.

MR. OLMSTEAD: I'm talking about a very narrow part of NRC space. I'm talking about those documents that the politically appointed officials of the Agency treat as important in their daily work.

I can see I'm making a big impression on my colleagues.

MR. ECHOLS: Bill, did you get any kind of (indiscernible) holding up the process?

MR. OLMSTEAD: No. The problem quite honestly is the commissioners don't know what documents they rely on. And so you have to go to the professional staff that prepares the papers to develop the document trail for them. And their attitude, quite frankly, is why should I bother. I know what they are.

MR. ECHOLS: You can have some structure in the SECI process (indiscernible).

MR. OLMSTEAD: I think the question is, we have a structure in the SECI process designed to track something. I think John knows more about that than I do, but it doesn't really track by issues. It tracks by date and decision. But if a particular issue came up in a number of different contexts, it's usually the professional staff that sees the interrelationships and can tell you that these six documents go together.

MR. CAMERON: Will you please state your name for the record?

MR. ECHOLS: Stan Echols. On the policy statement on risk assessment, for instance, I thought the NRC did an excellent job in giving the historic record as it went along. So you'd pick up the latest SECI paper. Within it, it would track from the previous SECI paper the other documents and there were a number, I think -- I don't know if they were new regs or what, but there were some technical documents on PRA and how it applied across the program and so on. So you do have a pretty good system of laying out a paper trail. And then when you publish the final policy statement, again in the statements of consideration it's laid out.

So I find it a lot easier with NRC than a lot of other places in backtracking to pull the key documents. They may not all be in the one spot, but if you pulled a series of documents, they, in turn, will lead to the other documents.

MR. SILBERG: The only question I have is when you said how will be able to determine the data that decision-makers had in front of them when they made a decision. I don't think the SECI papers do that. The SECI papers are very high-level documents. And if you're expecting DOE's decision-making process to get down to the data level, I don't think there's any precedent in NRC world that will take you down that level of a document trail. Now whether that's feasible to do it or not, I simply don't know, but it certainly to my knowledge isn't done at the NRC today.

MR. OLMSTEAD: One of the problems I have in raising this issue with the Licensing Systems Support Advisory Committee, or whatever the official acronym is, is that for everybody except us it's not terribly important. It is vitally important to us and the reason is that we don't have long institutional memories when we're dealing with issues. And we can waste an awful lot of time recreating a trail of decision-making only to find out it wasn't relevant.

To take it completely out of this context, I'll tell you the first time I came up with it was when the law firm of Covington and Burling came to a meeting and embarrassed me with the document paper trail of our own agency. And fully nine out of the 10 documents that were critical to this particular decision, which had to do with the transfer of control of the license, which has subsequently become kind of folklore, we couldn't pull out of our record system. Once I had the author, the title, and the date, I could get it. But I didn't know the author and title and date when I started to work on the problem.

MR. SILBERG: How long ago was that?

MR. OLMSTEAD: That was back in 1979. But I'm just talking about the type of thing that John is raising here was a piece of the quid pro quo that we were trying to get out of the licensing support system that we didn't have in the Agency as a while.

Even the point that Stan makes, which is a very good point, illustrates this, because when I put the teams together to do the Commission Decision Tracking System from the Office of Research and the Office of NRR and AEOD, the professionals that was designated as cognizant on the issue from those three offices all disagreed on what the key document was.

MR. DAVENPORT: Since we did the licensing rulemaking -- negotiated rulemaking years ago, we have a statement out of the NRC that all issues are litigable in the licensing proceeding. There are no predecided issues.

With that in mind, what difference does it make whether you guys have a record of your tracking of your in-house documents? They're not going to be binding on any litigative issue anyway.

MR. OLMSTEAD: They don't make any different to you and make a lot of difference to me if I'm trying to represent these people who are putting together cohesive testimony in a proceeding.

MR. MURPHY: Well, they also someday might make a big difference to the CP circuit, court of appeals. They've got to establish their records and (indiscernible).

MR. DAVENPORT: But the record that's going to be on review is the one that occurs in the proceeding not that happened some years before that Bill's collecting documents on.

MR. SILBERG: But if the issue is how the NRC made a decision, and the NRC isn't able at the hearing to explain the basis for that decision, then they've got a problem.

MR. DAVENPORT: But they're going to have to put on that evidence in the proceeding not -- it doesn't do any good to put out a document that was created 10 years ago.

MR. MURPHY: But I think Bill's problem speaks not just to the ultimate licensing decision. It speaks to rulemaking. It speaks to any kind of a decision that the Commission makes.

MR. DAVENPORT: I guess that's my point is that you're trying to use this system that you want to develop as a management tool rather than as a litigation tool.

MR. OLMSTEAD: One of the things that we built into the system that was never a part of the negotiation because of the very reasons that you're raising -- I mean why would you care if I had such a system? You wouldn't. But at the time that John Davis and Ben Rushe and I were discussing it, we wanted a management system in it. I didn't have to negotiate that because there was nothing to negotiate.

MR. MURPHY: I think it was part of the negotiation. I think it was part of the motivation of all of us (indiscernible) negotiating system that we all wanted to be able to manage this information and these documents as well as just find them and the quicker the better, as I recall.

MR. OLMSTEAD: I don't care whether you manage them, see. I do care whether the NRC manages.

MR. CAMERON: Can we hear anything from DOE about this?

MS. NEWBURY: Let me see if I want to say anything. In terms of documenting decisions, I agree that there needs to be a systematic approach to doing it. In systematically documenting your decisions, you create something that goes into LSS which will help you find everything that went into that decision-making process. I don't see the LSS as the management tool, however. I see a disciplined approach to creating your management process and documenting your decision as the management -- I just messed up there. Creating the decision documentation properly, the administrative record properly, and then putting it into the LSS as how you get there not the LSS per se.

MR. OLMSTEAD: I agree with that. I wouldn't even want to argue that point particularly. That's why --

MS. NEWBURY: What I do want to say is, we haven't been very good at that and we've been talking about how we're going to improve it.

MR. OLMSTEAD: What got me started as a member of the Senior Management Team was, I couldn't figure out what happened to it. So I had Chip pull the design documents from 1989. The original reports that were made on the design of the LSS. In there that very point that you're making is made. We don't have include this as part of the LSS. We can pull it out and treat it separate. It didn't decide to do that. I can't find any decision, at least in NRC, where they decided to do that per se, but I wouldn't have disagreed with that at the time. The problem I was, nobody could tell me where it went.

MS. NEWBURY: It probably went into the (indiscernible) very well and it sounds like NRC needs to think about it a little more (indiscernible).

MR. GREEVES: More than think about it.

MS. NEWBURY: They need to do something.

MR. GREEVES: What I'd like to -- my sense is that DOE agrees that better is something we can strive for. I don't think we're going to solve it here. I wouldn't propose that any solution or agreement be made here, but what I would propose is that we have a separate discussion about what kinds of things need to be documented, how, in electronic format so that we don't have the classical problem Bill described in 1979 where neither DOE nor NRC has a good handle on, well, how did we get from where we are now, 1996, to 2002, and how many times did we change the thermal loading. We, being DOE. How many times did DOE change the thermal loading at Yucca Mountain? Just because you document in 1996, the thermal loading design is 85 kilowatts per acre, doesn't mean you can't change it in two thousand and whatever. But we need to see what that trail is. I think what we probably need is a separate meeting to talk through what are the items we really want to make sure do get documented. How is that going to happen. Make sure it's in electronic format. You're right, it's not LSS but it can be plugged into LSS once it exists.

MS. NEWBURY: I'm not sure if I understand what you mean by "in electronic format."

MR. GREEVES: That means full text retrieval. That's the goal.

MR. CAMERON: If you have a system set up for documenting these decisions, I would imagine, as Claudia speculated, that there would be a document coming out of that process that would then go into the LSS.

MS. NEWBURY: Right.

MR. CAMERON: You need to insure that. But what I hear being said around the table is that this issue's resolution decision tracking system, whatever you want to call it, is an important part of the NRC technical review and the DOE license application. And it's going to be tied into the LSS at some point but it is not an integral part of discussion in terms of building the LSS system.

MR. GREEVES: Claudia, to give you an example, and some of the people around the table, when we're trying to build our review plan, I said to myself, well, what happens when Dave Brooks retires. He's the geochemist. He worked for NRC from 1987 to 1997 and he had all these thoughts, all these ideas on all these rationales of why the container would last for a certain amount of time. Well, I told my staff I want them writing that down.

MS. NEWBURY: I agree with that.

MR. GREEVES: So when Dave leaves, whoever I hire behind him has something to work from. And whoever has my job when this license is granted, will have some basis to know why we thought titanium was a good metal to use. So that's the point.

MS. NEWBURY: I agree with that completely. In fact, we are doing synthesis reports this year for partially that reason. To put on paper the thought processes that many of the scientists were going through in making their conclusions on lower level issues or concerns. And I think we do need to document all that. What I was questioning is when you say in electronic form. Are you looking at some kind of a database that we put all this in and you can link -- I don't know why you say electronic format. That was what my question is and we can talk about it --

MR. GREEVES: That's just what's in my head is, you know, all the Commission papers we do and each one of them is a significant action. They're all in electronic format. when I write an SCR for a case, I fully expect that's going to be in electronic format in the future.

Chip?

MR. CAMERON: I think all that John is saying is that hard copy document is in an electronically searchable form in some system.

MS. NEWBURY: It's in a Wordperfect files. That's what I was asking. I wasn't sure if there was something beyond that.

MR. GREEVES: Maybe I was talking past you. I don't want to have to do what we did with the document system Bill's describing.

MS. NEWBURY: You don't want a scanner --

MR. GREEVES: We had to go through our files and the staff, that's why they resisted it. If it had been an electronic file and they had this magic system we all looked at earlier, they wouldn't have complained. It would have jumped on their machine and they'll say, okay, you want to know what we did on mixed waste in the past seven Commission papers. That's a push of a button. The reason they resisted was it was on hard pieces of paper in somebody's file. Nobody had all of it. They had to go ask three people. Gee, I've only got three of those papers. How many do you have. That's why they resisted it, Bill.

MR. OLMSTEAD: Well, I know, but we just had another big meeting and John really is being quiet here. He's the one that's --

MR. HOYLE: You're carrying the ball.

MR. OLMSTEAD: He's the one that's stuck with administering this now. But it's not a picnic to administer once you even have it up because you still have people who want to do business without telling you that this needs to be added to the system. I don't think it's sinister. It's just the way people are.

MS. NEWBURY: I understand totally. Believe me. I've been dealing with it in other arenas for years. People like to have things in their back pocket and that makes them indispensable.

MR. SILBERG: We're really confusing two very different things right there. One is that -- maybe three things. One is DOE's decision-making process. Second is NRC's decision-making process. The third is the LSS. While the products of the first two go into the third, I'm not sure that there's much of a relationship between the two. I think it is very important that DOE and NRC understand each other as how decisions get made. And each one of them independently needs to figure out how they need to document those for their own purposes. DOE because it's going to be the applicant. And when Harry and Jim and Steve get to cross examine DOE witnesses and want to say, well, how did you reach this decision, and the guy says, well, there's this report over here, well, what went into that report? If the DOE witness isn't going to be able to address those questions, the DOE witness is in trouble and DOE needs to pay attention to that.

Similarly, when Bill puts his reviewers on the stand. When John gets on the stand to say I've made this licensing review and I think this repository design will reasonably assure public health and safety, and they start asking questions, well, what did you base that on, they want to know the trail of documents that leads back. And all of those documents probably need to be in the LSS. But we really need not to mix up those three different issues.

NRC needs to develop a system which makes sense from its standpoint. DOE needs to develop a system which makes sense from their decision-making system. And the records need to be collected somewhere so the important ones are going to be around 100 years from now. When we want to close up the repository, someone is going to say, well, my grandfather told me that there was this test that said chlorine 36 was found on top of this hotel.

MR. OLMSTEAD: And I agree with that with one exception. I want to make -- the reason for the demonstration this morning, the reason for what I'm about to say, if I get to these slides, and the reason for pushing on this documentation is that there's going to be a lot of duplicative money spent if everybody goes off and develops a "system" that doesn't integrate well with the system that other people are using.

MR. SILBERG: They're different systems, though. One is --

MR. OLMSTEAD: No, no, no, no. They're not different --

MR. SILBERG: One is a document system and the other is a decision-making process.

MR. OLMSTEAD: But they're related in the same way that exhibits are related in the courtroom. If you have your exhibit, I have my exhibit, and Mal's got his exhibit, and Jim has got his exhibit, or whether we have joint exhibits, each of us is going to put a certain amount of time and effort into that process. If we can find ways to share common standards. I don't care how you design your "piece of the system," but we need to have some common understanding of what the terminology is when we talk cross systems because there's no reason for them to have a documented decision trail that documents the decision-making in a different way than ours if we're both interacting with each other on the decision. That's my point.

MS. NEWBURY: I'm not sure I totally agree with that, but we do have to agree at what level we are documenting our decisions. I don't want to spend a lot of time and money documenting why I moved to -- hole five feet if that's not what's expected.

MR. GREEVES: Well, that's what I was suggesting is that I think we need another meeting. It would be a public meeting. Anybody is welcome to come to it. But I think I, my staff, need to get together with DOE and at least talk about what are those things. NRC, what's your expectation of what we, DOE, should be documenting. At least talk that down or write it down. Obviously, Bill is going to give me some advice on it. I'll take some of that. But I think there's a separate meeting that needs to happen. Like you've said, you could do a better job. So we need that separate meeting. I think the advisory panel here needs visibility of what we're doing, and if they can offer some comments, let's have them. My first proposal is let's have that separate meeting. It could be a video conference type thing. So I would like to take that as an action item that we could follow up on.

MS. NEWBURY: I agree. I think it would be a good idea for us to sit down and talk and make sure we understand each other. And then if we want to come back and tell people what it is we think we're doing and make sure that everyone is comfortable with it, then that's a good way to go.

MS. GIL: Could I speak for just a moment? April Gil, Department of Energy.

John, I would backup 100 percent what Claudia just said. I'd also mention to the folks in this room that May 8th, which is next Wednesday, we're having a management meeting, DOE and NRC, which is an open meeting. One of the agenda items the NRC has specifically requested is the administrative record and how we document decisions. The NRC is going to be talking to us about some of their concerns. I would say that we would be more than happy to cosponsor such a meeting with you that would focus on discussing this issue in more length and more detail than will be possible next Wednesday.

MR. GREEVES: I'm ready to move on unless some of the other parties --

MR. HOYLE: Let's move on.

MR. GREEVES: Okay. The topical guidelines, and this should be quick. Again, I think this has been worked on over time. People have commented on these topical guidelines. We have a final version of this that include those comments and I'm going to basically publish this as a new reg document. Does everybody know what I'm talking about around the table?

MR. ECHOLS: Hard to hear you over here.

MR. SILBERG: You know what he's talking about. You don't need to listen.

MR. GREEVES: It's a reg guide called "Topical Guidelines for the Licensing Support System." It's my understanding it's been out for comment. DOE has commented on it. Others have commented on it.

MR. MURPHY: The same old list?

MR. GREEVES: Yes.

MR. HOYLE: And this panel has --

MR. GREEVES: The panel has commented on it.

MR. HOYLE: When the Senior Management Team was established last year, this was kind of put on hold as one of the items to be considered in the process. And now you're taking a hold of it.

MR. GREEVES: Yes. It sort of got short- stopped. I don't need to go into why. But the point is, it needs to be out there. It's a guidepost. So we will publish it as a new reg document.

Now the only thing I'd like to point is, it's based on -- a lot of it what you will find in Part 60. Anybody who sat through this high-level waste meeting who spent any time with me knows that there are some changes coming with Part 60. So I'm happy to put this out, but I want people to recognize when something else changes in the Part 60 requirements for Yucca Mountain, this thing will get revised. That's all. I'll just leave it with that. I just wanted to report to the panel I will be putting it out and I just wanted to make sure everybody heard that to the extent Part 60 changes, the document is going to change, and that'll just take time.

MR. DAVENPORT: Let me --

MR. GREEVES: Go ahead.

MR. DAVENPORT: -- at this juncture make my standard speech about changing any part of the negotiated rule, which the topical guidelines, if I recall, were part.

The negotiated rulemaking arrived at a rule by a consensus of the parties to that and any amendment to that rule should be done with the same sort of proceeding. And to the extent that the NRC wants to change a negotiated rule by a unilateral act, we think that's in violation of the process by which you got there and we could contest that.

MR. GREEVES: I hope you didn't hear me say I was changing Part Two version of the rule. I was referring to Part 50.

MR. DAVENPORT: And you just said that the amendments in 60 would amend that, did you not?

MR. GREEVES: Well, the English language is that this refers to things that are in Part 60 and I think it would be inconsistent with Part 60 or the new rule. So I think we'd have to bring it back to this group and talk about it.

MR. CAMERON: If Part 60 was changed so that vulcanism was no longer an issue or something like that, then if it couldn't be an issue in the licensing hearing, then it wouldn't need to be in the topical guidelines. That's all that John is saying.

MR. MURPHY: It would need to be in the impact statement.

MR. CAMERON: Possibly, depending on what the issue was.

MR. MURPHY: We don't want to reopen that can of worms.

MR. CAMERON: Yes. We're ready to move on to your presentation, Bill.

MR. ECHOLS: Just one point on the negotiated rulemaking. If you look at the statements of consideration that accompanied the final rule, the negotiated process was input to the Commission in arriving at its decision regarding Subpart J but it was not a consensus rulemaking in the traditional sense of a negotiated rule. In other words, this was input but the Commission reserved for itself the right to change the rule.

MR. OLMSTEAD: I don't want to talk about changes that are not on the table. We're not talking about changing anything. As far as the consensus process, whether we hit consensus or not, we did make commitments to people who came to the table based on those commitments.

MR. ECHOLS: But I think the Commission in the final rule defined what the level of those commitments were.

MR. OLMSTEAD: I understand all that history, but as long as I'm running the rulemaking process at NRC, we're not going to go do something without telling everybody what we're doing. And you'll at that time have the opportunity to say what you think about it. So I think that's as far as we can go now

because I don't even know what statute I'm going to be administering in September.

MR. ECHOLS: Maybe you can ask at the end of the table.

MR. SILBERG: We don't even know if there's going to be a September (indiscernible).

MR. HOYLE: Okay, John.

MR. GREEVES: That was really the end of that particular topic. Bill has rescued me and maybe he'll give us a few moments here with some more slides.

MR. OLMSTEAD: I never rescue anybody. I just build fires.

My staff wanted to make sure that this high tech didn't fail me. So they made these slides. So I'm going to pass them out. If the high tech had worked, you didn't need (indiscernible). Since the high tech worked, you don't really need (indiscernible).

One of the things I want to tell you about the Senior Management Team and the high-level licensing support system is that you're going to see stuff on these slides that not everybody is going to agree with. I'm not wanting to argue about what the precise date was when certain things happened. But I think what everybody will agree with me about is that things happened.

When the Nuclear Waste Policy Act of 1983 passed, one of the things that was made absolutely clear to me was that NRC was going to meet the three-year licensing goal. Of that three-year licensing, an agreement was struck between the hearing division, which I then headed, and the technical staff. That 18 months would be given over to the licensing proceeding and 18 months would be given to the review of the application.

So the Licensing Support System had a (indiscernible) in trying to save time in traditional litigation discovery. Discovery as was conducted in the NRC and the time frame ran between 12 and 18 months, of which half the time was associated with what I would call pleading and motion practice. Most of that associated with mail because the United States Post Office, due to tests we've conducted in the office at that time, was averaging between six and seven days to get mail from the West Coast to the East Coast. And so we had changed our rule to allow five days for mail tacked on to every piece of paper that was filed in the proceeding.

The other thing that we thought we could reduce time for was document discovery because the theory was if we could get all of the textual documents into full text and provide some kind of full text search engine for the attorneys and boards to use, we could eliminate multiple rounds of interrogatory document discovery. In the traditional cases, it took three and four rounds of document discovery before the attorneys accepted the idea that they had all the documents.

So those two time-saving components were in the original LSS. As you all know, we negotiated a rule and we thought sometime in 1991 we would have some kind of document database engine up and running. And the parties would start to have access to it so that we could begin to bring the bugs out. Of course, here we are in 1996, whether you agree with the 1991 date or not, the fact is in 1996 we still don't have what we assumed we would have.

Not only that, the technology, as we saw this morning and as everybody knows, have changed. The cost estimates have been unreliable. In the huge litigation that just concluded with some of the computer companies, Apple, Intel, et al., on the infringement of Apple's Macintosh operating system, the total document litigation discovery costs for converting everything to full text for those systems was $60,000. So if you know what you're doing, you can do this on the cheap. I'm talking only about the litigation support piece of it. I'm not talking about the historical database.

How did we get here? Well, we had a Nuclear Waste Policy Act targeted schedules. We had assumptions since 1991. One assumption that was very critical was that we couldn't all afford to build a Licensing

Support System. So we would share the cost by having DOE pay for it and we would satisfy the other parties' concerns about their proprietary documents by having NRC administer it. As you saw with the World Wide Web and hypertext and distributed databases this morning, we don't have those worries anymore if people can maintain their own document databases but give access to people with security through the Internet. In addition, at that time we had to develop custom software and there's a lot of off-the-shelf software now that can be used that wasn't available then.

Options for the future. I'm here to tell you that the way the rule now reads is if the LSS is not available and you can't go under Subpart J, everything is off and we go under Subpart G. But by the time we get there Subpart G isn't going to be the Subpart of 1983. We're going to be recommending changes to Part Two. Tony Cotter of the Licensing Support Board has up -- you can see this on the Internet under the -- down in Charlottesville areas the National Center for the State Courts and they have a courtroom of the future. Tony has been a big part of developing a project called JEDI, which is electronic document filing and exchange using value added networks and third party processors. He's pushing very hard to do all electronic filing in all Subpart G proceedings in the future. I think that's likely to be the case in the next year to year and a half. If that's the case, that's 50 percent of the cost savings that the original LSS was supposed to realize.

The other thing that we'll be doing in Subpart G is using a lot of the software that you saw this morning or other companies that have similar things and showing people how they can convert their software into these litigation support platforms. So the different between a litigation under Subpart G and Subpart J might not be really significant.

So the Senior Management Team has recommended or will recommend -- we haven't got the paper ready because of the strategic planning initiative that underway. But I think that the Senior Management Team will be recommending an LSS reexamination. A lot of the issues we've been talking about today are what we're talking about when we talk about an LSS reexamination. We will be recommending consultation with the LSSARP. And some of the things that Moe was showing you this morning about how we can do that much cheaper than having meetings like this through video conferences or hypertext on the Web are the kinds of things that we're thinking about.

As many of you know, we have two new commissioners who have to be familiarized with this and we will have to crank their views in. As we have done those three things, we're going to develop a paper with options in it and hope to have a Commission decision by -- I've got mid-summer here but I was really thinking August or September.

MR. SILBERG: Are you assuming that decision will be made before or after consultation with this committee?

MR. OLMSTEAD: The decision on how to proceed?

MR. SILBERG: You said a Commission decision by August 1996?

MR. OLMSTEAD: On the recommendations that we'll make. But as far as the input from this committee, the purpose of this meeting is to get input and ideas from you all either offline or online concerning what you think we ought to do and where we ought to go from here.

MR. SILBERG: This paper that you're going to develop, are we going to be asked to comment on that before you go to the Commission?

MR. OLMSTEAD: You're not going to be asked to comment on the paper, no. You're being asked to give us input or thoughts or whatever it is you would like to have us think about and we will take that into due consideration. But I don't plan on having another meeting like this or sending the paper out before I send it to the Commission to get comment.

MS. NEWBURY: You're looking at a Commission decision sometimes in August/September of 1996?

MR. OLMSTEAD: Yes.

MS. NEWBURY: And then we reexamine LSS?

MR. OLMSTEAD: Well, it depends on what their decision is.

MS. NEWBURY: Well, I mean assuming that they want to do this.

MR. OLMSTEAD: The way the Commission papers kind of work, we probably will give them three or four recommendations. We won't say pick recommendation A, pick recommendation B because the chairman prefers not to have staff recommendations. She prefers to have staff options.

MS. NEWBURY: Well, assuming she picks an option where we do change the LSS, what time frame are we talking about in terms of knowing what an LSS will look like and when we can start procurements for having a system in 1999 as our schedule requires?

MR. LEVIN: Let me ask another question. When do you need to have it in?

MS. NEWBURY: January 1997.

MR. LEVIN: I would think that's realistic for us to have an answer by then.

MR. ECHOLS: It sounds like what you're saying is that -- and we don't have sort of a transparent view of what your -- or the Commission's thoughts are on where Subpart G is going to go. But it sounds like what you're saying is, given the state of technology, and given where G is going to go anyway, that there's a real possibility that given the state of technology and the state of how part G may evolve but you don't really need a separate identifiable LSS and the certification of the LSS and all the bureaucracy that was created under Subpart J that was attached to the LSS process, putting in data, all of that. You may, in fact, have a fairly streamlined Subpart G process that in itself will be electronically based.

MR. OLMSTEAD: Right. One of the things I didn't put up here that you all know, is that law with respect to the hearing process at NRC under Section 189 has changed in the last 15 years. The kind of hearings that the Commission has to have under 189 are entirely different.

So there are a lot of things in Part Two that have to be modified. Right now the Commission doesn't conduct any proceedings really under Part Two in the sense of the notice. They customize the notice each and every time that they put out a notice of hearing. Paul always take issue with me when I make this statement because the boards themselves still use Part Two to guide the evidentiary rulings and that sort of thing. But in terms of the traditional civil court-like proceedings, the Agency hasn't used those kind of proceedings in the better of 10-12 years.

MR. ECHOLS: You bring up another interesting point, and that is, if you're taking a more broadly based view of Part Two itself, I recall in the Energy Policy Act of 1992 -- I mean, this group has focused -- the program has on Title VIII, which was going to promulgation of the new standard. But there was also a section that was looking to streamlining licensing for reactors and there was a recommendation that maybe Subpart G be scraped and you go to maybe a paper hearing process as opposed to trial type hearing and that was rejected. But in the House report accompanying the Energy Policy Act of 1992, the rationale was interesting in two respects. One it said the reason they were staying with Subpart G for reactor licensing was that it was only at the time of the filing of the license application that the effected parties or potential parties would become aware of the proceeding and they didn't have a long lead time to develop an understanding of the issues. Of course, in this proceeding there is decades of an opportunity to become aware.

The second one they said that not only was it the issue of notice and the opportunity to develop positions on the issues, but also the reactor is a fairly complex animal. And had it been a materials license, that might make more sense to not follow the Subpart G but to still be able to develop a record that would be appealable and upon which the Commission could base its decision on a simpler hybrid or paper type

hearing as opposed to a trial type hearing.

And if you're going to take a broader view, why do it piecemeal. It might be an opportunity to kind of review the whole process say, well, based on the rational that Congress is articulating relative to a reactor license, there's certainly a long lead time and opportunity for people to understand the issues. And this is, in fact, a materials license as would be the interim storage facility, which is also a materials license.

So there may be a chance to have other simplifications of the process beyond which you're looking right now. So you might want to open it up. And while you're at it, you also might take a top-down look at the entire TNCFR. For instance, you've got Part 51. There are portions of that, that are relevant. You've got Part 72 and 71 relevant to -- I mean, if you're looking at the High-Level Waste Program as an integrated whole. Is there such a move to maybe take an integrated look at all the relevant pieces of the NRC regulations to see how you can effectively streamline the process while still maintaining your role as making the public health and safety finding.

MR. OLMSTEAD: The short answer to that is that there are such movements underway in the Commission.

MR. ECHOLS: Beyond Part Two or including Part Two?

MR. OLMSTEAD: Well, I think it's common knowledge. There is a massive strategic planning initiative underway at the Commission that the chairman has directed. Some of that activity involves taking broad programmatic looks at the way we regulate things and the subissues within that are being looked at. Now what recommendations may come out of that process, who knows except the people that are doing it. Some of us are involved in some pieces of it but nobody knows what the entire package is that's going to come before the Commission. And the Commission is not going to be dealing with that as near as I can tell until June/July, I would say, on the current schedule. So by the time this piece of paper gets to the Commission it will fit into that --

MR. ECHOLS: I see. So it'll fold into the larger work.

MR. OLMSTEAD: Yes, right.

MR. ECHOLS: Okay. What is the timeline from that point on if they're taking the strategic look that something would come out the other end that would be relevant?

MR. OLMSTEAD: Moe probably knows that better than I do.

MR. LEVIN: Yes. I'm not sure. The schedule hasn't been solidified yet. We would expect maybe sometime final decisions by the end of the calendar -- before the end of the calendar year.

MR. CAMERON: At least sometime before the repository license application.

MR. LEVIN: Yes. I think that's safe to say.

MR. ECHOLS: I'm thinking this would be applicable to such things as transportation and interim storage as well. See, that's why I say an integrated view of the program where Part 51, Tables S-3 and S-4, for instance, come to mind. That kind of thing. This could be a very timely exercise going through this because, for instance, ISFSI clearly would be a prime candidate for a simplified non-Subpart G licensing proceeding even if the repository perhaps may not be.

MR. OLMSTEAD: Yes, but let me -- before everybody jumps in and jumps on you, let me point out that the balance that somebody in my position in advising the Commission about process of procedure has to strike is when you don't do things in the adjudicatory process of the Agency. You then make it more likely that it will be done in the adjudicatory process of the courts. So the trick with administrative law is to get the balance right.

MR. SILBERG: Could I just get back, Bill, to the point that you made about the input of this group on the recommendations to the LSS? I listened to your description of some of the things that have been going on, and being a computerly challenged person, I didn't understand two-thirds of what you said in terms of some of these developments and what they mean. Maybe those around the table who are much more computerly literate than I am understood it.

But it seems to me that you and the NRC folks have given a lot of thought to what the alternatives are, and to expect this group, without a lot more thinking and discussion, to be able to focus on some alternatives and then come up with pluses and minuses of various alternatives, is really asking a lot. It seems to me that you could benefit and the Commission could benefit from developing your two or three options and then exposing them to this committee's views.

It doesn't have to be another meeting like this. It could be your Rule Net, it could be done on snail mail paper, it could be done by teleconference, but it seems to me that giving people the option of seeing some flushed out alternatives and reacting to them may be a much more useful approach than just asking everyone to create their own options while we sit around the table. I think if you go to the Commission with options that reflect some of the reactions of the people around this table, the Commission will have a much better sense of what is doable and what is likely to please the world than if you don't. Particularly is you do this without input from DOE, which has an obvious major role in the LSS system.

I really think that you're going into the Commission naked as opposed to at least having a little bit of clothes around the proposals.

MR. LEVIN: We fully intend to ask for input and take that input. I think what we don't plan to do is send the document, the paper that we send up around for any kind of review of concurrence or anything. But as a part of forming that paper, we will be discussing it with the ARP. I think that's --

MR. SILBERG: I don't care what form the information is, and obviously there are things you will provide the Commission that would be predecisional, and we're not entitled to see and probably don't want to see, but descriptions of the various options and what they mean and how much they cost and how long they'll take and who gets what and does what to whom would be things which I think this group could easily provide some useful input. I think the Commission would be missing a good bet if they didn't get that information around somehow before it goes to the Commission.

MR. LEVIN: I agree. Like I say, our intent was not to do that. Our intent of what we were saying is just as far as the final paper and the final text of the document. We would not be sending that down for any kind of concurrence. But as a part of developing that, we would like to have as much input as possible. That's one of the things the panel is all about.

MS. NEWBURY: I think I agree with Jay. I was a little concerned when Bill said that this was our opportunity to have input and that we would not see anything further. Certainly the various options that you choose --

MR. OLMSTEAD: In this program you'll always see something further. The point I'm trying to make --

MS. NEWBURY: Well, let me finish first. What I want to say is certainly the impacts of each one of the options that you might come up with are impacts on DOE unless we just go to Subpart G, in which case we don't have to worry about developing an LSS. So you might want to consider our input in terms of impacts on the licensing process for MGDS before developing or putting forward the options.

MR. OLMSTEAD: I would hope that's one thing that you think about very seriously.

MR. GANDI: I have to reiterate what Claudia is saying. We have a very tight schedule. We're trying to get funds committed not only to producing what we saw in the phase two functional requirements that we all participated in but also a reprocessing of a million documents on both sides of the coast. Those types of decisions we have to have soon before we commit funds in that direction.

MS. NEWBURY: Which is not to say that we don't like the concept. It's just that we need a lot more information.

MR. CAMERON: I think you were sympathetic to the fact that you need to know whether there's going to be a major redirection because of your procurement.

MS. NEWBURY: That's right.

MR. CAMERON: Is the January 19 -- in order to meet the schedule that you laid out this morning, which is first quarter -- or by the end of 1999 to have it operational, you need to initiate the procurement by January 1997?

MS. NEWBURY: By January 1997, we need to know -- correct me if I'm wrong, John -- the hardware and software that we will have to procure and start our procurement if we're going to have it in 1999. So it's kind of we better know what it looks like at that point or you won't have it if we have to do it.

MR. CAMERON: We won't have it by the schedule that you laid out this morning at any rate.

MR. DAVENPORT: Bill, may I ask you a question? Is there any way if you were to abandon Part J altogether and to go Part G, is there any way that Part G wouldn't be written so that it would require DOE to capture all the same documents electronically.

MR. SILBERG: Subpart G has nothing to do with capturing anything electronically.

MR. DAVENPORT: I know that, but he's saying that's where it's headed. He's saying that it's going to be an electronically-based Part G.

MR. SILBERG: But that just means that when you file documents with the licensing board and the Commission you do it electronically.

MR. OLMSTEAD: No, it means more than that, Jay. There is a carefully articulated balance in Subpart J that does not have anything to do with the electronic system. That has to do with the topical guidelines and the question of what is relevant. If you go Subpart G, you don't have any definitions of relevance. The relevance is determined in the proceeding at the time. So there is nothing down.

If you want to game that there will be a narrower scope in the proceeding, you would be better off saying NRC goes Subpart G. If you want to game it'll be broader, you would be better off saying let's fix Subpart J. But those are the kinds of things that people who litigate cases are going to have to advise their respective parties and figure out what they think.

What I'm going to do is, I'm not going to pay attention to either one of those things. I'm going to be saying to the Commission here's where the state of litigation support technology is, here's where the state of the hearing process is, here's what the law currently requires that's different, and that gives rise to a question as to whether you want to reconsider these issues.

MR. CAMERON: One of the things that I think we might be looking to the advisory panel for in terms of comment is what effect new directions for the LSS might have on the so-called functionalities of the LSS that were important. And Jim's question may have been going to the functionality of would documents that are normally discoverable be available before the license application came in or would the process be the same as it is under Subpart G now, which is that document discovery doesn't occur until after the license application.

MR. LEVIN: Claudia, let me ask you to see if you think this would be workable. Assuming the Commission would make a decision sometime in early fall about which way to go, if we could convene some working groups like we had in Dallas and in Kansas City and just have some concentrated intensive effort on nailing down revised functional requirements, I would think that would be the way

we could get it done by January. Does that make sense?

MS. NEWBURY: It makes sense to me. That would work if whatever the Commission decided was what the rule was going to be. I mean, if that was the end of the story. If we enter into some kind of a renegotiation of J or something like that where we still don't know the answer, the answer may be changing with time, then we're really going to be in a bad situation.

MR. OLMSTEAD: I want to add one other caveat that Paul just reminded me of. He and I have tended to disagree in the last few weeks on this subject. So I want to bounce some ideas off. The 18 months -- remember the 18 months? It is my view that I don't care about the 18 months anymore. There are people that still worry about it.

MS. NEWBURY: It's still in the rule.

MR. OLMSTEAD: I understand that, but we haven't met any other date. Why is that the -- date?

MS. NEWBURY: These guys will kill me.

MR. MURPHY: (Indiscernible.) has no three- year licensing (indiscernible).

MR. CAMERON: Bill, you may want to be more specific about what the 18 months is because I'm not sure everybody understands it.

MR. OLMSTEAD: The original Waste Policy Act, as I had on the slide, gave us three years, of which 18 months was for the adjudication after the staff review. And that's what drove us to an awful lot of decisions. There is no reason given the fact that no other schedule in the Nuclear Waste Policy Act to-date has been met in the statutory time --

MR. SILBERG: Except for DOE collecting our fees.

MR. DAVENPORT: (Indiscernible.)

MR. OLMSTEAD: Well, I know because I was being told then that I had to treat that data (indiscernible). I'm merely saying nobody anymore tells me that the most important thing to do in the High-Level Waste Program is to meet the 18-month licensing schedule.

So when you're evaluating these options, one of the things that Paul says is that if you go Subpart G - - I should let him speak for himself -- but you can't possibly meet 18 months. But I say, well, you know, that's not a big decision criteria anymore. I don't think it's going to be 36 months.

MS. NEWBURY: (Indiscernible) to leave us (indiscernible) the LSS six months ahead of time, too?

MR. SILBERG: Yes. It would relieve you of (indiscernible).

MR. LEVIN: But Subpart G would replace that with some other requirements for some kind of electronic mechanism.

MS. NEWBURY: And would there be that same similar prelicensing or prelicense submittal certification or --

MR. LEVIN: No.

MR. OLMSTEAD: Every part would be responsible for meeting their electronics submission requirements their own way.

MS. NEWBURY: But only in time for --

MR. OLMSTEAD: For whatever they had to do in the proceeding. The board --

MS. NEWBURY: No six months ahead of time certification --

MR. OLMSTEAD: The board would tell you where you had to file the documents and when.

MS. NEWBURY: It looks like we need (indiscernible).

MR. OLMSTEAD: Look, I am not recommending options here. I'm merely saying that if you're going to rethink it, these are the things you ought to rethink and the kinds of directions you ought to think about going. When I say I think you ought to do that, I'm really speaking as a staffer whose developing a paper for the Commission to say here are the kinds of options you ought to think. I don't want anybody to think the Commission has decided any of these things.

MS. NEWBURY: I understand that. I hope everyone else does too.

MR. OLMSTEAD: Okay.

MR. HOYLE: Harry, did you have a point?

MR. SWAINSTON: Bill, let me just say one thing. We've always taken the position that the LSS system was very important to us. It's as important to us as it is to the NRC, I would think, because we're going to be very much reliant on what we find in the Department of Energy's documents. It's kind of hard for us to sit here and see the system kind of just starting to unravel and crumble before our eyes without at least expressing the fact that that system, or something very equivalent, is very important to us.

MR. OLMSTEAD: Right, and unravel is not the right word.

MR. SILBERG: It never raveled.

MR. OLMSTEAD: What I hope to do or what I hope that reasonable people will do ultimately, and what I hope to persuade reasonable people to do, is to rethink how we give people access to this information so that they get better access to information on a more cost effective way. One of the things that I've talked offline to some of people in the room is how to get documents -- they've been waiting breathlessly for this LSS to turn over so they could get them in the system. And I've talked to Moe about, for instance, can we make an offer to the State of Nevada under the TDOC system to put some of their documents up so that they're accessible now. So I think to move off the past and into the future we need to talk more freely about the options that are available to us and what makes more sense. I don't mean at all to imply that we're saying there won't be some way to retrieve information that's electronic and efficient.

MR. HOYLE: Let me comment that it's 3:00 o'clock. I wanted to give Mr. Murphy an opportunity to say anything he would like to say if he wants to say anything before -- he's got a plane to catch, I think.

MR. MURPHY: I don't have to leave for an hour. Have you ever known me not to take the opportunity to say what I want to say?

MR. CAMERON: You knew he had about an hour's worth of stuff he's usually going to talk about.

MR. HOYLE: I didn't know whether the plane took off at 4:00 or you took off at 4:00.

MR. MURPHY: No. I have to leave the room at 4:00.

MR. HOYLE: Okay.

MR. CAMERON: Do you want five minutes?

MS. NEWBURY: A break.

MR. CAMERON: Oh, a break.

MR. MURPHY: Let's take a five-minute break.

MR. CAMERON: Thank you, John, for that --

VOICE: We've got a request for a five-minute break.

MR. HOYLE: All right. Let's take a five- minute break.

(Whereupon, a brief recess was taken.)

MR. HOYLE: All right, why don't we begin again, please. I think the ball is back in SMT's court. John?

MR. GREEVES: Yes. You might want to just look at my second page of these notes that I think most of you have. At this point what I want to do is just talk through what we have at NRC. I don't have out equipment hooked up here, but it's pretty much the same sort of thing you saw this morning that DOE has available with their RIS system.

Within the staff we have a system we call CDOCs. The name really isn't important but it's -- what we call it, it is our document management tool. It's is full text retrievable. It is image storage. It does have some image storage and all of this is retrievable information. We have it up and running on about 20 PCs and some stations at NRC. We use commercial software, namely Oracle, in terms of database and topic is a search engine.

In this system we're keeping track of what we call open items in the High-Level Waste Program. We are also keeping track of technical documents that we have plugged into the system. They're full text documents. And also the regulatory documents. Part 60 is in the system. Some of the chapters in our standard review plan are in the system. In fact, there's a number of other documents in this particular system that relate to low- level waste, decommissioning. It's basically an electronic system we've developed for us in NMSS.

What we are thinking about is making this type of a system available through a Web site. We could provide access to what we call the CDOCs system to other users. And the thought process is, should we start a pilot program where we would put up relevant data for the High-Level Waste Program and let members of the review panel exercise the system including submitting some of their data to exercise this system. There'd have to be some specifications on how to do that.

But we just come to this meeting letting you know we do have this electronic system and we'd like to think about putting it up on a Web site. It's not a commitment. It's an itch that we have and we wanted to get some feedback in this particular meeting and would people be interested in exercising this. I think this is probably one of those options that will show up in any Commission paper. To the extent that we've got some real time experience with it, it might help us characterize those options, which would include state outside groups having the ability to enter their data into such a Web site.

MR. OLMSTEAD: I would add here if -- I don't know where Nevada and the counties and tribes are with respect to their own computer systems, but if you do have Internet hookups and you do have Internet databases and you are concerned about the security issues on that, the idea here is to distribute what needs to be distributed but to store for you things you don't care about. Am I making myself clear?

MR. DAVENPORT: You mean the security which we don't care about.

MR. OLMSTEAD: Yes. I mean, in the old days we argued about the LSS administrator because we were concerned about the person who had the keys to the system had access to the documents. You don't have to design systems that way anymore. So the documents you're concerned about are not documents

we're talking about for this.

MR. MURPHY: For the exercise.

MR. OLMSTEAD: For the exercise.

MR. MURPHY: They eventually would be.

MR. LEVIN: Also, given -- if we decide to do this, given the right resources, it's not a big technological stretch to think that we could create one kind of home page, front home page that would not only tie into CDOCs but would also tie seamlessly into the RIS system and that would tie NRC documents and DOE documents together through a home page. That's realistic if we could come up with the resources to do it to pilot it.

MR. SWAINSTON: We have a couple of problems, one of which is money. And we're trying to participate in a program where we really don't have anymore federal funding. I don't see any problem on the security thing. I think the state's position has always been to try to get as much of its data and as much of its technical position out in published reports and out in the public domain as we can for everybody's benefit. So if you wanted to include us on that type of program, I think we would -- to the extent that we could participate, I'm sure we would.

MR. OLMSTEAD: Right. I want to also add to that, as I've done a lot of work down at the national performance review and because NRC is a fees-based agency, it doesn't quite have the problem that a lot of other agencies have had going to the World Wide Web. But the reality is that people have gone to the World Wide Web in the last two years. And with all of the stuff that you see. The White House home page, all the various agencies' home pages, the databases, the Yucca Mountain project, they're doing that within existing budgets and with declining funds. The reason they're doing it is because it's actually cost efficient to do it that way.

So if you can get your IRMADP people in state and local governments to understand that in some way, I think we can help everybody do it within existing budgets. If by funding you mean FTE and staff positions, then that's something that obviously we can't address. But there are efficiencies to be realized by these technologies when they're properly designed.

MR. SWAINSTON: One of them just has to do with -- just as an aside -- publication of documents with colored photographs. You can make an electronic image of that and it's much less expensive than going to a copy outfit and you get a much wider distribution.

MR. OLMSTEAD: Like that? That was all in- house, I want you to know.

MR. SWAINSTON: Yes. And I meant to add the final footnote. That Bill would do all the copying on his $400 machine.

MR. OLMSTEAD: The interesting thing is, don't get me started on how much you spend.

MR. SWAINSTON: It was a joke, Bill, in case you hadn't noticed.

MR. MURPHY: Let me make a couple of comments and start off seconding Harry's consideration. One of our -- probably the biggest problem, the biggest concern that we have right now, and I think this is probably equally true for state -- well, you'll notice, for example -- let me just start this way. You'll notice that there are no other local governments here at the table. Clark is here. We're in their home. I'm here by a stroke of good luck recently. And the state is here. The other local governments are out of business. They are absolutely out of business in this program.

You know, you mentioned that the White House was achieving efficiencies with declining budgets. We are not talking about declining budgets. We're talking about disappearing budgets for the state, for the effective units of governments.

So I think that the proposals you are recommending here, just on a very preliminary tentative basis, make a great deal of sense, John and Bill, and I think Nye County would be very much willing, as Harry has indicated on behalf of the state, to participate in at least some sort of a testbed to see if we couldn't efficiently make some use out of the TDOC system. But everybody has to recognize that at least for the remainder of this fiscal year our ability to participate in the regulatory process in its entirety is going to be very limited. We will be involved only on a very minimum basis and that means that we're going to be doing -- I will be doing, as directed by my Nye County principals, only the things that have the absolute highest priority between now and October 1st.

And so how much time we would be able to devote to even thinking about these kind of things is questionable. But they're very good ideas. I think that we certainly need to follow up on them. We need to recognize that technology has significantly changed since we negotiated the rule. It's passed us by essentially and we need to make some modifications to the LSS in order to not only achieve efficiencies but recognize the current reality. But how much Harry and Jim and I and Dennis are going to be able to do about that in the next several months is questionable.

Now if you want to help out in that regard, as soon as you get home you contact your congressman. I'm serious about that. Congress needs to recognize more than they obviously have in the past eight months at least the benefit that we bring to this program so that we can continue to function in it.

MR. BECHTEL: What is the time frame of the pilot study that you're considering?

MR. LEVIN: We don't know yet. We've just started looking into it. This is all relatively new to us. We just started looking into see what it would take to put CDOCs on the Web.

MR. GREEVES: Or at least a piece of it.

MR. LEVIN: A piece of it. I couldn't even guess right now.

MR. BECHTEL: From our perspective, obviously the sooner the better if there are to be some efficiencies gained in the program. We still have resources now. So now is when we should be participating and maybe perhaps providing some guidance or understanding how the system works because later we're not going to be able to do anything.

MR. OLMSTEAD: Well, I will say (indiscernible). I apologize to you all for not occurring to me, but one of the things in this national performance review net results thing I'm looking for, for the follow on to Rule Net is a state, federal, sister federal project where we can use those same tools to integrate. Now Moe and I had talked about the hypertext but we hadn't talked about the whole larger thing that we call Rule Net and using those development tools to do that. But as long as states and local governments were willing to work with us through Internet access, we probably can design a project that pilots all of those tools within the umbrella of the net results submissions.

MR. LEVIN: The point was, and this is one of the reasons we wanted to bring this up here. We wanted to see if it was worth pursuing. That's why we hadn't put a lot of energy into it because -- and we're getting a good strong feeling or a sense that everybody thinks this is definitely worth doing. So as soon as we get back we'll start looking at it more to see what it would actually take to do it, to scope it out to see. I don't think it will take a lot of money or a lot of time. I think when we look into it we're going to find it doable. I just don't know yet. But now we will definitely look into it.

MR. DAVENPORT: The kind of project you're talking about won't be a greater cost of participation to those who have a greater number of documents to put in the system?

MR. LEVIN: It depends on whether those documents are electronic already or not. If they're electronic, if they're already in electronic format, it really is not going to be that --

MR. DAVENPORT: Right.

MR. LEVIN: There's not that much incremental cost over setting the system up in the first place. The real cost is when all the documents are not electronic and you have to scan them, you have to prepare them and get them in the system and those type of things.

MR. DAVENPORT: Right.

MR. LEVIN: So it's not the number of documents. It's the form they're in. And then there's also the question of generating the headers. No matter what format the documents are in it's all the labor-intensive things that cost. And if we have to go in and create headers, that may be a labor-intensive thing and then the volume would add to the cost.

MR. MURPHY: It shouldn't be that significant for just a small pilot program.

MR. LEVIN: Not for the pilot project, no. As a matter of fact --

MR. MURPHY: Even if you have to create headers -- so take Nye County, for example. If we submitted -- I was going to say 15. Just put in 15 documents. We aren't going to bust the bank making 15 headers.

MR. LEVIN: Exactly. Bill could sit at his desk --

MR. MURPHY: Bill will (indiscernible).

MR. LEVIN: Yes, Bill could do it.

MS. NEWBURY: He does have a scanner, right?

MR. LEVIN: He's got a scanner. He has the software and --

MR. OLMSTEAD: One of the things he didn't tell everybody and I didn't tell everybody until now, but because of that crack, I have to tell this. Rule Net debuted on January 5th. I don't know if you know what was going on in Washington on January 5th, but everybody was staying home because of the blizzard.

MR. MURPHY: Not Bill Olmstead, though, by gosh.

MR. OLMSTEAD: It turned out I was the only one on the whole damn team who had an Internet connection from my home. And so I was responding for five straight days to every comment to the NRC on Rule Net.

MR. LEVIN: Well, like I said, Bill could do it on weekend at his home.

MR. OLMSTEAD: And that's what I was doing.

MR. LEVIN: I'm sorry. As far as the pilot is concerned, in my wildest dreams I wouldn't envision enough documents to make it a costly thing no matter what. I was thinking more further on down the line if we decide to go this way and that's when I was answering your question about volume and everything. But for the pilot, I think what we would look at is, we'd have to set some parameters. We'd look and see what kind of funds we had to devote to and we'd say, hey, we can accept X number of documents in certain formats from you. That's the way we'd approach it, because under the original concept for the LSS, the LSS administrator was going to have to take documents from the other parties other than DOE and see that they got in the system anyway. So this is something, you know, part of the model, part of the pilot we'd be doing anyway.

MR. OLMSTEAD: Is there something that you would like to pilot particularly? I think if we can --

MR. MURPHY: Challenge the system with images and text.

MR. OLMSTEAD: Yes. I mean if there are some documents you particularly would like to start with --

MR. GREEVES: For example, we could challenge the system with text because we could submit 10 to 15 documents from our joint program data.

MR. MURPHY: (Indiscernible.)

MR. GREEVES: (Indiscernible) documents, right. Everybody gets them anyway. So we don't have any security problems with that.

MR. MURPHY: I think they may already be in our system.

MR. GREEVES: Well, they probably are. No. I'm sure they are. They ought to be, but we could still put a couple of them in under our headers just to test.

MR. MURPHY: Yes.

MR. GREEVES: That's just an example. We may decide to put something else in.

MR. HOYLE: The rule calls for -- if you're following the LSS, it calls for an image and a header and an ascii text if it's (indiscernible). Is that what you think you would be asking for?

MR. LEVIN: I'd have to think about it. I don't know. In a pilot we'd want elements of all of it. I mean, we might get some documents that are just images, some that are just ascii text. I don't know. It depends on how far we want to go with the pilot.

MR. OLMSTEAD: We do it under the Rule Net umbrella, we're going to want people using the Web Browser technology to do it. So we'd have to think about how we wanted that done.

MR. LEVIN: But the point was, would we ask people to send us images of the document or -- obviously, if it's already in ascii, if it was created electronically, there are no images.

MR. OLMSTEAD: Ideally, I'd like them to send you a TIFF image in the electronic text.

MR. LEVIN: For those documents that were OCR'd.

MR. MURPHY: A what kind of image?

MR. LEVIN: It's a format for storing images, TIFF.

VOICE: (Indiscernible.)

MR. LEVIN: Like I say, we'll have to work out -- we would lay out those parameters in the plan for the pilot.

MR. OLMSTEAD: Incidentally, you just said the magic word, fax. There is technology that will accept --

MR. GREEVES: (Indiscernible.)

MR. OLMSTEAD: The next generation of that software you saw this morning will convert a fax image to a TIFF image.

MR. CAMERON: John, you and Moe have said a lot of the details would have to be worked out and I guess one of them would be if we put this up on a Web site who would be given access to the Web site? Were we thinking about all LSS participants or open to the public generally?

MR. MURPHY: For the pilot, I think the public.

MR. LEVIN: For the pilot, you just want to make available to the LSSARP members.

MR. OLMSTEAD: The way Rule Net is designed -- well, if you used those tools, the way it's designed is the public has access to whatever the public has access to. But the people who can post and comment are restricted.

MR. LEVIN: If we use just Netscape -- we didn't use Rule Net. If we used Netscape Mosaic type news group, I'm not sure how easily we can restrict.

MR. OLMSTEAD: Well, I know. That's why I was suggesting what they're discussion here, which is how they would actively participate may require some of those other tools.

MR. MURPHY: Well, no. I wasn't concerned about how gets to look at it. I was referring only to who gets to participate.

MR. LEVIN: Okay. Yes, that would just --

MR. MURPHY: Let the public have access to look at it. That's fine.

MR. LEVIN: Good. Misunderstood the question because that makes it easier. Certainly it would be the parties represented by the ARP. That's all we'd be talking about in the LSS.

MR. CAMERON: Jay, do you have any documents yet so you could throw something on here too?

MR. OLMSTEAD: He's got a contract he'll share with you.

MR. SILBERG: I missed that. I'm sorry.

MR. OLMSTEAD: He asked you if you had any documents you'd like to share with us and I said you have a contract you'd like to share with us.

MR. SILBERG: I'm sorry. We were offline.

MR. MURPHY: We want Chris to deliver his legislative files so we can (indiscernible) into the system.

MR. HENKEL: What legislation.

MR. GREEVES: Can I maybe interject another thought, and that is, if -- and it is important for DOE to sort out what they need to do by January of 1997. Part of this pilot process ought to include some sort of interface with the DOE system if we can.

MS. NEWBURY: I think that's pretty simple to do.

MR. LEVIN: I mean it's just the URLs. We can imbed them as links into some home page and we wouldn't be accessing anything that wasn't available to the general public anyway. Right?

MR. GANDI: You could do a search on the Rule Net (indiscernible) actually search our database and get the results (indiscernible).

MR. LEVIN: That's open to everybody as it is right now. We would just link into it.

MS. NEWBURY: I don't think linking the two systems is a problem at all. I think that would be a good idea. I would kind of like to see CDOCs on a system that I can look at too. I hear about it but I haven't been able to play with it.

MR. GREEVES: So real time would be doing that also, trying to interface with the DOE system.

MS. GIL: May I ask a question? April Gil, DOE. I have a question for John. I see on your notes here on page two at the bottom you've mentioned the Open Item Tracking System. The OIT system that now has been combined into CDOCs. Here's my question, John. We get access to CDOCs, we would be able to -- how has it been combined? Has it been subsumed? Is it a separate system? The reason I'm interested is because this system tracks the regulatory open items and we have a similar system called Tracer that we've been tracking the status and progress and closure of. For instance, the SCA open items, regulatory open items related to study plans, et cetera. And we've been interested in this system for quite sometime because we wanted to do a comparison, accounting comparison between the open items that we're tracking and what you say are still open. So if this comes to pass what you all are discussing here, we would get access to CDOCs, would we be able to see that in the system?

MR. GREEVES: What we're launching in this meeting is a concept. I think we wanted to hear from the panel as to do you have an interest in this type of a program. The answer to that is yes. So we will continue. We also wanted to find out if DOE would participate in a pilot program of talking back and forth on these issues. We're still having trouble getting all this stuff up and online internally. So what I'm suggesting is we have a pilot program that at least exercises the models. Whether you have full access to these things, I'm not proposing that at this point in time. I want to see if there is a Web-run system that we, DOE, others can be one that might serve in the future. So I think you're question is a little bit more detailed than the commitment to start that up. I think we could probably maybe address that in the management meeting on the 7th of -- the meeting you talked about next week.

MS. GIL: Okay.

MR. GREEVES: Frankly, I don't have the depth myself to give you the answer today.

MS. GIL: Okay. That's fair. Thank you, John.

MR. OLMSTEAD: I might also add that one of the thing that I'm trying to lure people into if you want to use this Reg Net approach is that when Lawrence Livermore helps us put this together it works best if the people who are users are engaged with them while they start putting the design together. So by your saying yes, I'm assuming that means you're willing to be guinea pigs a little bit as they tweak the system to make sure it does what you want it to do.

MR. DAVENPORT: (Indiscernible.)

MR. OLMSTEAD: What?

MR. DAVENPORT: (Indiscernible.)

MR. OLMSTEAD: For Lawrence Livermore. The computer design people who help us put it together. What they usually do is, they set up a threaded discussion so that they'll say we've got this working this way, is this what you want. You have to come back and give them feedback on how it's working and what you want to be different.

MS. NEWBURY: Have we shifted? Are we talking Rule Net now instead of CDOCs?

MR. OLMSTEAD: We're talking about CDOCs being a piece of what you're accessing, but the engine that's laying over this are the tools that we were looking at this morning. When you put those libraries together so that they work together, it helps if the people that are writing the code that link them all together know you're getting access to what you want to get access to. And you've got to be willing to give them the feedback while they're putting it together.

MR. CAMERON: I think what the discussion over here had evolved into the fact that John's idea of putting CDOCs up on a pilot would be done under a Rule Net type of concept that would be implemented through NRC's Rule Net contractor Lawrence Livermore. And as part of that, there would

be documents from other parties also put up on that system and there would be a link to RIS.

MR. LEVIN: That's just one option because we have to look at the current state of that contract and the funding and everything. But that is an option. As a matter of fact, if we could do it that way, that would be the easiest --

MR. CAMERON: Sounds like a good option.

MR. LEVIN: Yes. If you can do it that way because the contractor is poised to do this and it would be relatively simple to do if we can do it that way.

MR. CAMERON: Right.

MR. OLMSTEAD: And they know a lot about the experience they've had with the open meeting and with Rule Net and with other initiatives. So it would be good. I threw it on the table just because I'm in the process of casting around for another agency that's willing to engage in this. It hadn't occurred to me to use DOE until the state's and local governments expressed interest. But it gives us a vertical and a horizontal dimension that I think everybody would like that's involved in the project.

MR. LEVIN: It's something to look into.

MR. OLMSTEAD: It's just something for us to throw into the mix.

MR. MURPHY: There's a couple more points here because I've got to leave in about five minutes. Just so that everybody is clear in their own mind about what I'm saying, I think I can safely say that Nye County would be very, very anxious, you know, happy to participate in that kind of a test. But don't interpret that to mean that our enthusiasm for the LSS and its functionalities is in anyway waning. We recognize the technology is different. That we don't have to spend the kind of money that some people were talking about in the early days of the program. But we are still very much committed to the idea that we need something like the LSS for us to be able to function with any degree of efficiency in a licensing process. We need it early. We're not interested in just abandoning the LSS and the proceeding under Subpart G, even if Subpart G is reworked in your image, Bill, because it doesn't give us -- unless you change Subpart J into Subpart G. Everybody in the universe is then required to meet the provisions of Subpart J, which is fine with us. But particularly the early access to discovery, by that I mean discovery prior to the docketing and to the filing of the (indiscernible) are very, very important to us. So we're not by any means suggesting that we're ready to give that up, but I'm willing to work however I can with everybody to make the thing efficient and work in light of today's technology.

MR. SILBERG: Your comments that go really to the functionalities of the LSS and not to the specific technological details.

MR. LEVIN: Right.

MR. SILBERG: What you want is a full text system that's online, that's earlier, that you can have access to that people's documents are in and you don't care whether it's a distributed system or a centralized one.

MR. LEVIN: No, I don't care about that. But I do care -- I'm not going to give up our concept of relevancy. I don't want to go to the Subpart G relevancy concept. I like the relevancy provisions of Subpart J that we shed blood to negotiate. I'm not going to give them up. A few other things I can't think of right now. There's other things in there that I'm not going (indiscernible).

MR. CAMERON: He'll know them when he sees them.

I just had a clarification for April. You mean DOE doesn't know whether the open items, its tracking is the same as the open items NRC is tracking? I mean, it sound amazing to me --

MR. SILBERG: Does that surprise you?

MR. CAMERON: Well, sadly, no, but I think that if one thing comes out of this meeting, if you can pull that amazing feat off to compare those, that would be a great idea.

MR. OLMSTEAD: That's the old (indiscernible) tracking system again.

MS. GIL: Well, I would be pleased to say that this group has helped us with that, if I could, Chip, because we have a system that we've had in place for about seven or eight years a database system in which we keep track of all what we consider to be open items with our potential regulator. These include the SEC open items, study plan responses that we've made that may include commitments to do certain work or write specific study plans, and we would like to compare that list just because of some of the problems that Bill has articulated. We'd like to compare. We have our record system. We have the supporting documentation. So we believe we know what items are considered open. Of course, we sent this correspondence to the NRC over the years, but we would like to compare the two systems just to make sure that we're both tracking the same items.

John, I apologize for bringing this up. I know this has been kind of a thorn. I tend to nag John about certain things at public forums. One of them was video conferencing and the other is the Open Item Tracking System. So I guess we've solved one and we'll continue to work on the other.

MR. MURPHY: (Indiscernible) video conferencing --

MR. CAMERON: This is not the same John Greeves, you know. This one doesn't have the beard. Things have changed.

MR. MURPHY: You can get on a video conference and talk about open items.

MR. DAVENPORT: Chip, we don't have the same problem (indiscernible) commitment out of NRC that all items are open. You don't have to look through how many file (indiscernible) to find what we don't have because we know it doesn't matter what lists are out there because they're all open. Am I still right? Am I still correct?

MR. CAMERON: This item is already been put in the transcript because we knew you would raise it.

MR. DAVENPORT: Am I still correct on that?

MR. CAMERON: Yes. Right, John? No. The point is all items are open until they're resolved by either the licensing board or through a rulemaking. I think the NRC response is that items are "resolved" perhaps in terms of the staff's understanding of them but they're not going to be ultimately resolved until the licensing board signs off on them.

MR. OLMSTEAD: I think that's correct but I'm not sure that I would push that as far as you. I mean, this topical guideline list that has been sent around is a list of permissible issues but the licensing board still has to find that there is an issue there in order for there to be a litigation. If there's no litigation on it, the fact that licensing board doesn't issue a decision on it doesn't mean that there's some flaw in the process. It was never the idea, I don't believe, that the topical guidelines required a decision on each and every issue.

MR. DAVENPORT: Well, if there's controversy on them it does.

MR. OLMSTEAD: Well, yes. If it's a legitimate controversy and the board so finds, but that's why I don't see a big difference anymore between Subpart G and Subpart J because I think the Subpart G litigant would hold the same position.

MR. MURPHY: Can the Subpart G litigant obtain discovery before their application is docketed?

MR. OLMSTEAD: Look --

MR. MURPHY: That is important to us.

MR. OLMSTEAD: I understand that point and we will take that back and factor it into the recommendations. I will not overlook that.

MR. MURPHY: Good.

MR. HOYLE: All right. It's approaching the witching hour of 4:00. One of our members has indicated he needs to leave. Do we usefully have another 30 minutes to talk or have we reached the point where we're going to be thinking about it and maybe calling Bill at his home late on a Saturday evening.

MR. GREEVES: Via Internet.

MR. HOYLE: Via Internet.

MR. DAVENPORT: Can we address the issue set for 8:30 tomorrow morning?

MR. HOYLE: Well, the future activity there is -- in a way, yes, in a way, no. It had two aspects. One was how can we continue to communicate in the absence of funding and we talked about that. The other is what is our future agenda for talking on the Internet or any other activity. Usually when we complete one meeting we forecast, well, what do we need to talk on at the next. So that's the other part of future activity. I take if, from what we've heard today, it's getting material from the SMT which will become part of the Commission paper and giving a reaction to it.

MR. SILBERG: I take it, it too early for Bill or John to describe any of the thoughts that are percolating around in terms of these options.

MR. MURPHY: Whether or not it's too early, they're not willing to today.

MR. SILBERG: Well, that's part of being too early.

MR. OLMSTEAD: No. I think we have laid out on the table what the options are. What we're unwilling to say is how we're going to articulate those in the paper before we give the paper to the Commission. You know, there is a difference between saying I'm going to say X, Y, and Z in the paper and actually giving you the paper where it says X, Y, and Z. If it's not apparent to you, it is apparent to me. So just trust me. There is a difference.

MR. CAMERON: One point that I think should not remain ambiguous here is will the SMT provide through some manner a written description of the options and the implications for the functionalities that are now in the LSS. I think that's what people are concerned about so that they would have a shot at that before the Commission paper go out.

MR. OLMSTEAD: I think that we have made a commitment to ask for anybody to give us input on that who wishes to. In order to meet these timetables that everybody wants us to meet, I don't know how fast we're going to be able to do some of the technological sides of it. If we can get the hypertext links up so that people can start giving us feedback electronically, I'll be glad to interact with anybody and all comers if they have questions. I'll even tell them what I'm thinking as we move along. What I'm unwilling to do is, when the Senior Management Team gets together and say this is what's going to be in the paper and we start drafting the paper, I can't give you the paper.

MR. LEVIN: I wanted to clarify, we have discussed here everything that we've discussed internally. That's literally as far as our thinking has gone. There is nothing more to tell you. What I would offer to do is, if we get everybody's e-mail address, what I'd like to do is start trying to converse with the e-mail and then try and set up this threaded conversation, this electronic forum, and see if we can't start developing options and getting ideas through that. The first I will do when I get back to the office is take

the e-mail addresses we have and try and contact everybody, send a message just to make sure we can make contact, and then we'll go from there.

MR. OLMSTEAD: For anybody who wants to talk to me offline or online, I have business cards that have both Internet addresses on it. So if you don't want to go through NRC's machine, you can go through my private machine and I will respond.

MR. MURPHY: You got your private machine in your office or at home?

MR. OLMSTEAD: Well, it's actually run by a third party provider but that's neither here nor there.

MR. CAMERON: It's a distributed system. He can access it from anywhere.

MR. LEVIN: As part of the e-mail, I sent out as the first draft contact, I'll also include the e-mail addresses for the three of us just so you'll know.

MR. OLMSTEAD: And if you want to get me at anytime, it's WJO at council.com and that mail is always forwarded to me wherever I am.

MR. HENKEL: John, I have a question on this. We heard earlier that Chairman Jackson is not real open to recommendations from the staff, but I would presume -- she wants options from the staff not recommendations, right?

VOICE: Right.

MR. HOLDEN: I would presume that she's still open to recommendations from advisory panels. I'm wondering on a yet to be determined basis whether -- might be a recommendation we might want to make in this regard.

MR. HOYLE: If I could clarify, I think it's on the issue of the strategic planning and rebaseline that the staff is giving. That a team is working together separate from the staff that's giving our options, giving the Commission options. Normally the decision-making process in the Commission is still the staff develops a recommendation, pros and cons, and gives it to the Commission with the recommendation in it. It's not like there aren't any recommendations anymore to the Commission.

MR. HENKEL: Either way, I still (indiscernible) if we can reach a consensus here.

MR. OLMSTEAD: In terms of the chairman and the Commission and the way staff papers are read, Chip just suggested to me that people might be interpreting that as being somehow negative. It's not. It's really designed to give them unadorned recommendations so that the Commission has a complete set of alternatives before it. So the more the better.

MR. HENKEL: I presume you still say that here's your alternatives but we think you ought to go this way.

MR. LEVIN: Yes. If the panel wants to do that, you write a letter to the chairman of the panel and just say the LSSARP recommends of all these options that you choose this. That's still --

MR. OLMSTEAD: That's certainly doable.

MR. HENKEL: But in regards to a staff paper, would you still make that kind of recommendation?

MR. LEVIN: No.

MR. HENKEL: Here's your options and --

MR. OLMSTEAD: Most of the staff papers now don't.

MR. HENKEL: It's used all for the options.

MR. OLMSTEAD: As you well know, there are different way -- since I've been in the government, there are 100 different ways to write staff papers and the staff always signals the one they like based on the pros and cons. Now we lawyers try to even them up. You can't have four pros and one con and four cons and one pro. Try to have three and three. But the fact of the matter is that it's not that way. It's just a way of drafting staff papers. Right now the way that the staff papers are usually drafted is options are put forward without recommendation.

MR. SILBERG: Do you anticipate that your options will include the nondocument portions of Subpart G or are you just going to look at the system? In other words, are you going to get into all the other parts of Subpart G besides the LSS block?

MR. OLMSTEAD: The Subpart G revision --

MR. SILBERG: I'm sorry. Subpart J.

MR. OLMSTEAD: I think right now we're just looking at the former.

MR. SILBERG: Just the document system.

MR. OLMSTEAD: Yes.

MR. HOYLE: All right. So where are we? Are we going to have any further discussion or are we going to -- as I hear it, you haven't said you're going to give the panel anything in writing necessarily but you're going to try to -- if there is something to put up on Internet that people can react to, your thoughts, you're going to do that. You're willing to accept comments on what has been said this afternoon. I will circulate the transcript to everyone. They can reread it. If they have some thoughts to give, they can send them to me or to Bill. I'll collect them and send them on.

MR. MURPHY: When you circulate the transcript, or even before you circulate the transcript, why don't you circulate to everybody the e-mail addresses.

MR. HOYLE: Yes, I will. By the way, I've got four. I've got NCAI, Clark County, Nye County, NEI. Who else do I need to state. I need DOE.

MR. LEVIN: Also the units of governments that are not represented here, we should contact them and get their address.

MR. OLMSTEAD: I would also say that the best processes in this regard, in my judgment, is if everybody starts brainstorming ideas. If you just let me know what you're thinking, then as we develop options, we'll be sure and take those things into account. It's useful to me if this has triggered ideas in your mind that you want to communicate with us that you do so.

MR. DAVENPORT: What's your timeline?

MR. OLMSTEAD: I am currently -- a lot of this depends upon the strategic planning timeline and where it's going because of the multiple conflicts that people had. And that take priority over this exercise. But right now we're trying to get the paper done in the next two to three weeks.

MR. LEVIN: I'm sorry. Which paper?

MR. OLMSTEAD: The SMT paper.

MR. LEVIN: Yes. We had committed by June, sometime in June to have the paper. So that will be within the next four or so weeks.

MS. NEWBURY: And that paper would lay out the options in more detail?

MR. LEVIN: Or recommendation.

MR. OLMSTEAD: Well, the Senior Management Team was convened to reassess the LSS and it would have the recommendations that we --

MR. LEVIN: Well, I think it may or may not have recommendations. At a minimum, it will have our plan of what we're going to do. I think what we committed to do, if I remember correctly, was tell the Commission what our plan was for proceeding with the LSS. So this may just be the first of several papers. I'm not sure of the options. Obviously --

MR. OLMSTEAD: It will communicate our opportunities and challenges.

MR. LEVIN: But the options we're talking about we obviously would not have in place in four weeks. That paper would come later.

MR. DAVENPORT: We would ask that your paper reflect the fact that the State of Nevada would claim the benefits of the system we have at present until NRC demonstrates that the system you put in place is at least as good or better.

MR. OLMSTEAD: I understand that, Jim, but I also assume that the State of Nevada would not want me to say that they want to stick with the current design. You don't have an opinion on that?

MR. DAVENPORT: Until I see what the next one is going to be to replace it, I have to say that, yes. That we would stick with what we know we have until you show us what better we're going to get. We have a rule.

MR. SILBERG: Well, you have a series of functions. You don't have a system.

MR. DAVENPORT: Right. That's correct.

MR. SILBERG: The rule, I think, has some statements about a centralized versus a distributed system.

MR. DAVENPORT: And we acknowledge its problems as you do, but until there is something to choose as against what we have now, we would take the position that we claim the benefits of what we got.

MR. LEVIN: This is the kind of input we need and we would reflect comments like that in the paper because we always talk about the pros and cons and the impacts on the stakeholders. That would certainly be an impact.

MR. DAVENPORT: I don't mean by that, that we're not willing to help look for what is better, but just for the sake of staking out a position, I think we'd say we're not prepared to abandon what we have until we know where we're going.

MR. ECHOLS: Would you retain the current division in J that allows to fall back to G?

MR. OLMSTEAD: I was trying to be clear. My view -- I've given this privately. Let me give it publicly. My view is that there is no party likely to come before NRC in a licensing proceeding as of today who could not succeed on a motion to go under Subpart G. That is my opinion of the current status. It is also my opinion that I don't see a technological fix for that situation given the fact that the issue tracking system was dropped. That's my opinion. I don't know what the opinion of the rest of the panel are. Given that that's my opinion, the State of Nevada's position is interesting to me, but I would advise my client to look for alternatives.

MR. DAVENPORT: I think I would too, but we don't know what those alternatives are yet.

MR. OLMSTEAD: And I understand that perfectly well. I was just trying to lay out for you that I thought there were alternatives that you might find satisfactory that would could develop and get us off this conundrum where I'm in a damned if I do, damned if I don't position with respect to Subpart J.

MR. HENKEL: Correct me if I'm wrong. We're no longer in a negotiated rulemaking situation where we have say over what happens or doesn't happen with the NRC regulations. I mean we can advise. We can offer opinions. You would like to make us all happy. I'm sure.

MR. OLMSTEAD: That's true. We have had this advisory committee and we had the negotiated rulemaking and we did all of this because we thought that decisions that were jointly arrived at were better than dictated decisions. We, I assume, still think that. So I would prefer to find a way that everybody can agree to, to fix what I consider to be a broken situation.

MR. ECHOLS: But if you stay in status quo there is still the options (indiscernible).

MR. OLMSTEAD: Yes. Not only an option, that's probably what I would recommend at the current state of affairs.

MR. GREEVES: John, it's my sense we have a recommendation to proceed with what I spoke to earlier from the panel, is that correct?

MR. HOYLE: That's correct.

MR. SILBERG: I'm sorry, John. I couldn't hear.

MR. GREEVES: It's my sense that we have a recommendation from the panel to proceed with the notes that I outlined. That the staff will attempt to put this thing up on Internet and get feedback.

MR. SILBERG: I don't think anyone is raising any questions about the pilot system. I think Jim's question --

MR. GREEVES: People tend to talk past each other.

MR. SILBERG: Well, Jim's questions I think go to a permanent replacement for what's contemplated in the rule. I don't think anything you're saying has to do with the pilot approach at all.

MR. GREEVES: I just wanted to clarify --

MR. DAVENPORT: The Agency has the flexibility to proceed with any pilot project it wants to as far as we're concerned.

MR. GREEVES: But I suspect in our paper we will tell the Commission that the review panel recommended yes. That it sounds like fertile ground. Go forward. That's not a commitment by anybody. But I think the Commission would like to hear that we asked, that's the feedback we got, and the recommendation was try and put that thing up and see if it works.

MR. SILBERG: I think the issue that we've been batting around here is not the pilot system. It's what comes after that.

MR. DAVENPORT: And pilot systems have their way of through inertia or becoming ultimate programs.

MR. LEVIN: Becoming production systems.

MR. DAVENPORT: I'm just saying that we reserve our right to stick with the system we've got until we

go through some more formal process of changing it.

MR. OLMSTEAD: I understand that, Jim. The problem is that my interpretation of Subpart J is that any part of it, including the staff and the Agency, can make the showings necessary to force the adjudicator to go to Subpart G. Okay? Now I'm speaking strictly for myself and as a litigator with some experience in NRC processes. My recommendation as it sits today is go Subpart G.

MR. DAVENPORT: Right. You said that. I heard that.

MR. OLMSTEAD: Given that, staying with Subpart J doesn't get you much. I just point that out for whatever it's worth.

MR. HOYLE: Okay. Is there anything about the future conduct of business that we need to talk any further about? Are there any comments that haven't yet been made by those in the audience that anyone would like to make?

MR. HENKEL: One thing I'd like to add is, if we're going to start conversing on e-mail (indiscernible) that which I fully support, maybe there ought to be some effort to speak with one voice from a given entity to some extent. Rather than having 40 voices online, maybe having 15 voices online. It's just a thought I had that might limit some of the confusion a little bit.

MR. LEVIN: Right now we have a very limited address list.

MR. CAMERON: Are you saying that you'd only like to hear from one person at the NRC, for example, and one person at DOE?

MR. HENKEL: Well, for example, I'm not going to let -- Jay and I are going to send one e-mail to you guys when we respond to something. Jay is not going to respond independently from me.

MR. SILBERG: (Indiscernible) a way of interfering with (indiscernible).

MR. CAMERON: This sounds familiar.

MR. HENKEL: Maybe I'm a bad example. I just think that Clark County ought to speak with one voice as to what their opinion is. I'm sure they would anyway. I just think as we're trying to decipher everybody else's e- mail, I'd like to know that Dennis Bechtel's address means Clark County says why, you know.

MS. NEWBURY: Well, this is informal. This is a very informal discussion.

MR. HENKEL: I understand that. I understand that.

MR. LEVIN: Also let me make clear the e-mail is a temporary mechanism. What we hope to do is put up this electronic forum which --

MR. OLMSTEAD: But this was an issue that came up in Rule Net and NEI chose to speak with one voice. Some of the other industry participants didn't. The staff didn't. I don't know. I've been through the evaluation. I've read all the evaluations. I've been thinking about this. We posted quite a long, as you know, dissertation on the merits of one approach versus the other approach. We can design when we get into the Web pages. We can set aside a caucus area that is for official comments only. But my own humble judgment is that unless there is really an issue as to what the county position is or what the NRC position is, as long as it's a discussion like we have here it's more beneficial not to put the pall on people who might have something useful to say. That they've got to go through some clearinghouse in order to post their comment. That's my view of it, but I understand the other point of view because it was forcefully put forward in the Rule Net by those who felt that they ought to be able to know that when they see Jay Silberg's name that that represents his client. And I understand both points of view and I don't know where I come out on it, although I've spoke several times here today and don't want any of

you to think that it represents at all anything the Commission has to say about it because they don't even know I've said it.

MR. HENKEL: Your points are well taken as my only difference was that we're at a table. It's a little different when you're face to face than when you're conversing electronically but that's my opinion.

MR. OLMSTEAD: Yes, and that's an issue that's bounced back and forth. What I can tell we can do under the tools we have -- I don't want to promise too much because we need to take baby steps here, but we can separate into two discussion, one official and one unofficial, so that dialogue goes on. But if we want to place where we can find out exactly what the official position is, we can post it there.

MR. DAVENPORT: If you wanted to open an interacted conversation, you can't limit it to official spokesmen. That's just counterproductive for the whole idea of getting as wide and populous to view as you can get.

MR. CAMERON: I don't think you need to worry at this point of the game. There's benefits at some point in a process to an "official" position. But at this point in the process I think that there's a real benefit to having an exchange among a lot of people who are knowledgeable about it.

MR. HENKEL: I think you're focusing too much that my comment has to do with official and unofficial. My comment has to do with getting 60 e-mails in one week from this panel and having to read 60 e-mails as opposed to getting 10 that are already distilled by each individual party to the relevant points. That's where I'm coming from.

MR. OLMSTEAD: That's why we want to put it up on hypertext in the dialogue space that you saw because you don't have to read them all. You look quickly at it and you see what you want to read and you only read that.

MS. NEWBURY: Figure up those opinions count and go from there.

MR. CAMERON: You just don't want to be reading Jay's.

MR. HENKEL: Right. I'll ignore Jay's and Bill's --

MR. HOYLE: Robert needs --

MR. HOLDEN: Just wanted to express appreciation for members of the panel, folks at the NRC for bearing with us and we're still representing the nonplayers. Some of the counties have come and are going by the wayside, as well as the state, which has been supportive of the tribes. As we've said all along, we don't know when the tribes will be viable parties to the High-Level Waste Management Program, but by the grace of the Creator, somehow they will become involved or somehow their rights of what they see is important will be protected, which means we don't know. But just something that -- it's been another week of frustration in listening to the progress and the illiquity of this program for the past week over at the international high-level -- waste meeting. All the studies, all the impacts to parties other than those people that have been here for a few thousand years. And by the grace of the Creator, they'll be here for a few thousand more years. The Creator put us here, as I've said, and if it's the will of the Creator, we'll disappear. But until that time, always remember that these are the people who this land was given to. This land was given to these people. And I appreciate what you have to say in your support.

John Dossett is going to make a few comments. He's going to be the techi for the organization as well as the Nuclear Waste Program. Maybe in a few years we might be dangerous too.

MR. DOSSETT: All the proposals for putting stuff on the Internet I think sound really good as far as access for the tribes go. I think you will have more real meaningful participation by the tribes with Internet access than any sort of a dial-up system because I know a lot of particularly younger Native American people are coming up to me all the time. You know, what's your home page on the Internet.

So that's really happening.

The other two things you seem to have discussed here were more of a decentralized system and more use of off-the-shelf technology. I think that there might be some redistributional effects there particularly with tribes having to post their own information rather than sending it into a centralized system where it could be posted for them. You know, you might want to consider how to preserve meaningful access for the tribes. There could be some other very inexpensive technologies to take care of that. There's satellite hookups or offline readers. I think these are problems not just for tribes but for any rural group of people to get involved in, in Internet access. These are just more technology things to consider as you're going through your process.

MR. HOYLE: Thank you very much.

Any other comment? I see no reason to return tomorrow morning. I will distribute the Internet mailing addresses. Moe has volunteered to help on that. I'll get the transcript out the latter part of next week or the early part of the following week. I've given the reporting company a little longer to put the transcript together because I think earlier today we had some very rapid cross-firing discussion here and I want to give them time enough to pull that out of the tape recorder.

So unless there are any further comments, the meeting is adjourned.

(Whereupon, at 4:24 p.m., the above-entitled matter concluded.)

Go to Part I

The memorandum on "Licensing Support System Phase 2 Functional Requirements" by Stephan J. Brocoum (DOE) dated October 25, 1995, is not yet available in electronic format.

Return to References

SECY-96-020

January 30, 1996

FOR: The Commissioners

FROM: James M. Taylor /s/
Executive Director for Operations

SUBJECT: LICENSING SUPPORT SYSTEM PROGRAM ADMINISTRATION - SEMIANNUAL REPORT

PURPOSE:

To inform the Commission of the status of the Licensing Support System (LSS) and the activities of the LSS Administrator's (LSSA) staff for the six-month period ending December 31, 1995.

BACKGROUND:

Manual Chapter 0109 requires that LSS status reports be sent to the Commission on a quarterly basis. The Commission's Staff Requirements Memorandum dated January 31, 1992, revised the report's frequency to semiannual. Additionally, a Staff Requirements Memorandum dated June 28, 1995, directs that the Senior Management Team (SMT) provide a report on the LSS before finalizing a Memorandum of Understanding (MOU) with the Department of Energy (DOE), before launching a pilot program, or before finalizing the LSSA's Compliance Assessment Program documents. This report addresses the status of these initiatives as well as providing a summary of activity during the last six months. The scope of this report includes all LSS program activities.

The Executive Director for Operations established an LSS Senior Management Team in February 1995 to review the original objectives of the LSS, evaluate the impact of current factors on the LSS, and recommend future strategy for the LSS. As a result of several SMT meetings, SECY-95-153, Licensing Support System Senior Management Team Recommendations on Direction of the Licensing Support System, was issued on June 4, 1995. The six recommendations described in SECY-95-153 were considered by the Commission. The Commission directed that the SMT should report back prior to finalizing the MOUs, proceeding with the pilot program or making final decisions on which documents would be included in the LSS. The Commission noted that Congressional developments regarding NRC's and DOE's authorizations or appropriations might require future adjustments.

Contact: D.J. Graser, IRM/LSSA
415-5507

DISCUSSION:

Impacts of Congressional Budget Action

DOE's Office of Civilian Radioactive Waste Management (OCRWM) had originally formulated an FY 1996 budget in excess of $600 million for the High Level Radioactive Waste Management Program. The final authorization for OCRWM was $400 million, with $85 million of that amount being fenced off for interim storage pending a congressional revisit of the Nuclear Waste Policy Act sometime in the spring of 1996. Additionally, the conference report on the Energy and Water Appropriations Act for FY 1996 emphasized that DOE expenditures should be limited to site characterization activities rather than licensing activities. Arguably, development of the LSS could fall within the spending limitations for "licensing" activities. The impact of this scaled back appropriation brought all DOE's LSS related activities to a complete halt with the start of the new fiscal year. DOE contractor staff involved with LSS design and development were disbanded, and DOE's LSS Advisor Review Panel (LSSARP) representatives were instructed by their management to not expend any further time on the LSS.

A collateral effect was that the LSSA's initiatives for finalization of LSS system functional requirements, the finalization of a MOU, and the development of a prototype system were all halted due to lack of DOE availability. An LSSARP meeting scheduled for December 1995 was postponed because DOE representatives could not commit to attending and because most of the affected units of local government had not been provided any FY 1996 funds for oversight of DOE's High Level Waste (HLW) activities.

The LSSA was able to complete the Participant Commitments and Compliance Assessment Program, but was unable to present the finished products to the LSSARP when the December meeting was postponed.

The status of other products and activities is further detailed in the following sections.

LSS Advisory Review Panel Meetings

The LSSARP held a meeting on July 6 and 7, 1995, at the Oneida Nation Reservation in Green Bay, WI.

Panel members were provided a briefing on pending legislation concerning the civilian nuclear waste program.

Discussions were held regarding the use of an NRC system, NMSS' Technical Reference Document Database System (TDOCS), and its collection of documents on DOE's Multi-Purpose Canister (MPC) as a pilot environment to test LSS functionality. LSSA staff completed an analysis of the LSS functionality compared with that available in TDOCS and provided that information to the DOE staff responsible for LSS design and development in early October. The LSSA staff concluded that the TDOCS system could reasonably meet most of the search and retrieval functions of the stated LSS requirements, but not all of the electronic submission and docketing functions. LSSA staff additionally concluded that there was some potential for size limitations.

Panel members were informed of the status of DOE's efforts to develop descriptive statements about intended LSS functionality that can be used by ADP system developers. These statements are also known as the LSS Phase 2 Functional Requirements. Plans were made to close the comment period afforded to the LSSARP by August 1 and allow DOE to develop a finalized document. That finalized version was circulated to LSSARP members in August, NRC provided final commentary in mid-August, and DOE responded to NRC's commentary by mid-September. DOE plans to conduct a survey of commercially available systems were discussed. This survey would allow DOE to determine whether it would be more cost effective to integrate components with in-house staff or to acquire an existing product. Completed products from the functional requirements statement and the competitive market survey were to be delivered at the planned December LSSARP meeting.

The LSSA reported on the status of a MOU between DOE and NRC and comments and clarifying suggestions on the first draft were offered by Panel members.

Panel members were provided with the LSSA's latest drafts of the Participant Commitments and Compliance Assessment Program documentation and the LSSA requested their final comments by the end of August. Completed products were to be delivered at the planned December LSSARP meeting. Additional discussions were held in the areas of Yucca Mountain data sharing, access to the DOE records system by participants, the status of DOE document reprocessing, and technical aspects of document scanning versus electronic file conversion.

Senior Management Team (SMT) Review of DOE Records Management

In response to an informal DOE request at the March 22-23, 1995, LSSARP meeting and subsequent discussions, the LSSA made a recommendation at the July 7, 1995, LSSARP meeting for a field visit to DOE's records management facility. NRC's SMT subsequently visited OCRWM's Management and Operating (M&O) contractors who perform DOE's records management functions. The objective of the

meeting was to review DOE's records management approaches in order to identify opportunities for DOE to focus their relevancy/inclusionary criteria and thereby reduce the volume of pages they intended to submit to the LSS. The SMT visit of July 20, 1995, identified issues in the areas of cataloging procedures integrity and accuracy, records package reconstruction, referenced document availability, retention of non-DOE authored materials, retention policies exceeding normal NARA retention schedules, and, deficiencies in decision tracking.

The SMT concluded that DOE was retaining several times the number of pages that appeared to be necessary to support the licensing process. Another initial impression was that DOE was not documenting its decisions to the extent NRC expects to be needed for licensing. However, this impression was not sufficiently reliable to form the foundation for SMT actions at that time. [A summary of the SMT findings is included with this report as Attachment 1.]

Compliance Assessment Program

The LSSA received final comments from LSSARP panel members on three documents which essentially complete the LSS Compliance Assessment Program (CAP). The three documents finalized on 12/28/95 were: LSSA Guidance on the Format and Content of LSS Participant Compliance Program Plans, LSSA Participant Compliance Program Plan Certification Document, and, the LSS Participant Commitments. Final action on the Compliance Assessment Program is being held in abeyance.

Memorandum of Understanding

DOE delivered a version of the MOU outlining responsibilities for design, development, acquisition and implementation of the LSS to the LSSA on September 25, 1995--four days before the end of the fiscal year. This version was characterized as one which the DOE's LSS point of contact felt comfortable taking to DOE management to see if they would concur. The LSSA was satisfied with this version of the MOU and was preparing a report to the Commission when DOE stopped the process of presenting this version to their management, effective with the end of FY 1995. Final action on the MOU is being held in abeyance.

Prototype

NRC evaluated the reusability of NMSS' TDOCS as a prototype using MPC documents. The evaluation was delivered as DOE was ceasing all activities related to investigating candidate hardware and software for the LSS (make-vs-buy). The SMT continued to pursue the viability of making TDOCS externally accessible to LSS participants by establishing Internet access to the MPC document holdings of TDOCS. However, the funding reductions taken by NMSS in the FY 1996 funding appropriation have caused this effort to be assigned a lower priority and the efforts to provide external access are now on hold.

Topical Guidelines

The Regulatory Guide providing the Topical Guidelines for the LSS was prepared in final form and placed in concurrence around late January or February of 1995. When the package reached the EDO's Office, the Commission was establishing the NRC SMT to oversee the LSS. The EDO decided to send the package back to the SMT while they established their Charter, and it has not yet been forwarded to the Commission pending the conclusion of the SMT work on DOE's document submission volume estimates.

Funding Mechanism

DOE did identify two likely mechanisms to provide funding to NRC for the LSSA's activities. Definitization and validation of those approaches was not pursued by DOE after the first week of August 1995--when DOE first anticipated that there would be no FY 1996 LSS activities.

Prospects

Congressional committee chairmen are optimistic that the Nuclear Waste Policy Act will be revisited this spring. The outcome of that effort is, however, unpredictable. Failing success in its springtime efforts, prospects for congressional action once the campaign season begins are not good.

Early FY 96 indications were that DOE will delay its license application until sometime beyond the year 2001. In the meantime, DOE's ongoing site characterization work will continue to generate new documentation. The abrupt halt to progress on the LSS since the start of FY 1996 clearly demonstrates NRC's dependance on DOE funding to sustain any automation progress.

The license application for a HLW repository, for interim storage, and cask certifications are all still eventual prospects confronting NRC. The LSS is not an end in and of itself but does represent Commission intentions to be prepared for a streamlined, cost-effective, and expeditious license application hearing. These are still worthy objectives regardless of the prospects for, and uncertain outcome of, anticipated congressional action.

Given the SMT findings in its initial review of the DOE records system, DOE's cancellation of LSS activities and records reprocessing raises concerns about their ability to effect timely and cost-effective remedies to SMT concerns on an ever-growing collection of materials. Likewise, DOE budgetary resources are insufficient to suppport the prototyping of participant access to licensing information. These factors suggest that this is an opportune time for the SMT to refocus DOE on the documentation needed for its license application, assess radical developments in computer communications and internetworking, address a major refocus of licensing and cask certification activities, and, re- examine the foundations and assumptions upon which the LSS rule is based.

The SMT will address these issues, develop an action plan and advise the Commission within the next six months. This effort will include a reassessment of the requirements for a licensing support system as prescribed in the LSS rule.

James M. Taylor
Executive Director for Operations

Attachment: Summary of Findings from SMT Visit to DOE Records Management Facility on 7/20/95

cc: OGC
OCAA
OIG
OPA
OCA
EDO
SECY

ATTACHMENT

SUMMARY OF FINDINGS FROM SMT VISIT TO DOE RECORDS MANAGEMENT FACILITY ON 7/20/95

CATALOGING PROCEDURES INTEGRITY AND ACCURACY: We noted that the DOE cataloging procedure for records packages that the bibliographic header field for Related Record was not completed for any of the parent child relationships within that records package. The package being viewed had seven items in it. One of the items was a one page transmittal letter indicating that it transmitted the audit notification as an attachment. It was cataloged as an item, and the header for that item indicated no related record. The following item in the records package was the referenced attachment. The bibliographic header for that item contained nothing in its Related Record field to show that it was the attachment to the previous transmittal. If carried over into the LSS, you would see an image of an item that says it has an attachment, but, the bibliographic entry does not give you the DOE accession number for the item that is the attachment. This item needs to be addressed by the LSS header working group.

PACKAGE RECONSTRUCTION: We noted that the packages are only identifiable via use of the Package Identifier. The Related Record field was not completed for any of the reciprocal relationships between the header record for the table of contents and the seven items that make up the package. This appears to be because of DOE identifying a package as a single entity . The Package Identifier will allow the reconstruction of the items in a package only by performing a second iterative search for all items where Pkg ID = nnnnnnn . This item needs to be addressed by the LSS header working group.

REFERENCED MATERIALS: Until the December 1994 ARP meeting, DOE did not have guidance on what constituted readily available items. As a result, referenced items such as geologic dictionaries and chapters from textbooks are included as attachments to some of the documents we reviewed. It should be expected that DOE will screen these materials out during their reprocessing efforts based on the direction given by the ARP on what constituted readily available. No additional NRC guidance should be required of NRC to allow DOE to implement this screening-out criteria.

NON-DOE AUTHORED MATERIALS: There were numerous examples of documents authored by other organizations which were found in the examples reviewed. EPA, NRC policy and guidance documents, federal register, federal rules, federal regs and other similar materials were found. DOE may choose to include these in their records system for reasons unrelated to licensing documentation requirements, and that is their business. However, if DOE is allowed to dump the entire contents of their automated records holdings into the LSS, it would cause a situation where DOE is submitting other participants materials. On the one hand, it is the other participants' responsibility to enter their own materials, but on the other hand, DOE is not confident that other parties will be submitting their documents which DOE feels it might rely upon. DOE's tracking, at the 11th hour, whether other participants documents made it in adds a responsibility on DOE that is equally shared by others (i.e., Nevada relying on DOE documents...) But the burden on DOE is perhaps larger by magnitudes and the risks are against their license application's success.

[A filtering search on the DOE records system holdings for all items where the AUTHORG = NRC or NEV or CLARK or NYE. . . could preclude those from being bulk migrated into LSS, but the cataloging problem is that each one of those that was part of a reciprocal cross reference will result in a dead end pointer in LSS. DJG]

DOE DOCUMENT DISPOSITION SCHEDULE: An SMT member observed that DOE seems to be maintaining high-level radioactive waste (HLW) records beyond the disposition period recommended by the National Archives and Records Administration. He asked the M&O contractor why is DOE changing (extending) the normal disposition schedules, just for HLW records? He suggested that NARA retention schedules may supersede other requirements. A representative of the M&O noted that only 3-5 percent of the RMS collection are considered to be Permanent Records by NARA. This issue may be need further consideration.

DECISION TRACKING: After reviewing a random selection of DOE documents, an SMT member observed that, unlike NRC's policy to capture the concurrence signature blocks, DOE is not tracking the decision making process. He observed that there is no discernable way to determine whether a senior manager had actually reviewed a particular document. There is no clear sign off process on the administrative documents. In response, a representative of DOE noted that the LSS is a discovery support system, not a litigation support system -- if the LSS was supposed to be an issues tracking system, it should have been stated in the rule. There is a disconnect here that may need further clarification.

[In the DOE system, the concurrence block is filmed/imaged. A two page letter will be imaged as 3 pages, the two pages as the document went out plus a duplicate of the last signature page with the superimposed concurrence chain signed and initialed. You will only see it if you pull up the document image. DJG]

Return to References

SECY-96-119

May 31, 1996

FOR: The Commissioners

FROM: James M. Taylor /s/
Executive Director for Operations

SUBJECT: RESPONSE TO PUBLIC COMMENTS ON DRAFT REGULATORY GUIDE, "TOPICAL GUIDELINES FOR THE LICENSING SUPPORT SYSTEM" (DG-3009) AND CORRESPONDING REVISIONS TO THE REGULATORY GUIDE

PURPOSE:

To inform the Commission of the staff's intent to publish a regulatory guide, "Topical Guidelines for the Licensing Support System."

BACKGROUND:

On April 14, 1989, the Commission issued 10 CFR Part 2, Subpart J, "Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository." As part of the statement of considerations for this rule, the Commission identified interim topical guidelines with a notation that these guidelines would be revised and developed into a regulatory guide. By the Staff Requirements Memorandum (SRM) dated August 1, 1989, on SECY-89-186, "Consolidation of Revisions to the Commission's Rules of Practice in Order to Streamline the High-Level Waste Licensing Process" (in conjunction with an April 7, 1989, SRM on SECY-89-027, "Final Rulemaking on the Licensing Support System for the High-Level Waste Licensing Proceeding") the Commission directed the staff to "...review, clarify, and modify" the interim topical guidelines and prepare a draft regulatory guide (DRG). The Commission also directed the staff to provide the DRG to the Commission for comment before publication. In SECY-90-187, "Topical Guidelines for the Licensing Support System," dated May 24, 1990, the staff provided the DRG to the Commission. In another SRM dated June 22, 1990, the Commission directed the staff to obtain comments from the Licensing Support System Advisory Review Panel (LSSARP) before publication. The DRG (DG-3009) was transmitted to the LSSARP in July 1990, and the LSSARP was briefed on the DRG in October 1990. As a result of these interactions, the LSSARP voiced its objections to the proposed exclusions of environmental and transportation information in the DRG. According to the LSSARP (Hoyle/Bernero Memorandum dated February 21, 1991):

... NRC should provide additional rationale for the proposed exclusions. Some members are concerned that excluding environmental and transportation-related documents is unwarranted at this time because information could be excluded prematurely that might be relevant, or likely to lead to the discovery of information that is relevant to issues in the NRC licensing proceedings .... They also believe that to exclude such information at this point in the process would be based on the presumption that it would not later be relevant to NRC's adoption of the EIS [Environmental Impact Statement], a presumption which they believe is premature .... All members of the Panel, except NRC, strongly urge that if the NRC proposed to exclude documents dealing with transportation and environmental issues from the LSS, that decision should be made in a rulemaking proceeding so that a judicial determination can be obtained on the legality of such exclusions.

Based on the LSSARP concerns, the staff presented for Commission consideration the following three options in SECY-93-017, "Response to the Licensing Support System Advisory Review Panel's Comments on the Draft Regulatory Guide, 'Topical Guidelines for the Licensing Support System.'"

1. Modify the DRG to include "Transportation" and "Environmental Information" as additional topics in the body of the DRG.

2. Make no changes to the DRG. The Commission might also undertake a rulemaking to exclude transportation and environmental information from the Licensing Support System (LSS), as suggested by the LSSARP, to facilitate an early challenge and judicial resolution of the scope of NRC review.
3. Modify the DRG to include a new Appendix C, "Material Beyond the Scope of the Licensing Proceeding," which would allow the parties voluntarily to submit documentary material pertaining to environmental issues and transportation issues to a separate part of the LSS.

The staff recommended Option 1, that environmental and transportation information be included in the DRG for several reasons, including 1) the possible relevance of environmental and transportation information for determinations on the "significant and substantial new information or new considerations" criterion of 10 CFR 51.109(c)(2), and 2) NRC's independent obligations pursuant to such statutes as the Endangered Species Act of 1973 and the American Indian Religious Freedom Act, which may require access to a broad range of environmental information.

The Commission approved the staff's recommendation and the DRG was modified to include transportation and environmental issues under a category labeled "General Information." Notice of Availability for the proposed guide appeared in the Federal Register in July 1993 with a 90-day comment period. The public comment period was extended in response to a request from the U.S. Department of Energy (DOE). In October 1993, the staff discussed the DRG with the LSSARP. Although the LSSARP chose, as a group, not to formally comment on the DRG, the staff reviewed the transcript of the public meeting and incorporated relevant comments. In addition, individual members of the LSSARP submitted independent written comments on the DRG. In total, DOE, the State of Nevada, and several local governments provided comments. The staff has completed its analysis of public comments and has revised the regulatory guide accordingly.

The proposed issue of the Regulatory Guide was put on "hold" when, in response to a NRC Inspector General report, the Commission established a Senior Management Team (SMT) to review all LSS activities. The SMT will be providing recommendations to the Commission at a later date. However, it has been determined that the SMT recommendations will not modify the proposed Regulatory Guide. The members of the LSSARP requested that the Regulatory Guide be published since extensive interactions on the guide had occurred. In addition, publication of the Regulatory Guide will facilitate DOE institutionalizing its decision-making process and putting the documentation into an electronic, retrievable, format.

Lastly, the staff notes that, consistent with the mandates of the Energy Policy Act of 1992, the Environmental Protection Agency (EPA) is developing site-specific environmental radiation protection standards for the potential repository at Yucca Mountain. In this regard, the Act specifies that the Commission must promulgate a rule so that the Commission regulations are consistent with the new EPA standards. Any future changes in the regulatory framework that would require a change in the proposed Regulatory Guide, such as rulemaking to make the NRC requirements consistent with the revised EPA standards that are currently under development, will be reflected in a future revision to the guide.

Summary of Public Comments:

Commenters reiterated the original LSSARP concern that the topics of environmental and transportation information would not be fully covered. In addition, there were requests for clarification of the terms "environmental information" and "transportation information" and for the inclusion of socio-economic information, as well as environmental information. Commenters also requested the clarification that the topic "transportation" refers to the transport of spent fuel.

Revisions to the Regulatory Guide:

The most significant public comments involved the perception that environmental, socio-economic, and transportation issues were not appropriately addressed in the DRG. To clarify the staff's intent, a new category has been added to Section C of the regulatory guide, concerning information for preparation of

a geologic repository environmental impact statement (EIS). The new category has three distinct subcatagories: environmental, socio-economic, and transportation. The staff's detailed responses to public comments are given in Attachment 1 and the resulting revisions to the regulatory guide are shown in Attachment 2, in a "red-line" version, to indicate where changes have been made. Attachment 3 is the final regulatory guide. Issuing this final regulatory guide also resolves a regulatory uncertainty (UN 48) identified by the staff in Enclosure 5 of SECY-90-207, "First Update of the Regulatory Strategy and Schedules for the High-Level Waste Repository Program," and Enclosure 2 of SECY-91-225, "Second Update of the Regulatory Strategy and Schedules for the High-Level Waste Repository Strategy and Schedules for the High-Level Waste Repository Program," associated with the need to finalize these topical guidelines.

COORDINATION:

The Office of the General Counsel has reviewed this paper and has no legal objection.

The Office of the Inspector General has reviewed this paper and has no comments.

RECOMMENDATION:

Unless directed otherwise by the Commission within ten working days of the date of this paper, the staff will initiate the process for publishing the final regulatory guide.

James M. Taylor
Executive Director
for Operations

CONTACT: Jack Spraul, NMSS/DWM
415-6715

Attachments:
1. NRC Staff Responses to Public Comments
2. Proposed Revisions to the Draft Regulatory Guide
3. Final Regulatory Guide

ATTACHMENT 1

MAJOR ISSUES RAISED IN PUBLIC COMMENTS ON DRAFT REGULATORY GUIDE "TOPICAL GUIDELINES FOR THE LICENSING SUPPORT SYSTEM" (DG-3009) AND NRC STAFF RESPONSES

The staff has organized its responses by category, to focus on the key issues raised. There were five comment letters received in response to the Federal Register notice (58FR40169, July 27, 1993), through which the Draft Regulatory Guide, "Topical Guidelines for the Licensing Support System", (DG-3009) was issued. Comment letters were received from the U.S. Department of Energy (DOE); the State of Nevada (NV); Clark County, NV; Nye County, NV; and Lincoln County, NV. Staff has worked with the Licensing Support System Advisory Review Panel (LSSARP) throughout the development of the regulatory guide and comments received in this process have also been addressed.

The comments have been grouped into the following major categories of issues: 1) coordination with the LSSARP; 2) environmental, transportation, and socioeconomic issues; 3) scope of information; 4) exclusions; 5) issue closure; 6) types of documentation; 7) siting guidelines; 8) quality assurance records; 9) testing and inspection; 10) performance confirmation; and 11) other comments.

1. Coordination with the LSSARP

One of the major concerns the commenters expressed was that the staff should consider the LSSARP's input and advice on the list of topics. As noted in the responses to comments below, the staff has worked with the LSSARP throughout the development of the regulatory guide and appreciates the comments provided by the LSSARP. The following comments address coordination with the LSSARP.

Comment:

-- "Lincoln County would encourage NRC to expand the list of topics contained within DG-3009 to be consistent with the Commission's interim topical guidelines published April 14, 1990, in the Federal Register. Failure by NRC to reconsider input and advice of LSSARP members may bring into question the utility of future stakeholder participation in such advisory capacities."

Staff Response:

The staff has discussed DG-3009 with the LSSARP on several occasions. Before its publication for public comment, DG-3009 and an explanation of the disposition of the interim topical guidelines were provided to the LSSARP. DG-3009 was discussed at the October 1990, LSSARP meeting in Reno, NV. At that meeting the staff explained how and why some of the interim topical guidelines were incorporated into DG-3009 and why some of the interim topical guidelines were excluded. DG-3009 was published for public comment in July 1993. In an October 5-6, 1993, meeting of the LSSARP, the staff again discussed DG-3009. Although the LSSARP chose, as a group, not to comment formally on the draft regulatory guide, the staff reviewed the transcript of the meeting and incorporated relevant comments. In addition, individual members of the LSSARP, such as the representatives of Nye County and Clark County, chose to provide their own written comments separately from the LSSARP.

The list of topics in DG-3009 was prepared using the published interim topical guidelines, and the structure of DG-3009 was based on information needed in a license application that was identified in the U.S. Nuclear Regulatory Commission's Draft Regulatory Guide, "Format and Content for the License Application for the High-Level Waste Repository" (DG-3003). These information needs were designed to provide full coverage of 10 CFR Part 60 requirements. Some of the elements of the interim topical guidelines were not specifically included in DG-3009 because they were not related to licensing requirements. Other elements of the interim topical guidelines were not specifically included because they were considered sub-elements of the topics contained in Section C of DG-3009.

It should be remembered that, as stated in the introduction to DG-3009, each topical guideline is inclusive and that if any information is relevant to the regulatory requirements associated with the repository licensing proceedings, it would be within one of the existing topical guidelines.

Comment:

-- Nye County also raised a concern with "the procedure of drafting and publishing for comment the LSS topical guidelines, without some formal mechanism for their discussion and/or approval by the LSSARP." The County "...strongly urge[s] the staff to do so with the second draft of the regulatory guide."

Staff Response:

As noted in the response to the previous comment, the staff has worked with the LSSARP throughout the development of this regulatory guide, and staff has been available to discuss the issues with LSSARP members for the past several years. The proposed draft regulatory guide was transmitted to the LSSARP in July 1990, before its publication for public comment. As directed by the Commission, the LSSARP was briefed on the draft regulatory guide in October 1990. In its letter of review in February 1991, the LSSARP agreed that the refinement and condensation of the interim topical guidelines presented in DG-3009 were needed. However, panel members were concerned about the exclusion of environmental and transportation information (including socio-economic information) from the Licensing Support System (LSS). In the draft guide, the staff added Topic 1.8, "Environmental Information," and Topic 1.9,

"Transportation Information" under "General Information," under General Information. After publishing the draft regulatory guide for public comment, individual members of the LSSARP continued to express concerns about transportation and environmental issues. Therefore, the staff added Topic 12.0, "Information for Preparation of a Geologic Repository Environmental Impact Statement," to Section C in the final version and eliminated Topics 1.8 and 1.9. (See item 2 below.) Also other LSSARP comments, such as "Provide definitions of excluded material" were incorporated in DG-3009. DG-3009 was published for public comment in July 1993. In an October 5-6, 1993, meeting of the LSSARP, the staff discussed the draft regulatory guide. Although the LSSARP chose, as a group, not to formally comment on the draft regulatory guide, the staff reviewed the transcript of the public meeting and incorporated any relevant comments of the group. In addition, individual members of the LSSARP, such as the representatives of Nye County and Clark County, chose to provide their own written comments separately from the LSSARP. The staff believes it has been responsive to all LSSARP concerns.

2. Environmental, Transportation, and Socio-economic Issues

Commenters were concerned that environmental information that was produced for, and considered in, the DOE Environmental Impact Statement had not been specifically included in the topical guidelines. Other commenters were concerned that socio-economic issues would not be fully covered if it were assumed that socio-economics was included under transportation. Commenters asked for clarification of the terms "environmental information" and "transportation information." Specific comments are as follows:

-- Page 2, last paragraph - Amend the last sentence to reflect the fact that only information related to transportation of spent nuclear fuel and high-level waste destined for the repository should be considered. (DOE)

-- Page 4, Guideline 1.9 - Can the term "Transportation Information" be interpreted to include information related to any shipment of high-level radioactive waste destined for the MGDS [Mined Geologic Disposal System]? (This would exclude shipments made to an MRS [Monitored Retrievable Storage] facility and include transportation from/through States other than NV.) (DOE)

-- Paragraphs 1.8, "Environmental Information," and 1.9, "Transportation Information," under paragraph 1, "General Information" are ambiguous. The term "Environmental Information" should be expanded so that it reads "Environmental Information, including information relating to the socio- and economic environment." The term "Transportation Information" should be expanded so that it reads "all information related to the transportation of high-level nuclear waste or spent nuclear fuel from the point of origin to a proposed repository." (Nye County)

-- Socio-economic information should be included in addition to environmental and transportation. It is not sufficient to assume that socio-economic issues will be included within environmental information. Page 2, 1st full paragraph, 7th and 8th sentences. Add socio-economic information. (Lincoln County)

-- Regarding Appendix A, where should socio-economic information be placed? (DOE)

-- Socio-economic issues were not included in the draft regulatory guide. (Clark County)

Staff Response:

In response to these concerns, an additional category (Category 12.0) will be added to Section C in the final version of the regulatory guide. Category 12.0 adds the following topical guidelines:

12.0 Information for Preparation of a Geologic Repository Environmental Impact Statement
12.1 Environmental
12.2 Socio-economic
12.3 Transportation

In addition, language will be added to DG-3009 stating that only information on transportation of

high-level waste from a reactor to the repository, or from a monitored retrievable storage facility to a repository should be included under Sub-category 12.3, the transportation topical guideline. This does not cover transportation from the reactor to a monitored retrievable storage facility because that aspect of transportation is not related to the repository. Reference to transportation and environmental issues under Category 1, "General Information," will be removed.

3. Scope of Information

Comment:

-- Page 10, Category 4 - Interpreted liberally, this category [Internal Memoranda] could mean all DOE memoranda. Only those memos related to the Civilian Radioactive Waste Management Program should be considered. (DOE)

Staff Response:

The staff believes that the introduction to DG-3009 as well as the Code of Federal Regulations statement of applicability of 10 CFR Part 2, Subpart J, makes it clear that the only material that must be included in the LSS is material relevant to the licensing of a geologic repository pursuant to 10 CFR Part 60. However, this material may be broader than that generated by DOE's Office of Civilian Radioactive Waste Management.

Comment:

-- Page 2, 2nd full paragraph, 3rd sentence - How would DG-3009 be used by the Pre-License Application Presiding Officer? "Without knowing the relationship of DG-3009 to this process, it is not possible to fully evaluate the appropriateness of DG-3009." (Lincoln County)

Staff Response:

The second paragraph on page 1 of DG-3009 discusses the relationship of the regulatory guide to the LSS process. DG-3009 defines the scope of topics under which documentary material is to be submitted to the LSS. It provides an inclusive list of topics under which participants may place information in the LSS.

Comment:

-- Page 3, 4th full paragraph, 4th sentence - If DG-3009 is intended to provide guidance to DOE on the scope of information that is contained within the LA ... then all the interim guidelines should be included. Limiting the scope "may encourage DOE to submit a license application which does not address issues of particular importance to stake holders ..." and may lead to "protracted legal proceedings" (Lincoln County)

Staff Response:

This regulatory guide provides instructions for all users of an electronic data base associated with licensing documentation and potential discovery in a hearing process. Information from DOE (the applicant/licensee) will form a significant portion of the total database. However, it is not the intent, or within the scope of, this regulatory guide to provide specific guidance on the content of the license application that must demonstrate compliance in a licensing proceeding. Section C of the "Topical Guidelines" is used to identify topics of documents that should be placed in the LSS. Any participant would be required to use Section C to determine the topics that were applicable to the work being done by that participant. The guidelines contained in the final regulatory guide should not be used by DOE to prepare a license application. Guidance for preparing a license application is in DG-3003 and, indirectly, in NUREG-1323, "License Application Review Plan for a Geologic Repository for Spent Nuclear Fuel and High-Level Radioactive Waste."

Comment:

-- Page 10, Appendix A - In addition, independent analyses prepared by the states and local governments should be included. (Lincoln County)

Staff Response:

Independent analyses prepared by the States and local governments should be included under the appropriate topical guideline listed in Section C. Such analyses are covered under Item 1, in Appendix A, which lists the types of documents that would be placed in the LSS. The regulatory guide is intended to provide guidance to all LSS participants.

Comment:

-- Page 4, Item 10 - Add NEPA. (Lincoln County)

Staff Response:

The National Environmental Policy Act (NEPA) will be added.

Comment:

-- A category of documents, "Pre-Licensing depositions and other discovery documents," should be included in Appendix A. (NV wants certain depositions taken during pre-licensing included in the LSS.)

Staff Response:

Any material relevant to repository licensing that offers information concerning any of the topics listed in Section C of the regulatory guide would be appropriate to include in the LSS.

4. Exclusions

Comment:

-- Page 4, Guidelines 1.4 and 1.5. - What is the definition of "publicly available?" Does it refer to information that has had any security or other restrictions relieved and therefore is releasable to the public? (DOE)

Staff Response:

The term, "publicly available," does refer to information that is releasable to the public. However, classified information is subject to the requirements of 10 CFR Part 2, Subpart I, "Special Procedures Applicable to Adjudicatory Proceedings Involving Restricted Data and/or National Security Information." This regulation does not allow for the public release of classified information related to the Certification of Safeguards, the Physical Security Plan, or National Security Information (if applicable) required to be submitted as part of the license application for the high-level waste repository.

Comment:

-- Page 10, Category 1 - Clarify that this applies only to final technical reports and does not include preliminary drafts (including predecisional and other internal review drafts). Under 10 CFR 2.1019(i)(2) preliminary drafts, although subject to derivative discovery, are excluded from entry in the LSS. (DOE)

Staff Response:

A clarification has been made in the regulatory guide that this section applies only to final technical reports and does not include preliminary drafts other than "circulated drafts," as defined in 10 CFR Part

2, Subpart J.

Comment:

-- Page 10, Category 6 - This category is perhaps a bit restrictive since it identifies only draft documents on which a nonconcurrence has been registered as being included in the LSS. The definition of "Circulated draft" (2.1001) also includes a document circulated for concurrence that does not become final due to "the passage of a substantial period of time in which no action has been taken on the document." (DOE)

Staff Response:

The phrase cited by the commenter is not a separate category but a subset of "circulated draft." A "non-concurrence" draft is within the definition of "circulated draft" whether it is finalized or not.

5. Issue Closure

Comment:

-- The Nuclear Regulatory Commission has determined that there will be no closure of issues prior to a licensing proceeding. The item listed as `8.5 Issue - resolution reports' is inconsistent with the NRC's policy directive and, therefore, the NWPO [NV Waste Policy Office] comments that 8.5 should be removed as a category in Appendix A. To the extent that issues are limited in any respect the item listed as `8.7 Topical reports, data, and data analysis' is adequate to cover the category." (NV)

Staff Response:

The inclusion of issue-resolution reports is not contrary to NRC policy. NRC policy is that issues are only resolved at the staff level during pre-licensing. However, documentation of such staff-level issue resolution would be useful for the record and is appropriate for inclusion. See also 10 CFR 60.18(l).

6. Types of Documentation

Comment:

-- Page 9, Guideline 8 - Revise the following guidelines to minimize redundancy with documents mentioned in Section C and Appendix A .... (DOE)

Staff Response:

The list of documents in Appendix A is based on one of the three original groups of interim topical guidelines and NRC believes that it is useful to maintain this non-exhaustive list of categories of documents. Section C, on the other hand, provides a list of inclusive topics under which documents are to be submitted. The regulatory guide has been revised to more clearly state the use of Section C and Appendix A.

7. Siting Guidelines

Comment:

-- Page 5 - Add a new Guideline 2.8 entitled "Department of Energy Siting Guidelines including Supporting Rationale." See 10 CFR Part 960. (DOE)

Information relating to DOE siting guidelines would be submitted under the appropriate topical guideline heading listed in Section C. Therefore a separate guideline is not needed.

8. Quality Assurance (QA) Records

Comment:

-- Appendix A, Page 10, Category 2 - DOE requests a better definition of QA records. DOE believes that QA records should be included in the information on the Repository Subsystems chapters. (DOE)

Staff Response:

NRC believes that QA records are sufficiently defined in 10 CFR Part 50, Appendix B (which is incorporated by reference into 10 CFR Part 60), and in ASME NQA-1, "Quality Assurance Program Requirements for Nuclear Facilities." The NRC staff believes that QA records are sufficiently distinct and have such specific storage and maintenance requirements associated with them that QA will remain a separate category.

9. Testing and Inspection

Comment:

-- DOE suggests a new guideline on "Testing and Inspection." It cites 10 CFR 60.74 and 75. (DOE)

Staff Response:

Any information on tests and inspections that relate to regulatory requirements for a high-level waste license application should be placed under the appropriate topical guideline in Section C. Tests and inspections would be included by the same logic process described for the performance confirmation program, as described under "Use of the Regulatory Guide" on page 3 of DG-3009.

10. Performance Confirmation

Comment:

-- DOE wishes to take Performance Confirmation out of the Repository Subsystems chapters and make it a separate chapter. (DOE)

Staff Response:

The staff believes that performance confirmation should be maintained with the subsystems chapters because the information is similar in technical content. This has been generically clarified in the regulatory guide under the title "Use of the Regulatory Guide."

11. Other Comments

The several suggested editorial corrections have been made. However, suggestions for the addition of other guidelines have not been followed because the topics in DG-3009 are based on the DG-3003, which provides full coverage of Part 60 requirements. Some of the specific suggestions and the responses follow.

Comment:

-- DOE suggested that because DG-3003 is the basis of the listing of topics in DG-3009, then DG-3009 should not be used until the DG-3003 is made final. (DOE)

Staff Response:

The staff does not believe that finalization of DG-3003 is necessary to proceed with DG-3009. As is the case with any such guidance, it will be revised at a later date if necessary.

Comment:

-- Page 5, Guidelines 2.1 and 2.4. - Add "future variations" to hydrologic system and geochemical system. (DOE)

Staff Response:

The subheadings for the subsystems of the "Natural System" are appropriate as they appear in DG-3009. Information on "future variations" that are relevant to the license application would appropriately be included under the specific subsystem heading in the current structure.

Comment:

-- Page 5, Guideline 2.5 - This category (Integrated Natural System Response to the Maximum Design Thermal Loading) might be too restrictive by considering only the maximum design thermal loading when the integrated response for a variety of thermal loadings is being considered. Deleting the phrase "...Maximum Design..." would remove this restriction. (DOE)

Staff Response

The current wording of the final regulatory guide correctly reflects the regulatory requirement. Any information related to demonstrating compliance with this regulatory requirement would be within Topical Guideline 2.5.

Comment:

-- Page 6 - Add a new guideline 3.2.8 entitled "Communications Systems." This is consistent with the same item under guidelines 3.1 and 3.3. (DOE)

Staff Response:

Section C, Category 3 of the final regulatory guide addresses the physical facilities of the geologic repository operations area. No communication systems have been identified as unique to the "Shafts and Ramps" portion of the "Geologic Repository Operations Area." Should such a system be identified and included in the License Application, it would be within topical guideline 3.2.7, "Other Shaft/Ramp Systems."

Comment:

-- Page 10, Category 8 - The structure of the LSS does not accommodate the inclusion of other databases. The indices to information contained in the databases or the data from a database may be submitted to the LSS, if appropriate. However, it is not technically feasible nor desirable to embed one database within another. (DOE)

Staff Response:

If the inclusion of a given database in its current form is not feasible, then it will be necessary to make the information in that database available in another form. This should not be a problem with current computer technology.

ATTACHMENT 2
REGULATORY GUIDE 3009

TOPICAL GUIDELINES FOR
THE LICENSING SUPPORT SYSTEM (MARKED-UP VERSION)

This attachment is only available in hardcopy or WordPerfect format.

See Attachment 3 below.

ATTACHMENT 3

REGULATORY GUIDE 3009

TOPICAL GUIDELINES FOR THE LICENSING SUPPORT SYSTEM

September 1996
Division 3
Task DG-3009

Contact: J. G. Spraul (301) 415-6715

A. INTRODUCTION

Subpart J, "Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository" (10 CFR 2.1000 to 2.1027), of 10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," sets forth procedures for an adjudicatory proceeding on the application for a license to receive and possess high-level nuclear waste at a geologic repository under 10 CFR Part 60. Pursuant to these regulations, the Licensing Support System (LSS), an electronic information management system, is being designed and implemented to provide for the entry of and access to potentially relevant licensing information.

This regulatory guide defines the scope of documentary material that should be included in the LSS. Interim topical guidelines, drafted by the High-Level Waste Licensing Support System Advisory Review Panel, were adopted by the U.S. Nuclear Regulatory Commission with the statement that the topical guidelines would later be revised and set forth as a regulatory guide by NRC staff (see 54 FR 14925, dated April 14, 1989). The interim topical guidelines were partially modeled after the environmental assessments prepared in connection with the U.S. Department of Energy's (DOE's) site selection process.

Document is defined in 10 CFR 2.1001 as "...any written, printed, recorded, magnetic, graphic matter, or other documentary material, regardless of form or characteristic." In addition, 10 CFR 2.1001 defines documentary material as "...any material or other information that is relevant to, or likely to lead to the discovery of information that is relevant to, the licensing of the likely candidate site for a geologic repository. The scope of documentary material shall be guided by the topical guidelines in the applicable NRC Regulatory Guide." The forms of these materials are listed in Appendix A, a non-exhaustive list of types of documents that may be included in the LSS.

In developing this final regulatory guide, the interim topical guidelines, the Draft Regulatory Guide, "Format and Content of the License Application for the High-Level Waste Repository" (DG-3003), and comments from the public and Licensing Support System Advisory Review Panel (LSSARP) (which strongly advocates expanding the LSS topical guidelines to all relevant information) were considered. Topics for information entered into the LSS will not only be consistent with information that is needed for the license application but also will contain additional information related to DOE's Environmental Impact Statement.

B. DISCUSSION

Purpose of the Regulatory Guide

The purpose of this regulatory guide is to provide a list of the topics (Section C) for which LSS participants should submit documentary materials for entry into the LSS under 10 CFR 2.1003. The topical guidelines are designed to be broad enough to encompass all potential licensing issues. This regulatory guide will also be used by the Pre-License Application Presiding Officer for evaluating

petitions for access to the LSS during the pre-license application phase under 10 CFR 2.1008.

This regulatory guide will not be used as the detailed topical index for documentary evidence contained in the LSS. Neither will it be used to establish standing in the high-level waste licensing proceeding nor serve to determine the scope of contentions that may be offered in the application proceeding under 10 CFR 2.1014.

Use of the Regulatory Guide

To the extent practicable, the regulatory guide format follows the repository systems and conforms to the approach taken in other generic NRC licensing documents for the high-level waste repository program. The actual format of the documents submitted is not specified in this regulatory guide. Format specifications are provided in other guidance documents such as the Commmission's Draft Regulatory Guide, "Format and Content for the License Application for the High-Level Waste Repository" (DG-3003). Section C of this regulatory guide lists the topics of documents that must be placed in the LSS. Appendix A to this regulatory guide contains a nonexhaustive list of documents to which the topical guidelines of Section C should be applied. Documents should still be included in the LSS if they are not included in Appendix A but are related to a topic in Section C of this regulatory guide.

Because the topical guidelines of Section C have been kept broad and at a fairly high level of detail, the user should consider each topic to be inclusive rather than exclusive. For instance, in 10 CFR Part 60, Subpart F requires a performance confirmation program for the various components of the repository system. However, performance confirmation is not listed as a topic in this regulatory guide. Rather, information pertinent to performance confirmation for any particular component of the repository system would be considered to be within the topic designating that particular system (performance confirmation relevant to geologic processes would be considered topical information under the appropriate heading for the "Natural System").

Each topical guideline of Section C should be considered all-inclusive with regard to all documents germane to that topic for the site. For example, much of the information that supports the licensing proceeding will be based on the use of methodologies, computer codes, and models. It is appropriate for such information to be included in the LSS. As stated above, DG-3003 is being developed to provide guidance on the information that should be submitted in the license application and on the types of information that should be included in the LSS.

To ensure that socio-economic issues would be covered, the subcategories "Environmental," "Socio-economic," and "Transportation" are included under topical guideline 12.0, "Information for Preparation of a Geologic Repository Environmental Impact Statement." Only information on transportation of high-level waste from a reactor, from an independent spent fuel storage facility, or from a monitored retrievable storage facility to a repository should be included under the transportation topical guideline.

C. TOPICAL GUIDELINES

1. General Information
    - 1.1 General Facility Description
    - 1.2 Basis for Licensing Authority
    - 1.3 Schedules Relevant to the NRC/DOE Repository Programs
    - 1.4 Any Publicly Available Information on Certification of Safeguards
    - 1.5 Any Publicly Available Information on the Physical Security Plan
    - 1.6 Site Characterization
    - 1.7 License Specifications (those variables, conditions, or other items that DOE determines to be probable subjects of license specifications)
    - 1.8 Information Relevant to NRC Findings Regarding Compliance with Statutes [other than: (a) The Atomic Energy Act, as amended; (b) the Energy Reorganization Act of 1974; and (c) the Nuclear Waste Policy Act, as amended] that Federal agencies must take cognizance of in licensing actions (e.g., American Indian Religious Freedom Act, Endangered Species Act of 1973, or the

National Environmental Policy Act).
2. The Natural Systems of the Geologic Setting
    2.1 Geologic System
        2.1.1 Regional Geology
        2.1.2 Site Geology
        2.1.3 Future Variations in Geologic Processes
    2.2 Hydrologic System
        2.2.1 Surface Water Hydrology
        2.2.2 Regional Hydrogeology
        2.2.3 Site Hydrogeology
    2.3 Geochemical System
        2.3.1 Regional Geochemistry
        2.3.2 Site Geochemistry
    2.4 Climatological and Meteorological Systems
        2.4.1 Present Climate and Meteorology
        2.4.2 Paleoclimatology
        2.4.3 Future Climatic Variation
    2.5 Integrated Natural System Response to the Maximum Design Thermal Loading
    2.6 Processes and Events (anticipated and unanticipated, potentially disruptive)
    2.7 Effectiveness of Natural Barriers against the Release of Radioactive Material to the Environment (information relevant to the performance objectives of 10 CFR 60.113)
3. Geologic Repository Operations Area (GROA): Physical Facilities
    3.1 Surface Facilities
        3.1.1 Waste-Handling System/Buildings/Equipment (Including Hot Cell)
        3.1.2 Onsite Radioactive Waste Management System
        3.1.3 Fire and Explosion Protection Systems
        3.1.4 Emergency Systems
        3.1.5 Communication Systems
        3.1.6 Utility Systems
        3.1.7 Instrumentation and Control Systems
        3.1.8 Onsite Transportation System
        3.1.9 Ventilation Systems
        3.1.10 Operations Support Systems
        3.1.11 Plans for the Decommissioning System
        3.1.12 Other Surface Systems
    3.2 Shafts/Ramps
        3.2.1 Waste Shaft/Ramp
        3.2.2 Muck Shaft/Ramp
        3.2.3 Ventilation Intake Shafts
        3.2.4 Ventilation Exhaust Shafts
        3.2.5 Personnel and Materials Shafts
        3.2.6 Plans for the Decommissioning System
        3.2.7 Other Shaft/Ramp Systems
    3.3 Underground Facility
        3.3.1 Excavation and Ground Support Systems
        3.3.2 Muck-Handling System
        3.3.3 Ventilation System
        3.3.4 Waste Emplacement System
        3.3.5 Waste Retrieval System
        3.3.6 Emergency Systems
        3.3.7 Communication System
        3.3.8 Operations Support System
        3.3.9 Plans for the Decommissioning System
        3.3.10 Other Underground Systems
    3.4 Interface of Structures, Systems, and Components
    3.5 Retrievability of Waste
    3.6 Effectiveness of the GROA against the Release of Radioactive Materials to the Environment

(Information relevant to the performance objectives of 10 CFR 60.111)
4. Engineered Barrier Systems
    4.1 Waste Package
    4.2 Waste Form
    4.3 Underground Facility
    4.4 Engineered Barrier System Waste Package Emplacement Environment
    4.5 Engineered Barrier System Alternate Design Features
    4.6 Effectiveness of Engineered Barriers against the Release of Radioactive Material to the Environment (Information relevant to the performance objectives of 10 CFR 60.113)
5. Overall System Performance Assessment
    5.1 Basic Approach
    5.2 System Description
        5.2.1 Conceptual Models
        5.2.2 Processes and Events (Potentially Disruptive)
        5.2.3 Processes and Events (Undisturbed Performance)
    5.3 Cumulative Release of Radioactive Materials
        5.3.1 Screening of Processes and Events
        5.3.2 Scenario Development and Screening
        5.3.3 Consequence Analyses: Estimates of Cumulative Releases
        5.3.4 Probability Estimates
        5.3.5 Model and Code Validation
    5.4 Undisturbed Performance
        5.4.1 Individual Protection Requirements
        5.4.2 Groundwater Protection Requirements
        5.4.3 Model and Code Validation
6. Conduct of Repository Operations
    6.1 Maintenance
    6.2 Organization
    6.3 Personnel
    6.4 Records/Reports
    6.5 Training Programs
    6.6 Schedules
    6.7 Identification of Operating Controls and Limits
    6.8 Preservation of Records
    6.9 Site Markers
7. Land Ownership and Control
    7.1 Plans for Restricting Controlled Area Access
        7.1.1 Identification of Controlled Area
        7.1.2 Identification of Existing Legal Interests
        7.1.3 Identification of Legal Interests To Be Obtained
        7.1.4 Water Rights
    7.2 Plans for Regulating Land Use Outside the Controlled Area
        7.2.1 Identification of Adjacent Areas of Concern
        7.2.2 Identification of Existing Legal Interests
        7.2.3 Identification of Legal Interests To Be Obtained
    7.3 Plans for Regulating Land Use at the GROA
    7.4 Other Types of Legal Interests
8. Quality Assurance (QA) Records
    8.1 QA Records for Site Characterization
    8.2 QA Records for Design and Construction
    8.3 QA Records Including Records Covering Operations, Permanent Closure, Decontamination, and Decommissioning
    8.4 QA Records for All Relevant Research Activities
9. Emergency Planning
10. Radiation Protection
    10.1 Ensuring that Radiation Exposures are As Low As Is Reasonably Achievable
    10.2 Radiation Sources

10.3 Radiation Protection Design Features
10.4 Estimated Onsite Dose Assessment
10.5 Health Physics Program
10.6 Estimated Offsite Dose Assessment
11. Any Alternatives Considered (e.g., design interpretations, models)
12.0 Information for Preparation of a Geologic Repository Environmental Impact Statement
12.1 Environmental
12.2 Socioeconomic
12.3 Transportation [Transport of high-level waste from a reactor, from an independent spent fuel storage facility, or from a monitored retrievable storage facility to proposed repository]

APPENDIX A [of ATTACHMENT 3]
CATEGORIES OF DOCUMENTS TO BE INCLUDED IN THE LICENSING SUPPORT SYSTEM

This appendix contains a non-exhaustive list of the types of documents that should be included in the Licensing Support System.

1. Technical reports and analyses by all participants (including those developed by contractors). Note that this applies only to final technical reports and does not include preliminary drafts (including predecisional and other internal review drafts) other than "circulated drafts," as defined in 10 CFR Part 2, Subpart J (Item 6 below). See 10 CFR 2.1019(i)(2), which states that preliminary drafts, although subject to derivative discovery, are excluded from entry in the LSS.
2. Quality assurance records
3. External correspondence
4. Internal memoranda
5. Meeting minutes/transcripts
6. Draft documents on which a nonconcurrence has been registered
7. Congressional questions and answers
8. Other documents (for 8.1 through 8.9, include references to other data bases)
   8.1 Draft and final environmental assessment for the site characterized
   8.2 Site characterization plan
   8.3 Site characterization study plans
   8.4 Site characterization progress reports
   8.5 Issue-resolution reports
   8.6 License application
   8.7 Topical reports, data, and data analyses
   8.8 The U.S. Department of Energy (DOE) Environmental Impact Statement
   8.9 Recommendation report to the President of the United States (notice of disapproval, if submitted)
   8.10 Any publicly available information on rulemakings
   8.11 Public and agency comments on documents
   8.12 Response to comments
   8.13 U.S. Nuclear Regulatory Commission (NRC) technical positions
   8.14 NRC regulatory guides
   8.15 The DOE project-decision schedules
   8.16 DOE program-management documents

APPENDIX B [of ATTACHMENT 3]

EXCLUDED AND PRIVILEGED INFORMATION

10 CFR 2.1005, "Exclusions," lists types of information excluded from the Licensing Support System (LSS). Sections 2.1006(a), (b), and (c) discuss discovery privileges. These sections of 10 CFR are printed below.

10 CFR 2.1005 Exclusions.

The following material is excluded from entry into the Licensing Support System, either through initial entry pursuant to 10 CFR 2.1003 of this subpart, or through derivative discovery pursuant to 10 CFR 2.1019(i) of this subpart--

(a) Official notice materials;
(b) Reference books and text books;
(c) Material pertaining exclusively to administration, such as material related to budgets, financial management, personnel, office space, general distribution memoranda, or procurement, except for the scope of work on a procurement related to repository siting, construction, or operation, or to the transportation of spent nuclear fuel or high-level waste;
(d) Press clippings and press releases;
(e) Junk mail;
(f) Preferences [sic] [references] cited in contractor reports that are readily available;
(g) Classified material subject to Subpart I of this Part.

10 CFR 2.1006 Privilege.

(a) Subject to the requirements in 10 CFR 2.1003(d) of this subpart, the traditional discovery privileges recognized in NRC adjudicatory proceedings and the exceptions from disclosure in 10 CFR 2.790 of this part may be asserted by potential parties, interested governmental participants, and parties. In addition to Federal agencies, the deliberative process privilege may also be asserted by State and local government entities and Indian Tribes.

(b) Any document for which a claim of privilege is asserted, but is denied in whole or in part by the Pre-License Application Presiding Officer or the Presiding Officer, must be submitted by the party, interested governmental participant, or potential party that asserted the claim to--

(1) The LSS Administrator, for entry into the LSS, into an open access file; or
(2) To the LSS Administrator or to the Pre-License Application Presiding Officer or to the Presiding Officer, for entry into a Protective Order file, if the Pre-License Application Presiding Officer or the Presiding Officer so directs under 10 CFR 2.1010(b) or 10 CFR 2.1018(c) of this subpart.

(c) Notwithstanding any availability of the deliberative process privilege under paragraph (a) of this section, circulated drafts not otherwise privileged shall be submitted for entry into the LSS pursuant to 10 CFR 2.1003(a) and 2.1003(b) of this subpart.

REGULATORY ANALYSIS

A separate regulatory analysis was not prepared for this regulatory guide. The regulatory analysis prepared for Draft Regulatory Guide DG-3003, "Format and Content for the License Application for the High-Level Waste Repository," provides the regulatory basis for this regulatory guide as well. A copy of the regulatory analysis is available, in the file for DG-3009, for inspection, and copying for a fee, at the NRC Public Document Room, 2120 L Street N.W., Washington, DC. The Public Document Room's mailing address is Mail Stop LL-6, Washington, DC 20555; phone (202) 634-3273; fax (202) 634-3343.

Return to References

MAY 31, 1996 SECY-96-119

FOR: The Commissioners

FROM: James M. Taylor /s/
Executive Director for Operations

SUBJECT: RESPONSE TO PUBLIC COMMENTS ON DRAFT REGULATORY GUIDE, "TOPICAL GUIDELINES FOR THE LICENSING SUPPORT SYSTEM" (DG-3009) AND CORRESPONDING REVISIONS TO THE REGULATORY GUIDE

PURPOSE:

To inform the Commission of the staff's intent to publish a regulatory guide, "Topical Guidelines for the Licensing Support System."

BACKGROUND:

On April 14, 1989, the Commission issued 10 CFR Part 2, Subpart J, "Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository." As part of the statement of considerations for this rule, the Commission identified interim topical guidelines with a notation that these guidelines would be revised and developed into a regulatory guide. By the Staff Requirements Memorandum (SRM) dated August 1, 1989, on SECY-89-186, "Consolidation of Revisions to the Commission's Rules of Practice in Order to Streamline the High-Level Waste Licensing Process" (in conjunction with an April 7, 1989, SRM on SECY-89-027, "Final Rulemaking on the Licensing Support System for the High-Level Waste Licensing Proceeding") the Commission directed the staff to "...review,

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clarify, and modify" the interim topical guidelines and prepare a draft regulatory guide (DRG). The Commission also directed the staff to provide the DRG to the Commission for comment before publication. In SECY-90-187, "Topical Guidelines for the Licensing Support System," dated May 24, 1990, the staff provided the DRG to the Commission. In another SRM dated June 22, 1990, the Commission directed the staff to obtain comments from the Licensing Support System Advisory Review Panel (LSSARP) before publication. The DRG (DG-3009) was transmitted to the LSSARP in July 1990, and the LSSARP was briefed on the DRG in October 1990. As a result of these interactions, the LSSARP voiced its objections to the proposed exclusions of environmental and transportation information in the DRG. According to the LSSARP (Hoyle/Bernero Memorandum dated February 21, 1991):

> ... NRC should provide additional rationale for the proposed exclusions. Some members are concerned that excluding environmental and transportation-related documents is unwarranted at this time because information could be excluded prematurely that might be relevant, or likely to lead to the discovery of information that is relevant to issues in the NRC licensing proceedings .... They also believe that to exclude such information at this point in the process would be based on the presumption that it would not later be relevant to NRC's adoption of the EIS [Environmental Impact Statement], a presumption which they believe is premature .... All members of the Panel, except NRC, strongly urge that if the NRC proposed to exclude documents dealing with transportation and environmental issues from the LSS, that decision should be made in a rulemaking proceeding so that a judicial determination can be obtained on the legality of such exclusions.

Based on the LSSARP concerns, the staff presented for Commission consideration the following three options in SECY-93-017, "Response to the Licensing Support System Advisory Review Panel's Comments on the Draft Regulatory Guide, 'Topical Guidelines for the Licensing Support System.'"

1. Modify the DRG to include "Transportation" and "Environmental Information" as additional topics in the body of the DRG.

2. Make no changes to the DRG. The Commission might also undertake a rulemaking to exclude transportation and environmental information from the Licensing Support System (LSS), as suggested by the LSSARP, to facilitate an early challenge and judicial resolution of the scope of NRC review.

3. Modify the DRG to include a new Appendix C, "Material Beyond the Scope of the Licensing Proceeding," which would allow the parties voluntarily to submit documentary material pertaining to environmental issues and transportation issues to a separate part of the LSS.

The staff recommended Option 1, that environmental and transportation information be included in the DRG for several reasons, including 1) the possible relevance of environmental and transportation information for

determinations on the "significant and substantial new information or new considerations" criterion of 10 CFR 51.109(c)(2), and 2) NRC's independent obligations pursuant to such statutes as the Endangered Species Act of 1973 and the American Indian Religious Freedom Act, which may require access to a broad range of environmental information.

The Commission approved the staff's recommendation and the DRG was modified to include transportation and environmental issues under a category labeled "General Information." Notice of Availability for the proposed guide appeared in the Federal Register in July 1993 with a 90-day comment period. The public comment period was extended in response to a request from the U.S. Department of Energy (DOE). In October 1993, the staff discussed the DRG with the LSSARP. Although the LSSARP chose, as a group, not to formally comment on the DRG, the staff reviewed the transcript of the public meeting and incorporated relevant comments. In addition, individual members of the LSSARP submitted independent written comments on the DRG. In total, DOE, the State of Nevada, and several local governments provided comments. The staff has completed its analysis of public comments and has revised the regulatory guide accordingly.

The proposed issue of the Regulatory Guide was put on "hold" when, in response to a NRC Inspector General report, the Commission established a Senior Management Team (SMT) to review all LSS activities. The SMT will be providing recommendations to the Commission at a later date. However, it has been determined that the SMT recommendations will not modify the proposed Regulatory Guide. The members of the LSSARP requested that the Regulatory Guide be published since extensive interactions on the guide had occurred. In addition, publication of the Regulatory Guide will facilitate DOE institutionalizing its decision-making process and putting the documentation into an electronic, retrievable, format.

Lastly, the staff notes that, consistent with the mandates of the Energy Policy Act of 1992, the Environmental Protection Agency (EPA) is developing site-specific environmental radiation protection standards for the potential repository at Yucca Mountain. In this regard, the Act specifies that the Commission must promulgate a rule so that the Commission regulations are consistent with the new EPA standards. Any future changes in the regulatory framework that would require a change in the proposed Regulatory Guide, such as rulemaking to make the NRC requirements consistent with the revised EPA standards that are currently under development, will be reflected in a future revision to the guide.

Summary of Public Comments:

Commenters reiterated the original LSSARP concern that the topics of environmental and transportation information would not be fully covered. In addition, there were requests for clarification of the terms "environmental information" and "transportation information" and for the inclusion of socio-economic information, as well as environmental information. Commenters also requested the clarification that the topic "transportation" refers to the transport of spent fuel.

Revisions to the Regulatory Guide:

The most significant public comments involved the perception that environmental, socio-economic, and transportation issues were not appropriately addressed in the DRG. To clarify the staff's intent, a new category has been added to Section C of the regulatory guide, concerning information for preparation of a geologic repository environmental impact statement (EIS). The new category has three distinct subcatagories: environmental, socio-economic, and transportation. The staff's detailed responses to public comments are given in Attachment 1 and the resulting revisions to the regulatory guide are shown in Attachment 2, in a "red-line" version, to indicate where changes have been made. Attachment 3 is the final regulatory guide.

Issuing this final regulatory guide also resolves a regulatory uncertainty (UN 48) identified by the staff in Enclosure 5 of SECY-90-207, "First Update of the Regulatory Strategy and Schedules for the High-Level Waste Repository Program," and Enclosure 2 of SECY-91-225, "Second Update of the Regulatory Strategy and Schedules for the High-Level Waste Repository Strategy and Schedules for the High-Level Waste Repository Program," associated with the need to finalize these topical guidelines.

COORDINATION:

The Office of the General Counsel has reviewed this paper and has no legal objection.

The Office of the Inspector General has reviewed this paper and has no comments.

RECOMMENDATION:

Unless directed otherwise by the Commission within ten working days of the date of this paper, the staff will initiate the process for publishing the final regulatory guide.

James M. Taylor
Executive Director
for Operations

Attachments:
1. NRC Staff Responses to Public Comments
2. Proposed Revisions to the Draft Regulatory Guide
3. Final Regulatory Guide

ATTACHMENT 1

MAJOR ISSUES RAISED IN PUBLIC COMMENTS
ON
DRAFT REGULATORY GUIDE
"TOPICAL GUIDELINES FOR THE LICENSING SUPPORT SYSTEM" (DG-3009)
AND
NRC STAFF RESPONSES

The staff has organized its responses by category, to focus on the key issues raised. There were five comment letters received in response to the Federal Register notice (58FR40169, July 27, 1993), through which the Draft Regulatory Guide, "Topical Guidelines for the Licensing Support System", (DG-3009) was issued. Comment letters were received from the U.S. Department of Energy (DOE); the State of Nevada (NV); Clark County, NV; Nye County, NV; and Lincoln County, NV. Staff has worked with the Licensing Support System Advisory Review Panel (LSSARP) throughout the development of the regulatory guide and comments received in this process have also been addressed.

The comments have been grouped into the following major categories of issues: 1) coordination with the LSSARP; 2) environmental, transportation, and socioeconomic issues; 3) scope of information; 4) exclusions; 5) issue closure; 6) types of documentation; 7) siting guidelines; 8) quality assurance records; 9) testing and inspection; 10) performance confirmation; and 11) other comments.

1. Coordination with the LSSARP

One of the major concerns the commenters expressed was that the staff should consider the LSSARP's input and advice on the list of topics. As noted in the responses to comments below, the staff has worked with the LSSARP throughout the development of the regulatory guide and appreciates the comments provided by the LSSARP. The following comments address coordination with the LSSARP.

Comment:

-- "Lincoln County would encourage NRC to expand the list of topics contained within DG-3009 to be consistent with the Commission's interim topical guidelines published April 14, 1990, in the Federal Register. Failure by NRC to reconsider input and advice of LSSARP members may bring into question the utility of future stakeholder participation in such advisory capacities."

Staff Response:

The staff has discussed DG-3009 with the LSSARP on several occasions. Before its publication for public comment, DG-3009 and an explanation of the disposition of the interim topical guidelines were provided to the LSSARP. DG-3009 was discussed at the October 1990, LSSARP meeting in Reno, NV. At that meeting the staff explained how and why some of the interim topical guidelines were incorporated into DG-3009 and why some of the interim topical guidelines were excluded. DG-3009 was published for public comment in July 1993. In an October 5-6, 1993, meeting of the LSSARP, the staff again

discussed DG-3009. Although the LSSARP chose, as a group, not to comment formally on the draft regulatory guide, the staff reviewed the transcript of the meeting and incorporated relevant comments. In addition, individual members of the LSSARP, such as the representatives of Nye County and Clark County, chose to provide their own written comments separately from the LSSARP.

The list of topics in DG-3009 was prepared using the published interim topical guidelines, and the structure of DG-3009 was based on information needed in a license application that was identified in the U.S. Nuclear Regulatory Commission's Draft Regulatory Guide, "Format and Content for the License Application for the High-Level Waste Repository" (DG-3003). These information needs were designed to provide full coverage of 10 CFR Part 60 requirements. Some of the elements of the interim topical guidelines were not specifically included in DG-3009 because they were not related to licensing requirements. Other elements of the interim topical guidelines were not specifically included because they were considered sub-elements of the topics contained in Section C of DG-3009.

It should be remembered that, as stated in the introduction to DG-3009, each topical guideline is inclusive and that if any information is relevant to the regulatory requirements associated with the repository licensing proceedings, it would be within one of the existing topical guidelines.

Comment:

-- Nye County also raised a concern with "the procedure of drafting and publishing for comment the LSS topical guidelines, without some formal mechanism for their discussion and/or approval by the LSSARP." The County "...strongly urge[s] the staff to do so with the second draft of the regulatory guide."

Staff Response:

As noted in the response to the previous comment, the staff has worked with the LSSARP throughout the development of this regulatory guide, and staff has been available to discuss the issues with LSSARP members for the past several years. The proposed draft regulatory guide was transmitted to the LSSARP in July 1990, before its publication for public comment. As directed by the Commission, the LSSARP was briefed on the draft regulatory guide in October 1990. In its letter of review in February 1991, the LSSARP agreed that the refinement and condensation of the interim topical guidelines presented in DG-3009 were needed. However, panel members were concerned about the exclusion of environmental and transportation information (including socio-economic information) from the Licensing Support System (LSS). In the draft guide, the staff added Topic 1.8, "Environmental Information," and Topic 1.9, "Transportation Information" under "General Information," under General Information. After publishing the draft regulatory guide for public comment, individual members of the LSSARP continued to express concerns about

transportation and environmental issues. Therefore, the staff added Topic 12.0, "Information for Preparation of a Geologic Repository Environmental Impact Statement," to Section C in the final version and eliminated Topics 1.8 and 1.9. (See item 2 below.) Also other LSSARP comments, such as "Provide definitions of excluded material" were incorporated in DG-3009. DG-3009 was published for public comment in July 1993. In an October 5-6, 1993, meeting of the LSSARP, the staff discussed the draft regulatory guide. Although the LSSARP chose, as a group, not to formally comment on the draft regulatory guide, the staff reviewed the transcript of the public meeting and incorporated any relevant comments of the group. In addition, individual members of the LSSARP, such as the representatives of Nye County and Clark County, chose to provide their own written comments separately from the LSSARP. The staff believes it has been responsive to all LSSARP concerns.

2. Environmental, Transportation, and Socio-economic Issues

Commenters were concerned that environmental information that was produced for, and considered in, the DOE Environmental Impact Statement had not been specifically included in the topical guidelines. Other commenters were concerned that socio-economic issues would not be fully covered if it were assumed that socio-economics was included under transportation. Commenters asked for clarification of the terms "environmental information" and "transportation information." Specific comments are as follows:

-- Page 2, last paragraph - Amend the last sentence to reflect the fact that only information related to transportation of spent nuclear fuel and high-level waste destined for the repository should be considered. (DOE)

-- Page 4, Guideline 1.9 - Can the term "Transportation Information" be interpreted to include information related to any shipment of high-level radioactive waste destined for the MGDS [Mined Geologic Disposal System]? (This would exclude shipments made to an MRS [Monitored Retrievable Storage] facility and include transportation from/through States other than NV.) (DOE)

-- Paragraphs 1.8, "Environmental Information," and 1.9, "Transportation Information," under paragraph 1, "General Information" are ambiguous. The term "Environmental Information" should be expanded so that it reads "Environmental Information, including information relating to the socio- and economic environment." The term "Transportation Information" should be expanded so that it reads "all information related to the transportation of high-level nuclear waste or spent nuclear fuel from the point of origin to a proposed repository." (Nye County)

-- Socio-economic information should be included in addition to environmental and transportation. It is not sufficient to assume that socio-economic issues will be included within environmental information. Page 2, 1st full paragraph, 7th and 8th sentences. Add socio-economic information. (Lincoln County)

-- Regarding Appendix A, where should socio-economic information be placed? (DOE)

-- Socio-economic issues were not included in the draft regulatory guide. (Clark County)

Staff Response:

In response to these concerns, an additional category (Category 12.0) will be added to Section C in the final version of the regulatory guide. Category 12.0 adds the following topical guidelines:

12.0 Information for Preparation of a Geologic Repository Environmental Impact Statement
12.1 Environmental
12.2 Socio-economic
12.3 Transportation

In addition, language will be added to DG-3009 stating that only information on transportation of high-level waste from a reactor to the repository, or from a monitored retrievable storage facility to a repository should be included under Sub-category 12.3, the transportation topical guideline. This does not cover transportation from the reactor to a monitored retrievable storage facility because that aspect of transportation is not related to the repository. Reference to transportation and environmental issues under Category 1, "General Information," will be removed.

3. Scope of Information

Comment:

-- Page 10, Category 4 - Interpreted liberally, this category [Internal Memoranda] could mean all DOE memoranda. Only those memos related to the Civilian Radioactive Waste Management Program should be considered. (DOE)

Staff Response:

The staff believes that the introduction to DG-3009 as well as the Code of Federal Regulations statement of applicability of 10 CFR Part 2, Subpart J, makes it clear that the only material that must be included in the LSS is material relevant to the licensing of a geologic repository pursuant to 10 CFR Part 60. However, this material may be broader than that generated by DOE's Office of Civilian Radioactive Waste Management.

Comment:

-- Page 2, 2nd full paragraph, 3rd sentence - How would DG-3009 be used by the Pre-License Application Presiding Officer? "Without knowing the relationship of DG-3009 to this process, it is not possible to fully evaluate the appropriateness of DG-3009." (Lincoln County)

Staff Response:

The second paragraph on page 1 of DG-3009 discusses the relationship of the regulatory guide to the LSS process. DG-3009 defines the scope of topics

under which documentary material is to be submitted to the LSS. It provides an inclusive list of topics under which participants may place information in the LSS.

Comment:

-- Page 3, 4th full paragraph, 4th sentence - If DG-3009 is intended to provide guidance to DOE on the scope of information that is contained within the LA ... then all the interim guidelines should be included. Limiting the scope "may encourage DOE to submit a license application which does not address issues of particular importance to stake holders ..." and may lead to "protracted legal proceedings" (Lincoln County)

Staff Response:

This regulatory guide provides instructions for all users of an electronic data base associated with licensing documentation and potential discovery in a hearing process. Information from DOE (the applicant/licensee) will form a significant portion of the total database. However, it is not the intent, or within the scope of, this regulatory guide to provide specific guidance on the content of the license application that must demonstrate compliance in a licensing proceeding. Section C of the "Topical Guidelines" is used to identify topics of documents that should be placed in the LSS. Any participant would be required to use Section C to determine the topics that were applicable to the work being done by that participant. The guidelines contained in the final regulatory guide should not be used by DOE to prepare a license application. Guidance for preparing a license application is in DG-3003 and, indirectly, in NUREG-1323, "License Application Review Plan for a Geologic Repository for Spent Nuclear Fuel and High-Level Radioactive Waste."

Comment:

-- Page 10, Appendix A - In addition, independent analyses prepared by the states and local governments should be included. (Lincoln County)

Staff Response:

Independent analyses prepared by the States and local governments should be included under the appropriate topical guideline listed in Section C. Such analyses are covered under Item 1, in Appendix A, which lists the types of documents that would be placed in the LSS. The regulatory guide is intended to provide guidance to all LSS participants.

Comment:

-- Page 4, Item 10 - Add NEPA. (Lincoln County)

Staff Response:

The National Environmental Policy Act (NEPA) will be added.

Comment:

-- A category of documents, "Pre-Licensing depositions and other discovery documents," should be included in Appendix A. (NV wants certain depositions taken during pre-licensing included in the LSS.)

Staff Response:

Any material relevant to repository licensing that offers information concerning any of the topics listed in Section C of the regulatory guide would be appropriate to include in the LSS.

4. Exclusions

Comment:

-- Page 4, Guidelines 1.4 and 1.5. - What is the definition of "publicly available?" Does it refer to information that has had any security or other restrictions relieved and therefore is releasable to the public? (DOE)

Staff Response:

The term, "publicly available," does refer to information that is releasable to the public. However, classified information is subject to the requirements of 10 CFR Part 2, Subpart I, "Special Procedures Applicable to Adjudicatory Proceedings Involving Restricted Data and/or National Security Information." This regulation does not allow for the public release of classified information related to the Certification of Safeguards, the Physical Security Plan, or National Security Information (if applicable) required to be submitted as part of the license application for the high-level waste repository.

Comment:

-- Page 10, Category 1 - Clarify that this applies only to final technical reports and does not include preliminary drafts (including predecisional and other internal review drafts). Under 10 CFR 2.1019(i)(2) preliminary drafts, although subject to derivative discovery, are excluded from entry in the LSS. (DOE)

Staff Response:

A clarification has been made in the regulatory guide that this section applies only to final technical reports and does not include preliminary drafts other than "circulated drafts," as defined in 10 CFR Part 2, Subpart J.

Comment:

-- Page 10, Category 6 - This category is perhaps a bit restrictive since it identifies only draft documents on which a nonconcurrence has been registered as being included in the LSS. The definition of "Circulated draft" (2.1001) also includes a document circulated for concurrence that does not become final due to "the passage of a substantial period of time in which no action has been taken on the document." (DOE)

Staff Response:

The phrase cited by the commenter is not a separate category but a subset of "circulated draft." A "non-concurrence" draft is within the definition of "circulated draft" whether it is finalized or not.

5. Issue Closure

Comment:

-- The Nuclear Regulatory Commission has determined that there will be no closure of issues prior to a licensing proceeding. The item listed as '8.5 Issue - resolution reports' is inconsistent with the NRC's policy directive and, therefore, the NWPO [NV Waste Policy Office] comments that 8.5 should be removed as a category in Appendix A. To the extent that issues are limited in any respect the item listed as '8.7 Topical reports, data, and data analysis' is adequate to cover the category." (NV)

Staff Response:

The inclusion of issue-resolution reports is not contrary to NRC policy. NRC policy is that issues are only resolved at the staff level during pre-licensing. However, documentation of such staff-level issue resolution would be useful for the record and is appropriate for inclusion. See also 10 CFR 60.18(1).

6. Types of Documentation

Comment:

-- Page 9, Guideline 8 - Revise the following guidelines to minimize redundancy with documents mentioned in Section C and Appendix A .... (DOE)

Staff Response:

The list of documents in Appendix A is based on one of the three original groups of interim topical guidelines and NRC believes that it is useful to maintain this non-exhaustive list of categories of documents. Section C, on the other hand, provides a list of inclusive topics under which documents are to be submitted. The regulatory guide has been revised to more clearly state the use of Section C and Appendix A.

7. Siting Guidelines

Comment:

-- Page 5 - Add a new Guideline 2.8 entitled "Department of Energy Siting Guidelines including Supporting Rationale." See 10 CFR Part 960. (DOE)

Information relating to DOE siting guidelines would be submitted under the appropriate topical guideline heading listed in Section C. Therefore a separate guideline is not needed.

8. Quality Assurance (QA) Records

Comment:

-- Appendix A, Page 10, Category 2 - DOE requests a better definition of QA records. DOE believes that QA records should be included in the information on the Repository Subsystems chapters. (DOE)

Staff Response:

NRC believes that QA records are sufficiently defined in 10 CFR Part 50, Appendix B (which is incorporated by reference into 10 CFR Part 60), and in ASME NQA-1, "Quality Assurance Program Requirements for Nuclear Facilities." The NRC staff believes that QA records are sufficiently distinct and have such specific storage and maintenance requirements associated with them that QA will remain a separate category.

9. Testing and Inspection

Comment:

-- DOE suggests a new guideline on "Testing and Inspection." It cites 10 CFR 60.74 and 75. (DOE)

Staff Response:

Any information on tests and inspections that relate to regulatory requirements for a high-level waste license application should be placed under the appropriate topical guideline in Section C. Tests and inspections would be included by the same logic process described for the performance confirmation program, as described under "Use of the Regulatory Guide" on page 3 of DG-3009.

10. Performance Confirmation

Comment:

-- DOE wishes to take Performance Confirmation out of the Repository Subsystems chapters and make it a separate chapter. (DOE)

Staff Response:

The staff believes that performance confirmation should be maintained with the subsystems chapters because the information is similar in technical content. This has been generically clarified in the regulatory guide under the title "Use of the Regulatory Guide."

11. Other Comments

The several suggested editorial corrections have been made. However, suggestions for the addition of other guidelines have not been followed because the topics in DG-3009 are based on the DG-3003, which provides full coverage of Part 60 requirements. Some of the specific suggestions and the responses follow.

Comment:

-- DOE suggested that because DG-3003 is the basis of the listing of topics in DG-3009, then DG-3009 should not be used until the DG-3003 is made final. (DOE)

Staff Response:

The staff does not believe that finalization of DG-3003 is necessary to proceed with DG-3009. As is the case with any such guidance, it will be revised at a later date if necessary.

Comment:

-- Page 5, Guidelines 2.1 and 2.4. - Add "future variations" to hydrologic system and geochemical system. (DOE)

Staff Response:

The subheadings for the subsystems of the "Natural System" are appropriate as they appear in DG-3009. Information on "future variations" that are relevant to the license application would appropriately be included under the specific subsystem heading in the current structure.

Comment:

-- Page 5, Guideline 2.5 - This category (Integrated Natural System Response to the Maximum Design Thermal Loading) might be too restrictive by considering only the maximum design thermal loading when the integrated response for a

variety of thermal loadings is being considered. Deleting the phrase "...Maximum Design..." would remove this restriction. (DOE)

Staff Response

The current wording of the final regulatory guide correctly reflects the regulatory requirement. Any information related to demonstrating compliance with this regulatory requirement would be within Topical Guideline 2.5.

Comment:

-- Page 6 - Add a new guideline 3.2.8 entitled "Communications Systems." This is consistent with the same item under guidelines 3.1 and 3.3. (DOE)

Staff Response:

Section C, Category 3 of the final regulatory guide addresses the physical facilities of the geologic repository operations area. No communication systems have been identified as unique to the "Shafts and Ramps" portion of the "Geologic Repository Operations Area." Should such a system be identified and included in the License Application, it would be within topical guideline 3.2.7, "Other Shaft/Ramp Systems."

Comment:

-- Page 10, Category 8 - The structure of the LSS does not accommodate the inclusion of other databases. The indices to information contained in the databases or the data from a database may be submitted to the LSS, if appropriate. However, it is not technically feasible nor desirable to embed one database within another. (DOE)

Staff Response:

If the inclusion of a given database in its current form is not feasible, then it will be necessary to make the information in that database available in another form. This should not be a problem with current computer technology.

ATTACHMENT 2

REGULATORY GUIDE 3009

TOPICAL GUIDELINES FOR
THE LICENSING SUPPORT SYSTEM (MARKED-UP VERSION)

A. INTRODUCTION

Subpart J, "Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository" (10 CFR 2.1000 to 2.1027), of 10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," sets forth procedures for an adjudicatory proceeding on the application for a license to receive and possess high-level nuclear waste at a geologic repository under 10 CFR Part 60. Pursuant to these regulations, the Licensing Support System (LSS), an electronic information management system, is being designed and implemented to provide for the entry of and access to potentially relevant licensing information.

This regulatory guide defines the scope of documentary material that should be included in the LSS. Interim topical guidelines, drafted by the High-Level Waste Licensing Support System Advisory Review Panel, were adopted by the U.S. Nuclear Regulatory Commission with the statement that the topical guidelines would later be revised and set forth as a regulatory guide by NRC staff (see 54 FR 14925, dated April 14, 1989). The interim topical guidelines were partially modeled after the environmental assessments prepared in

connection with the U.S. Department of Energy's (DOE's) site selection process.

Document is defined in 10 CFR 2.1001 as "...any written, printed, recorded, magnetic, graphic matter, or other documentary material, regardless of form or characteristic." In addition, 10 CFR 2.1001 defines documentary material as "...any material or other information that is relevant to, or likely to lead to the discovery of information that is relevant to, the licensing of the likely candidate site for a geologic repository. The scope of documentary material shall be guided by the topical guidelines in the applicable NRC Regulatory Guide." The forms of these materials are listed in Appendix A, a non-exhaustive list of types of documents that may be included in the LSS.

In developing this final regulatory guide, the interim topical guidelines, the Draft Regulatory Guide ~~DG-3003~~, "Format and Content of the License Application for the High-Level Waste Repository" ~~(FGRG)~~(DG-3003), and comments from the public and LSS Advisory Review Panel (which strongly advocates expanding the LSS topical guidelines to all relevant information) were considered. ~~in the development of this draft regulatory guide. DG-3003 is being developed to provide guidance on information that should be submitted in the license application. Pursuant to Section 114(f)(4) of the Nuclear Waste Policy Act of 1982, as amended (42 U.S.C. 10134(f)(4)), the Commission is required, "to the extent practicable," to adopt the environmental impact statement (EIS) prepared by DOE. The Commission's regulations have been amended to be in accord with this statutory provision (see 10 CFR 51.26(c)). The environmental issues in the licensing proceeding will be limited to those needed to determine whether or to what extent it is practicable to adopt the EIS prepared by DOE, as established by regulation in 10 CFR 52.109. However, in considering whether to adopt the EIS prepared by DOE, the Commission must consider whether "significant and substantial new information or new considerations render such environmental impact statement inadequate" (see 10 CFR 51.109(c)(2)). To determine whether any such information or consideration is~~

~~"new," the environmental information and transportation information considered by DOE in preparing its EIS may need to be examined. Therefore, the topics of environmental information and transportation information have been included in the topical guidelines.~~ Topics for information entered into the LSS will not only be consistent with information that is needed for the license application but also will contain additional information related to DOE's Environmental Impact Statement.

B. DISCUSSION

Purpose of the Regulatory Guide

The purpose of this regulatory guide is to provide a list of the topics (Section C) for which LSS participants should submit documentary materials for entry into the LSS under 10 CFR 2.1003. The topical guidelines are designed to be broad enough to encompass all potential licensing issues. This regulatory guide will also be used by the Pre-License Application Presiding Officer for evaluating petitions for access to the LSS, during the pre-license application ~~period~~ phase, under 10 CFR 2.1008.

This regulatory guide will not be used as the detailed topical index for documentary evidence contained in the LSS. Neither will it be used to establish standing in the high-level waste licensing proceeding nor serve to determine the scope of contentions that may be offered in the application proceeding under 10 CFR 2.1014.

Use of the Regulatory Guide

To the extent practicable, the regulatory guide format follows the repository systems and conforms to the approach taken in other generic NRC licensing documents for the high-level waste repository program. The actual format of the documents submitted is not specified in this regulatory guide. Format specifications are provided in other guidance documents such as the Commission's Draft Regulatory Guide, "Format and Content for the License

Application for the High-Level Waste Repository (DG-3003). Section C of this regulatory guide lists the topics of documents which must be placed in the LSS. Appendix A to this regulatory guide contains a nonexhaustive list of documents to which the topical guidelines of Section C should be applied. Documents should still be included in the LSS if they are not included in Appendix A but are related to a topic in Section C of this regulatory guide.

Because the topical guidelines of Section C have been kept broad and at a fairly high level of detail, the user should consider each topic to be inclusive rather than exclusive. For instance, in 10 CFR Part 60, Subpart F requires a performance confirmation program for the various components of the repository system. However, performance confirmation is not listed as a topic in this regulatory guide. Rather, information pertinent to performance confirmation for any particular component of the repository system would be considered to ~~fall under~~ be within the topic designating that particular system (performance confirmation relevant to geologic processes would be considered topical information under the appropriate heading for the "Natural System").

~~The topical guidelines are presented at one to three levels of detail.~~ Each topical guideline of Section C should be considered all-inclusive with regard to all documents germane to that topic for the site. For example, much of the information that supports the licensing proceeding will be based on the use of methodologies, computer codes, and models. It is appropriate for such information to be included in the LSS. As stated above, DG-3003 is being developed to provide guidance on the information that should be submitted in the license application and on the types of information that ~~could~~ should be included in the LSS.

To ensure that socio-economic issues would be covered, the subcategories Environmental, Socioeconomic, and Transportation are included under topical guideline 12.0, "Information for Preparation of a Geologic Repository Environmental Impact Statement." Only information on

transportation of high level waste from a reactor, from an independent spent fuel storage facility, or from a monitored retrievable storage facility to a repository should be included under the transportation topical guideline.

C. TOPICAL GUIDELINES

1. General Information

1.1 General Facility Description

1.2 Basis for Licensing Authority

1.3 Schedules Relevant to the NRC/DOE Repository Programs

1.4 Any Publicly Available Information on Certification of Safeguards

1.5 Any Publicly Available Information on the Physical Security Plan

1.6 Site Characterization

1.7 License Specifications (those variables, conditions, or other items that DOE determines to be probable subjects of license specifications)

~~1.8 Environmental Information~~

~~1.9 Transportation Information~~

~~1.10~~

1.8 Information Relevant to NRC Findings Regarding Compliance with Statutes [other than: (a) The Atomic Energy Act, as amended; (b) the Energy Reorganization Act of 1974; and (c) the Nuclear Waste Policy Act, as amended] that Federal agencies must take cognizance

of in licensing actions (e.g., American Indian Religious Freedom Act, Endangered Species Act of 1973, or the National Environmental Policy Act).

2. The Natural Systems of the Geologic Setting

2.1 Geologic System
- 2.1.1 Regional Geology
- 2.1.2 Site Geology
- 2.1.3 Future Variations in Geologic Processes

2.2 Hydrologic System
- 2.2.1 Surface Water Hydrology
- 2.2.2 Regional Hydrogeology
- 2.2.3 Site Hydrogeology

2.3 Geochemical System
- 2.3.1 Regional Geochemistry
- 2.3.2 Site Geochemistry

2.4 Climatological and Meteorological Systems
- 2.4.1 Present Climate and Meteorology
- 2.4.2 Paleoclimatology
- 2.4.3 Future Climatic Variation

2.5 Integrated Natural System Response to the Maximum Design Thermal Loading

2.6 Processes and Events (anticipated and unanticipated, potentially disruptive)

2.7 Effectiveness of Natural Barriers against the Release of Radioactive Material to the Environment (information relevant to the performance objectives of 10 CFR 60.113)

3. Geologic Repository Operations Area (GROA): Physical Facilities

3.1 Surface Facilities

3.1.1 Waste-Handling System/Buildings/Equipment (Including Hot Cell)

3.1.2 Onsite Radioactive Waste Management System

3.1.3 Fire and Explosion Protection Systems

3.1.4 Emergency Systems

3.1.5 Communication Systems

3.1.6 Utility Systems

3.1.7 Instrumentation and Control Systems

3.1.8 Onsite Transportation System

3.1.9 Ventilation Systems

3.1.10 Operations Support Systems

3.1.11 Plans for the Decommissioning System

3.1.12 Other Surface Systems

3.2 Shafts/Ramps

3.2.1 Waste Shaft/Ramp

3.2.2 Muck Shaft/Ramp

3.2.3 Ventilation Intake Shafts

3.2.4 Ventilation Exhaust Shafts

3.2.5 Personnel and Materials Shafts

3.2.6 Plans for the Decommissioning System

3.2.7 Other Shaft/Ramp Systems

3.3 Underground Facility

3.3.1 Excavation and Ground Support Systems

3.3.2 Muck-Handling System

3.3.3 Ventilation System

3.3.4 Waste Emplacement System

3.3.5 Waste Retrieval System

3.3.6 Emergency Systems

3.3.7 Communication System
3.3.8 Operations Support System
3.3.9 Plans for the Decommissioning System
3.3.10 Other Underground Systems

3.4 Interface of Structures, Systems, and Components

3.5 Retrievability of Waste

3.6 Effectiveness of the GROA against the Release of Radioactive Materials to the Environment (information relevant to the performance objectives of 10 CFR 60.111)

4. Engineered Barrier Systems

4.1 Waste Package

4.2 Waste Form

4.3 Underground Facility

4.4 Engineered Barrier System Waste Package Emplacement Environment

4.5 Engineered Barrier System Alternate Design Features

4.6 Effectiveness of Engineered Barriers against the Release of Radioactive Material to the Environment (information relevant to the performance objectives of 10 CFR 60.113)

5. Overall System Performance Assessment

5.1 Basic Approach

5.2 System Description
- 5.2.1 Conceptual Models
- 5.2.2 Processes and Events (Potentially Disruptive)
- 5.2.3 Processes and Events (Undisturbed Performance)

5.3 Cumulative Release of Radioactive Materials
- 5.3.1 Screening of Processes and Events
- 5.3.2 Scenario Development and Screening
- 5.3.3 Consequence Analyses: Estimates of Cumulative Releases
- 5.3.4 Probability Estimates
- 5.3.5 Model and Code Validation

5.4 Undisturbed Performance
- 5.4.1 Individual Protection Requirements
- 5.4.2 Groundwater Protection Requirements
- 5.4.3 Model and Code Validation

6. Conduct of Repository Operations

6.1 Maintenance

6.2 Organization

6.3 Personnel

6.4 Records/Reports

6.5 Training Programs

6.6 Schedules

6.7 Identification of Operating Controls and Limits

6.8 Preservation of Records

6.9 Site Markers

7. Land Ownership and Control

7.1 Plans for Restricting Controlled Area Access
7.1.1 Identification of Controlled Area
7.1.2 Identification of Existing Legal Interests
7.1.3 Identification of Legal Interests To Be Obtained
7.1.4 Water Rights

7.2 Plans for Regulating Land Use Outside the Controlled Area
7.2.1 Identification of Adjacent Areas of Concern
7.2.2 Identification of Existing Legal Interests
7.2.3 Identification of Legal Interests To Be Obtained

7.3 Plans for Regulating Land Use at the GROA

7.4 Other Types of Legal Interests

8. Quality Assurance (QA) Records

8.1 QA Records for Site Characterization

8.2 QA Records for Design and Construction

8.3 QA Records, Including Records Covering Operations, Permanent Closure, Decontamination, and Decommissioning

8.4 QA Records for All Relevant Research Activities

9. Emergency Planning

10. Radiation Protection

10.1 Ensuring that Radiation Exposures are As Low As Is Reasonably Achievable ~~(ALARA)~~

10.2 Radiation Sources

10.3 Radiation Protection Design Features

10.4 Estimated Onsite Dose Assessment

10.5 Health Physics Program

10.6 Estimated Offsite Dose Assessment

11. Any Alternatives Considered (e.g., design interpretations, models)

12. Information for Preparation of a Geologic Repository Environmental Impact Statement

12.1 Environmental

12.2 Socioeconomic

12.3 Transportation [Transport of high-level waste from a reactor, from an independent spent fuel storage facility, or from a monitored retrievable storage facility to proposed repository]

APPENDIX A

CATEGORIES OF DOCUMENTS TO BE INCLUDED IN THE LICENSING SUPPORT SYSTEM

This appendix contains a non-exhaustive list of the types of documents that ~~may~~ should be included in the Licensing Support System (LSS).

1. Technical reports and analyses by all participants (including those developed by contractors). Note that this applies only to final technical reports and does not include preliminary drafts (including predecisional and other internal review drafts) other than "circulated drafts" as defined in 10 CFR Part 2, Subpart J (item 6 below). See 10 CFR 2.1019(1)(2) which states that preliminary drafts, although subject to derivative discovery, are excluded from entry in the LSS.

2. Quality assurance records

3. External correspondence

4. Internal memoranda

5. Meeting minutes/transcripts

6. Draft documents on which a nonconcurrence has been registered

7. Congressional questions and answers ~~(Qs and As)~~

8. Other documents (for 8.1 through 8.9, ~~include data bases and references~~ include references to other data bases)
   - 8.1 Draft and final environmental assessment for the site characterized
   - 8.2 Site characterization plan
   - 8.3 Site characterization study plans
   - 8.4 Site characterization progress reports
   - 8.5 Issue-resolution reports
   - 8.6 License application

8.7 Topical reports, data, and data analyses

8.8 The U.S. ~~Department of Energy (~~DOE~~)~~ Environmental Impact Statement

8.9 Recommendation report to the President of the United States (notice of disapproval, if submitted)

8.10 Any publicly available information on rulemakings

8.11 Public and agency comments on documents

8.12 Response to comments

8.13 U.S. Nuclear Regulatory Commission technical positions

8.14 NRC regulatory guides

8.15 The DOE project-decision schedules

8.16 DOE program-management documents

APPENDIX B

EXCLUDED AND PRIVILEGED INFORMATION

10 CFR 2.1005, "Exclusions," lists types of information excluded from the Licensing Support System (LSS). 10 CFR 2.1006(a), (b), and (c) discuss discovery privileges. These sections of ~~the Code of Federal Regulations~~ 10 CFR are printed below.

10 CFR 2.1005 Exclusions.

The following material is excluded from entry into the Licensing Support System, either through initial entry pursuant to 10 CFR 2.1003 of this subpart, or through derivative discovery pursuant to 10 CFR 2.1019(i) of this subpart--

(a) Official notice materials;

(b) Reference books and text books;

(c) Material pertaining exclusively to administration, such as material related to budgets, financial management, personnel, office space, general distribution memoranda, or procurement, except for the scope of work on a procurement related to repository siting, construction, or operation, or to the transportation of spent nuclear fuel or high-level waste;

(d) Press clippings and press releases;

(e) Junk mail;

(f) Preferences [sic] [references] cited in contractor reports that are readily available;

(g) Classified material subject to Subpart I of this Part.

10 CFR 2.1006 Privilege.

(a) Subject to the requirements in 10 CFR 2.1003(d) of this subpart, the traditional discovery privileges recognized in U.S. Nuclear Regulatory Commission adjudicatory proceedings and the exceptions from disclosure in Section 2.790 of this part may be asserted by potential parties, interested

governmental participants, and parties. In addition to Federal agencies, the deliberative process privilege may also be asserted by State and local government entities and Indian Tribes.

(b) Any document for which a claim of privilege is asserted, but is denied in whole or in part by the Pre-License Application Presiding Officer or the Presiding Officer, must be submitted by the party, interested governmental participant, or potential party that asserted the claim to--

(1) The LSS Administrator, for entry into the LSS into an open access file; or

(2) To the LSS Administrator or to the Pre-License Application Presiding Officer or to the Presiding Officer, for entry into a Protective Order file, if the Pre-License Application Presiding Officer or the Presiding Officer so directs under 10 CFR 2.1010(b) or 10 CFR 2.1018(c) of this subpart.

(c) Notwithstanding any availability of the deliberative process privilege under paragraph (a) of this section, circulated drafts not otherwise privileged shall be submitted for entry into the LSS pursuant to 10 CFR 2.1003(a) and 2.1003(b) of this subpart.

REGULATORY ANALYSIS

A separate regulatory analysis was not prepared for this ~~draft~~ regulatory guide. The regulatory analysis prepared for Draft Regulatory Guide DG-3003, "Format and Content for the License Application for the High-Level Waste Repository," provides the regulatory basis for this ~~R~~regulatory ~~G~~guide as well. A copy of the regulatory analysis is available, in the file for DG-3009, for inspection, and copying, for a fee at the NRC Public Document Room, 2120 L Street N.W., Washington, DC~~; the PDR's~~. The Public Document Room's mailing address is Mail Stop LL-6, Washington, DC 20555; phone (202) 634-3273; fax (202) 634-3343.

ATTACHMENT 3

November 1996
Division 3
Task DG-3009

Contact: J. G. Spraul (301) 415-6715

REGULATORY GUIDE 3009

TOPICAL GUIDELINES FOR THE LICENSING SUPPORT SYSTEM

A. INTRODUCTION

Subpart J, "Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository" (10 CFR 2.1000 to 2.1027), of 10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," sets forth procedures for an adjudicatory proceeding on the application for a license to receive and possess high-level nuclear waste at a geologic repository under 10 CFR Part 60. Pursuant to these regulations, the Licensing Support System (LSS), an electronic information management system, is being designed and implemented to provide for the entry of and access to potentially relevant licensing information.

This regulatory guide defines the scope of documentary material that should be included in the LSS. Interim topical guidelines, drafted by the High-Level Waste Licensing Support System Advisory Review Panel, were adopted by the U.S. Nuclear Regulatory Commission with the statement that the topical guidelines would later be revised and set forth as a regulatory guide by NRC staff (see 54 FR 14925, dated April 14, 1989). The interim topical guidelines were partially modeled after the environmental assessments prepared in

connection with the U.S. Department of Energy's (DOE's) site selection process.

Document is defined in 10 CFR 2.1001 as "...any written, printed, recorded, magnetic, graphic matter, or other documentary material, regardless of form or characteristic." In addition, 10 CFR 2.1001 defines documentary material as "...any material or other information that is relevant to, or likely to lead to the discovery of information that is relevant to, the licensing of the likely candidate site for a geologic repository. The scope of documentary material shall be guided by the topical guidelines in the applicable NRC Regulatory Guide." The forms of these materials are listed in Appendix A, a non-exhaustive list of types of documents that may be included in the LSS.

In developing this final regulatory guide, the interim topical guidelines, the Draft Regulatory Guide, "Format and Content of the License Application for the High-Level Waste Repository" (DG-3003), and comments from the public and Licensing Support System Advisory Review Panel (LSSARP) (which strongly advocates expanding the LSS topical guidelines to all relevant information) were considered. Topics for information entered into the LSS will not only be consistent with information that is needed for the license application but also will contain additional information related to DOE's Environmental Impact Statement.

B. DISCUSSION

Purpose of the Regulatory Guide

The purpose of this regulatory guide is to provide a list of the topics (Section C) for which LSS participants should submit documentary materials for entry into the LSS under 10 CFR 2.1003. The topical guidelines are designed to be broad enough to encompass all potential licensing issues. This regulatory guide will also be used by the Pre-License Application Presiding Officer for evaluating petitions for access to the LSS during the pre-license application phase under 10 CFR 2.1008.

This regulatory guide will not be used as the detailed topical index for documentary evidence contained in the LSS. Neither will it be used to establish standing in the high-level waste licensing proceeding nor serve to determine the scope of contentions that may be offered in the application proceeding under 10 CFR 2.1014.

Use of the Regulatory Guide

To the extent practicable, the regulatory guide format follows the repository systems and conforms to the approach taken in other generic NRC licensing documents for the high-level waste repository program. The actual format of the documents submitted is not specified in this regulatory guide. Format specifications are provided in other guidance documents such as the Commmission's Draft Regulatory Guide, "Format and Content for the License Application for the High-Level Waste Repository" (DG-3003). Section C of this regulatory guide lists the topics of documents that must be placed in the LSS. Appendix A to this regulatory guide contains a nonexhaustive list of documents to which the topical guidelines of Section C should be applied. Documents should still be included in the LSS if they are not included in Appendix A but are related to a topic in Section C of this regulatory guide.

Because the topical guidelines of Section C have been kept broad and at a fairly high level of detail, the user should consider each topic to be inclusive rather than exclusive. For instance, in 10 CFR Part 60, Subpart F requires a performance confirmation program for the various components of the repository system. However, performance confirmation is not listed as a topic in this regulatory guide. Rather, information pertinent to performance confirmation for any particular component of the repository system would be considered to be within the topic designating that particular system (performance confirmation relevant to geologic processes would be considered topical information under the appropriate heading for the "Natural System").

Each topical guideline of Section C should be considered all-inclusive with regard to all documents germane to that topic for the site. For example, much of the information that supports the licensing proceeding will be based on the use of methodologies, computer codes, and models. It is appropriate for such information to be included in the LSS. As stated above, DG-3003 is being developed to provide guidance on the information that should be submitted in the license application and on the types of information that should be included in the LSS.

To ensure that socio-economic issues would be covered, the subcategories "Environmental," "Socio-economic," and "Transportation" are included under topical guideline 12.0, "Information for Preparation of a Geologic Repository Environmental Impact Statement." Only information on transportation of high-level waste from a reactor, from an independent spent fuel storage facility, or from a monitored retrievable storage facility to a repository should be included under the transportation topical guideline.

C. TOPICAL GUIDELINES

1. General Information

    1.1 General Facility Description

    1.2 Basis for Licensing Authority

    1.3 Schedules Relevant to the NRC/DOE Repository Programs

    1.4 Any Publicly Available Information on Certification of Safeguards

    1.5 Any Publicly Available Information on the Physical Security Plan

    1.6 Site Characterization

1.7 License Specifications (those variables, conditions, or other items that DOE determines to be probable subjects of license specifications)

1.8 Information Relevant to NRC Findings Regarding Compliance with Statutes [other than: (a) The Atomic Energy Act, as amended; (b) the Energy Reorganization Act of 1974; and (c) the Nuclear Waste Policy Act, as amended] that Federal agencies must take cognizance of in licensing actions (e.g., American Indian Religious Freedom Act, Endangered Species Act of 1973, or the National Environmental Policy Act).

2. The Natural Systems of the Geologic Setting

2.1 Geologic System
- 2.1.1 Regional Geology
- 2.1.2 Site Geology
- 2.1.3 Future Variations in Geologic Processes

2.2 Hydrologic System
- 2.2.1 Surface Water Hydrology
- 2.2.2 Regional Hydrogeology
- 2.2.3 Site Hydrogeology

2.3 Geochemical System
- 2.3.1 Regional Geochemistry
- 2.3.2 Site Geochemistry

2.4 Climatological and Meteorological Systems
- 2.4.1 Present Climate and Meteorology
- 2.4.2 Paleoclimatology
- 2.4.3 Future Climatic Variation

2.5 Integrated Natural System Response to the Maximum Design Thermal Loading

2.6 Processes and Events (anticipated and unanticipated, potentially disruptive)

2.7 Effectiveness of Natural Barriers against the Release of Radioactive Material to the Environment (information relevant to the performance objectives of 10 CFR 60.113)

3. Geologic Repository Operations Area (GROA): Physical Facilities

3.1 Surface Facilities

3.1.1 Waste-Handling System/Buildings/Equipment (Including Hot Cell)
3.1.2 Onsite Radioactive Waste Management System
3.1.3 Fire and Explosion Protection Systems
3.1.4 Emergency Systems
3.1.5 Communication Systems
3.1.6 Utility Systems
3.1.7 Instrumentation and Control Systems
3.1.8 Onsite Transportation System
3.1.9 Ventilation Systems
3.1.10 Operations Support Systems
3.1.11 Plans for the Decommissioning System
3.1.12 Other Surface Systems

3.2 Shafts/Ramps

3.2.1 Waste Shaft/Ramp
3.2.2 Muck Shaft/Ramp
3.2.3 Ventilation Intake Shafts
3.2.4 Ventilation Exhaust Shafts
3.2.5 Personnel and Materials Shafts

3.2.6 Plans for the Decommissioning System
3.2.7 Other Shaft/Ramp Systems

3.3 Underground Facility
3.3.1 Excavation and Ground Support Systems
3.3.2 Muck-Handling System
3.3.3 Ventilation System
3.3.4 Waste Emplacement System
3.3.5 Waste Retrieval System
3.3.6 Emergency Systems
3.3.7 Communication System
3.3.8 Operations Support System
3.3.9 Plans for the Decommissioning System
3.3.10 Other Underground Systems

3.4 Interface of Structures, Systems, and Components

3.5 Retrievability of Waste

3.6 Effectiveness of the GROA against the Release of Radioactive Materials to the Environment (Information relevant to the performance objectives of 10 CFR 60.111)

4. Engineered Barrier Systems

4.1 Waste Package

4.2 Waste Form

4.3 Underground Facility

4.4 Engineered Barrier System Waste Package Emplacement Environment

4.5 Engineered Barrier System Alternate Design Features

4.6 Effectiveness of Engineered Barriers against the Release of Radioactive Material to the Environment (Information relevant to the performance objectives of 10 CFR 60.113)

5. Overall System Performance Assessment

5.1 Basic Approach

5.2 System Description
- 5.2.1 Conceptual Models
- 5.2.2 Processes and Events (Potentially Disruptive)
- 5.2.3 Processes and Events (Undisturbed Performance)

5.3 Cumulative Release of Radioactive Materials
- 5.3.1 Screening of Processes and Events
- 5.3.2 Scenario Development and Screening
- 5.3.3 Consequence Analyses: Estimates of Cumulative Releases
- 5.3.4 Probability Estimates
- 5.3.5 Model and Code Validation

5.4 Undisturbed Performance
- 5.4.1 Individual Protection Requirements
- 5.4.2 Groundwater Protection Requirements
- 5.4.3 Model and Code Validation

6. Conduct of Repository Operations

6.1 Maintenance

6.2 Organization

6.3 Personnel

6.4 Records/Reports

6.5 Training Programs

6.6 Schedules

6.7 Identification of Operating Controls and Limits

6.8 Preservation of Records

6.9 Site Markers

7. Land Ownership and Control

7.1 Plans for Restricting Controlled Area Access
- 7.1.1 Identification of Controlled Area
- 7.1.2 Identification of Existing Legal Interests
- 7.1.3 Identification of Legal Interests To Be Obtained
- 7.1.4 Water Rights

7.2 Plans for Regulating Land Use Outside the Controlled Area
- 7.2.1 Identification of Adjacent Areas of Concern
- 7.2.2 Identification of Existing Legal Interests
- 7.2.3 Identification of Legal Interests To Be Obtained

7.3 Plans for Regulating Land Use at the GROA

7.4 Other Types of Legal Interests

8. Quality Assurance (QA) Records

8.1 QA Records for Site Characterization

8.2 QA Records for Design and Construction

8.3 QA Records Including Records Covering Operations, Permanent Closure, Decontamination, and Decommissioning

8.4 QA Records for All Relevant Research Activities

9. Emergency Planning

10. Radiation Protection

10.1 Ensuring that Radiation Exposures are As Low As Is Reasonably Achievable

10.2 Radiation Sources

10.3 Radiation Protection Design Features

10.4 Estimated Onsite Dose Assessment

10.5 Health Physics Program

10.6 Estimated Offsite Dose Assessment

11. Any Alternatives Considered (e.g., design interpretations, models)

12.0 Information for Preparation of a Geologic Repository Environmental Impact Statement

12.1 Environmental

12.2 Socioeconomic

12.3 Transportation [Transport of high-level waste from a reactor, from an independent spent fuel storage facility, or from a monitored retrievable storage facility to proposed repository]

APPENDIX A

CATEGORIES OF DOCUMENTS TO BE INCLUDED IN THE LICENSING SUPPORT SYSTEM

This appendix contains a non-exhaustive list of the types of documents that should be included in the Licensing Support System.

1. Technical reports and analyses by all participants (including those developed by contractors). Note that this applies only to final technical reports and does not include preliminary drafts (including predecisional and other internal review drafts) other than "circulated drafts," as defined in 10 CFR Part 2, Subpart J (Item 6 below). See 10 CFR 2.1019(i)(2), which states that preliminary drafts, although subject to derivative discovery, are excluded from entry in the LSS.

2. Quality assurance records

3. External correspondence

4. Internal memoranda

5. Meeting minutes/transcripts

6. Draft documents on which a nonconcurrence has been registered

7. Congressional questions and answers

8. Other documents (for 8.1 through 8.9, include references to other data bases)
   - 8.1 Draft and final environmental assessment for the site characterized
   - 8.2 Site characterization plan
   - 8.3 Site characterization study plans
   - 8.4 Site characterization progress reports

8.5 Issue-resolution reports
8.6 License application
8.7 Topical reports, data, and data analyses
8.8 The U.S. Department of Energy (DOE) Environmental Impact Statement
8.9 Recommendation report to the President of the United States (notice of disapproval, if submitted)
8.10 Any publicly available information on rulemakings
8.11 Public and agency comments on documents
8.12 Response to comments
8.13 U.S. Nuclear Regulatory Commission (NRC) technical positions
8.14 NRC regulatory guides
8.15 The DOE project-decision schedules
8.16 DOE program-management documents

APPENDIX B

EXCLUDED AND PRIVILEGED INFORMATION

10 CFR 2.1005, "Exclusions," lists types of information excluded from the Licensing Support System (LSS). Sections 2.1006(a), (b), and (c) discuss discovery privileges. These sections of 10 CFR are printed below.

10 CFR 2.1005 Exclusions.

The following material is excluded from entry into the Licensing Support System, either through initial entry pursuant to 10 CFR 2.1003 of this subpart, or through derivative discovery pursuant to 10 CFR 2.1019(i) of this subpart--

(a) Official notice materials;

(b) Reference books and text books;

(c) Material pertaining exclusively to administration, such as material related to budgets, financial management, personnel, office space, general distribution memoranda, or procurement, except for the scope of work on a procurement related to repository siting, construction, or operation, or to the transportation of spent nuclear fuel or high-level waste;

(d) Press clippings and press releases;

(e) Junk mail;

(f) Preferences [sic] [references] cited in contractor reports that are readily available;

(g) Classified material subject to Subpart I of this Part.

10 CFR 2.1006 Privilege.

(a) Subject to the requirements in 10 CFR 2.1003(d) of this subpart, the traditional discovery privileges recognized in NRC adjudicatory proceedings and the exceptions from

disclosure in 10 CFR 2.790 of this part may be asserted by potential parties, interested governmental participants, and parties. In addition to Federal agencies, the deliberative process privilege may also be asserted by State and local government entities and Indian Tribes.

(b) Any document for which a claim of privilege is asserted, but is denied in whole or in part by the Pre-License Application Presiding Officer or the Presiding Officer, must be submitted by the party, interested governmental participant, or potential party that asserted the claim to--

(1) The LSS Administrator, for entry into the LSS, into an open access file; or

(2) To the LSS Administrator or to the Pre-License Application Presiding Officer or to the Presiding Officer, for entry into a Protective Order file, if the Pre-License Application Presiding Officer or the Presiding Officer so directs under 10 CFR 2.1010(b) or 10 CFR 2.1018(c) of this subpart.

(c) Notwithstanding any availability of the deliberative process privilege under paragraph (a) of this section, circulated drafts not otherwise privileged shall be submitted for entry into the LSS pursuant to 10 CFR 2.1003(a) and 2.1003(b) of this subpart.

REGULATORY ANALYSIS

A separate regulatory analysis was not prepared for this regulatory guide. The regulatory analysis prepared for Draft Regulatory Guide DG-3003, "Format and Content for the License Application for the High-Level Waste Repository," provides the regulatory basis for this regulatory guide as well. A copy of the regulatory analysis is available, in the file for DG-3009, for inspection, and copying for a fee, at the NRC Public Document Room, 2120 L Street N.W., Washington, DC. The Public Document Room's mailing address is Mail Stop LL-6, Washington, DC 20555; phone (202) 634-3273; fax (202) 634-3343.

SECY-96-151

July 3, 1996

FOR: The Commissioners

FROM: James M. Taylor /s/
Executive Director for Operations

SUBJECT: LICENSING SUPPORT SYSTEM PROGRAM ADMINISTRATION - SEMIANNUAL REPORT

PURPOSE:

To inform the Commission of the status of the Licensing Support System (LSS) and the activities of the LSS Administrator's (LSSA) staff for the six-month period ending June 30, 1996.

BACKGROUND:

Manual Chapter 0109 requires that LSS status reports be sent to the Commission on a quarterly basis. The Commission#s Staff Requirements Memorandum dated January 31, 1992, revised the report#s frequency to semiannual. Additionally, a Staff Requirements Memorandum dated June 28, 1995, directed that the Senior Management Team (SMT) provide a report on the LSS before finalizing a Memorandum of Understanding (MOU) with the Department of Energy (DOE), before launching a pilot program, or before finalizing the Licensing Support System Administrator#s (LSSA) Compliance Assessment Program documents. This report addresses the status of these initiatives as well as providing a summary of activity during the last six months. The scope of this report includes all LSS program activities.

DISCUSSION:

Impact on LSS of Congressional Budget Action Related to DOE#s HLW Program

DOE's Office of Civilian Radioactive Waste Management (OCRWM) had originally formulated an FY 1996 budget in excess of $600 million for the High Level Radioactive Waste Management Program. The final authorization for OCRWM was $400 million, with $85 million of that amount being "fenced off" for interim storage pending a congressional revisit of the Nuclear Waste Policy Act (NWPA) sometime in the spring of 1996.

Congress did not revisit the NWPA in the spring of 1996 and that funding was not made available to DOE. Hence, there was no resumption of any LSS activities and all DOE#s LSS related activities remained stalled. Likewise, LSSA#s initiatives for finalization of LSS system functional requirements, the finalization of an MOU, and the development of a prototype system remained stalled. The State of Nevada and the affected units of local government began scaling-back, or outright closing down, their HLW oversight organizations and there was only partial representation at the Licensing Support System Advisory Review Panel (LSSARP) meeting held in Las Vegas on May 2, 1996.

LSSA Support Contracts

The two contracts used by the LSSA to develop the compliance and assessment program and to provide LSSARP meeting support were terminated under normal circumstances during the period.

Topical Guidelines

SECY-96-119 was issued to the Commission on May 31, 1996, as a negative consent paper concerning publishing the Topical Guidelines for the Licensing Support System as a final regulatory guide. Absent

Commission guidance to the contrary, the Regulatory Guide will be published as Regulatory Guide 3009.

Memorandum of Understanding

A draft Memorandum of Understanding (MOU) between DOE and NRC had been negotiated by the LSSA and the DOE representative. The draft covered roles and responsibilities for design, development, implementation, and operation of the LSS. The MOU will be updated, if necessary, and submitted for high-level agency concurrence at NRC and DOE after resumption of LSS activity by DOE.

Compliance Assessment Program

The Compliance Assessment Program, including participant commitments and the LSSA auditing program, has been completed and the products have been shelved pending decisions on the technological approach to be used to meet LSS functionality.

Inspector General Follow-up Survey

The NRC Inspector General (IG) performed a follow-up survey to their March 1995 audit on NRC#s LSS activities. The IG report and survey ratified: (1) the need for LSS functionality, (2) the criticality of capturing and maintaining key records in decision documents, (3) the need for NRC to continue working on achieving LSS goals, and (4) that NRC needs to maintain its relationship with the LSSARP.

NRC Senior Management Team

Throughout the spring, and preparatory to the May meeting of the LSSARP, the SMT met on a regular basis to develop concepts on revising the regulatory and technical foundations of 10 CFR 2, Subpart J. The SMT felt that the LSSARP would be an appropriate forum to #float# ideas, surface issues, and elicit feedback from the affected parties which could then be used in developing SMT recommendations to the Commission.

The ideas presented by the SMT are reported in the following discussions on the May 1996 LSSARP meeting.

LSS Advisory Review Panel Meeting

The LSSARP held a meeting on May 2, 1996, at the Clark County Offices in Las Vegas, NV. Following are the major topics that were discussed.

DOE's Planning for the LSS. DOE emphasized that they regard the LSS as a critical path activity for licensing the repository, and that they plan to fund and develop the LSS in time for a 2002 repository license application. Although LSS activity was deferred during FY 1996, DOE announced plans to resume activity in FY 1997 with a time line to complete the procurement of LSS hardware, software, and loading in the first quarter of FY 1999. The LSSA would participate in installation, testing, and acceptance of the LSS. DOE also indicated that it will have the entire backlog of DOE documents (600,000 documents) loaded in the second quarter of FY 1999. Testing of the LSS would begin in FY 1999 and the system would be operational in the third quarter of FY 1999. DOE would seek NRC certification of the system in the first quarter of FY 2000.

Separate from the development of the LSS, the DOE is moving ahead to make its Records Information System (RIS) available to members of the LSSARP via the Internet. RIS contains no documents which fall under the FOIA exclusions and also has all DOE HLW records in it--not just the documents required by the LSS rule. The Internet version of RIS represents only limited functionality compared to the LSS requirements because it only provides term searches of words contained in the bibliographic "headers.# The documents must then be requested from DOE since neither images nor full text search of the documents themselves will be available on line until some time in the future. DOE provided the address of the website to LSS participants, but emphasized that an Internet searchable version of RIS is not a

good match with LSS functionality at this point, that it was a prototype, and that it needs to be tested by the users.

DOE stated that they had no plans to load other participants# documents into their Internet searchable RIS because it was inconsistent with the LSS rule. In addition, RIS is not a pilot LSS, rather only a way to show what is in the DOE records system. DOE also indicated that it does not have the resources to add other participants' documents to RIS at this point.

NRC Senior Management Team Proposals. The LSSA presented ideas that the NRC SMT was considering for presentation to the Commission on potential revisions to the LSS concept, including potential revisions to the LSS rule. One example of a potential option is the use of a "distributed" LSS rather than a centralized LSS as presently envisioned. This would involve having each LSS participant develop its own Internet World Wide Web site containing its relevant documents. All other participants would have access to these websites. An existing search engine would be used to search each of these databases. The LSS rule would be revised accordingly.

The participants were receptive to this idea provided that the current LSS functionalities would be maintained. In addition, there was concern over how such issues as the LSS Administrator's responsibilities for compliance, system security, and document quality control would be handled under a distributed system.

The NRC acknowledged that the current procedures for NRC adjudicatory hearings, in general, as outlined in 10 CFR Part 2, Subpart G, could, and probably should, be streamlined to include the use of electronic technology such as envisioned in the LSS rule. If such changes were made, they could, in effect, subsume the LSS rule.

In summary, the participant concerns and reactions were as follows:

- The State of Nevada stated that the LSS as described in Subpart J is very important to Nevada, and the State planned to rely on the system in developing its case on the license application. The State does not want to see the LSS "unravel" and wants the LSS or something equivalent to remain for the repository licensing process. Several of the counties also affirmed the Nevada concern.

- Nye County stated that the County was still enthusiastic about the LSS. It recognized the value of achieving cost-efficiencies through new technologies but was not interested in abandoning Subpart J and proceeding with a new Subpart G unless it includes early discovery before the license application is filed.

- DOE expressed concern about the impact of the SMT proposals on its current plans for LSS development. In order to have the LSS operational by 1999, DOE needs to initiate its procurement in the first quarter of FY 1997. DOE therefore needs an answer from NRC on any new direction on the LSS by January 1997.

- The tribal representative from the National Congress of American Indians requested that the NRC consider any special problems that Native American organizations may have in accessing the Internet. It was also pointed out that these problems would be similar to those faced by anyone situated in rural communities.

- The use of negotiated rulemaking to revise the LSS rule was raised by the State of Nevada. Nevada believes the NRC is obligated to use negotiated rulemaking to implement any changes to the rule. (NRC responded that the participants would have an opportunity for active involvement in discussions of any revision to the LSS rule, whether it would involve negotiated rulemaking or not.)

Proposal for an LSS Pilot. The NRC proposed the use of NMSS' Consolidated Document Management System (CDOCS) as the basis of a pilot LSS. Under this proposal, the NRC would make CDOCS available to LSS participants through an Internet World Wide Web. The NRC also indicated that it would load other LSS participant's documents on the website if they were interested. This website could

also be tied in with the DOE RIS website discussed above. The NRC also indicated that perhaps the pilot could be initiated as a part of the NRC's continuing support for the "RuleNet" concept.

Nevada supported this idea and indicated that it would like to get as many of its documents on to the pilot as possible. This was seconded by Nye County and Clark County who cited diminishing government HLW budgets as another reason to use the pilot to load the documents of all LSS participants. They also indicated that the pilot should be initiated as soon as possible. All participants supported the concept of a pilot LSS with access being provided to all LSS participants, including the industry and citizens groups.

Need for a DOE Decision Tracking System. The NRC voiced the need for NRC and DOE to implement a mechanism for documenting NRC and DOE decisions on the HLW program, and stated that this need exists independently of the LSS. Such a system would make it easier to document who made what decision, when, and on the basis of what data. The NRC also noted that it was already maintaining an Open Item Tracking System to track open issues in the repository licensing process. In this regard, DOE noted that it also maintained a licensing issues tracking system know as "Tracer" and would like to at least compare open items with the NRC issues tracking system.

There was general agreement among LSSARP participants, including the NRC, that a system for documenting decisions should be developed, and although there needs to be a link between the decision tracking system and the LSS, the tracking system does not need to be an integral part of the development of the LSS.

Future LSSARP Activities. Because of funding constraints, NRC proposed other ways for the LSSARP to discuss LSS issues without the need to physically convene. Videoconferencing and the Internet were possibilities, although the LSSARP could also meet face-to-face as the situation requires and funding allows. Many of the participants were familiar with RuleNet and were impressed with its capability as a discussion tool. The LSSARP was receptive to exploring other mechanisms for discussing LSS issues.

Future SMT Activities

As indicated in the previous LSS semiannual report, SECY-96-020, the SMT will develop an action plan that addresses all outstanding LSS-related issues. Included will be a proposed approach to reassess the requirements for the LSS as now prescribed in Part 2 in view of the availability of new electronic communication technology. The action plan will be submitted to the Commission by the end of July.

original /s/ by

James M. Taylor
Executive Director
for Operations

Contact: D.J. Graser, IRM/LSSA
415-5507

Return to References

SECY-96-178

August 9, 1996

FOR: The Commissioners

FROM: James M. Taylor /s/
Executive Director for Operations

SUBJECT: ACTION PLAN TO ADDRESS OUTSTANDING LSS ISSUES

PURPOSE:

In SECY-96-020,Licensing Support System Program Administration - Semiannual Report, issued on January 30, 1996, the Licensing Support System (LSS) Senior Management Team (SMT) committed to advise the Commission on outstanding issues related to the LSS and to develop an action plan to address those issues. The issues cover the need to refocus the Department of Energy (DOE) on the documentation needed for its license application for a mined geologic repository for the storage of high level radioactive waste and the need to reexamine the foundations and assumptions upon which the 10 CFR 2, Subpart J (the LSS rule) is based.

The LSS concept was developed in an environment that was substantially different than the current repository licensing activities and information systems technologies available to facilitate them. Time and events have overtaken the original technical assumptions concerning design and maintenance of the LSS. Continuing to develop the LSS based on the technical assumptions embodied in the LSS rule and to continue LSS-related activities under the rule as it is currently written would not be an efficient use of scarce resources. However, the primary LSS functions outlined in the rule reflect NRC and other participant interests and expectations as well as efficiencies in the adjudicatory process and should be preserved.

The SMT has identified a series of strategies to resolve outstanding LSS issues. The SMT identified those issues by reexamining the LSS rule in relation to the status of repository licensing activities and advances in computer technology. The SMT presents those strategies for the consideration of the Commission and requests guidance on whether or not to pursue any or all of these actions. Following the Commission's decision on these strategies, the SMT would obtain input from the members of the LSS Advisory Review Panel (LSSARP) and prepare a subsequent paper for the Commission that identifies alternative implementation approaches and LSSARP views with regard to each approach.

DOE has informed us that they intend to initiate substantive procurement activities in February 1997 for an LSS based on the existing rule. Depending on guidance resulting from Commission action on the subsequent paper, DOE may need to be told to alter this course of action. Therefore, it is important to provide input on this to DOE by the end of this year.

Contact: A.E. Levin, IRM/LSSA
415-7458

BACKGROUND:

The LSS concept grew out of the Commission's concern regarding how best to review the DOE license application for a high-level radioactive waste (HLW) geologic repository. The focal point of this concern was the provision in Section 114 (d) (2) of the Nuclear Waste Policy Act of 1982 (NWPA), which requires the Commission to issue a final decision approving or disapproving issuance of the construction authorization for the repository within three years of the DOE license application. Because the decision schedule in the NWPA was ambitious and required the Commission to make a decision more quickly than had been possible in most contested reactor licensing cases, and because the repository licensing proceeding would be unique in comparison with the typical Commission reactor and materials licensing

cases, the Commission recognized the requirement for significant changes in its procedural approach to the adjudicatory proceeding.

The LSS appeared to offer the opportunity for significant time savings and, simultaneously, for the enhancement of any party's opportunity for effective participation. The LSS offered an automated means for handling the large volume of the documents expected to be used in the repository licensing proceeding. It would also assist the Commission in: (1) managing the novel and complex issues involved; (2) accommodating the increased number of parties who would be generating relevant technical information because of the funding provisions in the NWPA; and, (3) dealing with the long duration of the licensing process from site characterization through the review of the license application without losing institutional history. As noted in SECY-86-133, "Development of a Proposed Rule on the Submission and Management of Records and Documents Related to the Licensing of a Geologic Repository for the Disposal of High-level Radioactive Waste," before the enactment of the NWPA, Chairman Palladino testified to Congress that the three-year schedule under Section 114 (d) (2) of NWPA would be difficult to meet even under the assumption that DOE submits a complete and high-quality application.

If the staff were to meet that statutory deadline, specific measures would have to be taken to streamline the NRC review process. One of the most significant factors contributing to the length of licensing review noted in SECY-86-133 was the time associated with sending, receiving, duplicating, and handling information and data. The staff believed it necessary to reduce the time spent on the discovery process and the time-consuming service of documents if the Commission were to reach its decision within the allotted time frame. To effect this time reduction, the information and data supporting a DOE application should be made available, simultaneously in a centralized database, to all interested parties, before the application is submitted and formal NRC review begins. Emerging information management technologies for issue identification, electronic storage and retrieval, and electronic mail were recommended for these functions to help achieve the objectives of more effective and efficient review.

The Commission employed the technique of negotiated rulemaking to develop the regulations governing the development and use of the LSS. Negotiated rulemaking is the process by which the agency and the interests affected by a rulemaking meet to attempt to reach a consensus on a draft proposed rule. If a consensus is reached, the agency publishes the negotiated rule as the agency's proposed rule. The Commission selected the negotiated rulemaking approach to address the LSS issue for several reasons. The use of an electronic information management system in a Commission adjudicatory proceeding was a new and novel process, not only for the Commission, but in general. Therefore, the development of the rules for the use of such a system would benefit from discussion and joint problem solving by all those who might use the system and had experience with the Commission's traditional adjudicatory process. Furthermore, the potential users of the LSS possessed unique information that would be important to the design of the system, such as their computer capability and the amount and types of relevant documents that they might generate. In addition, the potential for consensus was enhanced by the fact that the LSS rule focused on procedures for conducting the licensing process, that might benefit all parties, rather than focusing on substantive technical criteria for a licensing process. Finally, the success of the LSS depends upon potential parties voluntarily complying with the licensing process for document identification and submission in the period before the DOE license application was submitted. Therefore, the involvement of interested parties in the development of the provisions to govern the use of the LSS was essential.

The Commission initiated the negotiated rulemaking in August 1987, and the negotiating committee--composed of State, local, and tribal governments, industry representatives, NRC, DOE, and environmental groups--completed its work in July 1988. All the parties on the negotiating committee, except the industry coalition, agreed on the text and supplementary information of a draft proposed rule. However, even the lone dissenting party had been a full and active participant in the drafting of the regulatory text and supporting information. Industry did not join the final consensus at the end of the process based on its belief that the use of a new technology in the licensing process would not prove cost-beneficial. The Commission, recognizing the agreement among the overwhelming majority of the parties on the negotiating committee, decided to publish the negotiated draft proposed rule as the Commission's proposed rule in November 1988. Because of this effort, the final LSS rule (10 CFR Part 2, Subpart J), "Procedures Applicable to Proceeding for the Issuance of Licenses for the Receipt of

High-Level Radioactive Waste at a Geologic Repository," was promulgated in April 1989.

The LSS rule established the LSS Administrator (LSSA) under NRC who is responsible for the management, administration, operation and maintenance of the LSS; gave DOE responsibility for the design, development, and implementation of the LSS; and established the charter of the LSSARP to provide consensus guidance on the design and development of the LSS.

When the LSS rule was promulgated, there was a sense of urgency surrounding the development of the LSS because of DOE's HLW repository program schedule which, at that time, indicated DOE would submit the license application for the repository in the beginning of 1995. By 1989, an estimated 10 million pages of material relevant to the licensing proceeding had already been generated, and an additional 10 million pages were expected by 1995. Before the end of 1989, however, DOE had revised its repository program schedule and extended the application submittal date from 1995 to 2001. This revision was accompanied by DOE's substantial extension of the LSS development schedule. In the ensuing years, because of budget pressures and problems associated with proceeding with the technical work on repository site characterization, DOE further extended its LSS development schedule. During this period, the LSSA (an NRC function) continued efforts to emphasize the need for DOE to make timely progress on the development of the system.

DISCUSSION:

In SECY-96-120, the NRC staff described the refocusing of NRC's prelicensing high-level waste repository program due to significant budget restrictions imposed on both the NRC and DOE for the national HLW program. As part of this budget reduction, DOE's efforts to develop a multipurpose canister for transportation, storage, and disposal of HLW were transferred to the private sector. Congress is currently considering additional legislation which may have a significant impact on future progress of the HLW program.

Two salient considerations form the basis for the SMT's reexamination of the LSS rule and implementation technologies. The first consideration is that the current rule is not achieving its intended purpose and cannot reasonably be expected to do so because of budgetary constraints/changes in the nation's high-level waste program resulting in a constant state of change in repository licensing activities. The second consideration is that, even if budgetary constraints were no longer present, technological and regulatory advances have made the LSS system as currently defined obsolete. The technological and regulatory advances include advances in off-the-shelf litigation support software and interconnectivity provided by the Internet and developments in the state of the hearing processes within NRC.

Inability of 10 CFR 2, Subpart J, to Meet Its Intended Goals

The impetus for establishing the LSS was to facilitate NRC's processing of a high-level waste repository license application within the three-year period required by the Nuclear Waste Policy Act. The concept of an LSS was developed in 1986 and was based on the state of computer technology at that time. It was intended to provide a central, shared database of information relevant to the licensing of the repository beginning in 1995. It was also envisioned that the LSS would provide a structure that would automatically impose discipline to the tracking of DOE decisions that were made based on that information. However, neither the lack of budget to develop the LSS nor the protracted length of time for DOE to develop a license application were anticipated. In the absence of an LSS, NRC staff is working during the prelicensing period to ensure a disciplined structure for tracking documentation of DOE decision making. Both NRC and DOE maintain open item tracking systems to ensure that the rationale, technical basis, and approach to resolution of issues are documented. Recently, NRC management met with DOE management to ensure that a disciplined structure for decision making is in place. Such a structure must be in place with or without an LSS. In addition, per the NRC/DOE procedural agreement, DOE has made available some electronic data which the NRC staff finds beneficial.

Although much information is available, the lack of an LSS over the years has resulted in the

accumulation of a tremendous collection of documentary material held for eventual conversion to the LSS, much of which may no longer be relevant to the license proceedings. It may also have contributed to the loss of a carefully documented DOE decision-making trail. As a result, it is the opinion of the SMT that the LSS, as currently described, can no longer be relied upon to aid in meeting the schedule of a three-year processing of a license application as originally intended.

Technological Obsolescence

Based on the technology that was available when the LSS was conceived, the LSS was envisioned as a dedicated computer hardware and software system that would be centrally housed, managed, and operated. Access to the system would be via software specifically designed for the LSS over relatively low-speed, common carrier, dial-up telephone lines.

While the development of the LSS remained stalled, the state-of-technology in document automation surpassed the concept that was expected to be implemented by 1992. By 1996, the basic components of the LSS technology were available in "commercially available off-the-shelf" (COTS) software products. Electronic document exchange mechanisms, commercial litigation support software and services, Internet E-mail, and Internet browse/search/retrieval engines exercised on computer systems are routinely used and they could meet most (perhaps except for the electronic docket, discussed below) of the intended objectives of the LSS rule.

In addition, current efforts within NRC related to technological innovations in functional areas germane to the LSS mission lead the SMT to conclude that even the non-COTS functionalities and software applications need not be totally reinvented for the LSS. For example, the LSS rule requires that an electronic docket of the licensing be established within the LSS. Within NRC, the Licensing Board has successfully piloted demonstrations of an electronic docket. The LSS rule requires that electronic motions practice--submission of motions and the dissemination of the Board's rulings to all parties with standing--be provided by the LSS. Within NRC, NRR has completed extensive work with a number of utilities examining the practical and legal issues associated with electronic document exchange. The NMSS Business Process Reengineering effort for materials licensing is incorporating electronic license submission using "forms" available on the Internet and submitted via electronic mail. IRM is actively designing and developing for SECY, ASLBP, and OGC an electronic hearing docket. This electronic system, scheduled for implementation in 1997, will be one of the first working modules of NRC's new document management system called ADAMS.

With the widespread and commonplace use of computers to generate and maintain the records holdings of parties to the repository licensing proceedings, the universal availability of the Internet to tie disparate and geographically dispersed systems together, and the availability of currently existing and/or planned NRC LSS-related applications, the centralized Licensing Support System envisioned at the time the LSS rule was negotiated is now technologically obsolete.

The challenge is how to effectively use the existing environment which favors dispersed, individualized data bases and still maintain the benefits of an LSS as originally conceived. Parties to the negotiation of the LSS rule expected that the LSS would provide: (1) a mechanism for discovery prior to the filing of the license application; (2) electronic transmission of filings by the parties during the proceeding; (3) electronic transmission of orders and decisions related to the proceeding, and (4) access to an electronic version of the docket. They negotiated provisions in the rule to ensure that all documentary material not privileged or otherwise excluded would be submitted reasonably contemporaneously with its creation. They also negotiated provisions allowing participants, other than DOE and NRC, to be able to submit paper versions of their documentary material and to pay only for their phone line connection to the system thus minimizing costs and providing each participant, regardless of size or financial resources, with equal access to the information related to licensing. These are the elements which represent the benefit for which the parties negotiated in good faith and which NRC should address in developing alternatives to the current rule. The SMT realizes that it was made clear to participants in the Negotiated Rulemaking that the Commission might change the rule in the future based on changed circumstances. Nevertheless, the potential participants have continued to serve on the LSSARP and have invested much time and effort in assisting DOE and NRC in the LSS development process. Thus, the SMT believes

these parties' needs should continue to be given substantial consideration.

This subject was discussed at the May 1996 LSSARP meeting. Specifically, the affected parties are concerned about preserving their ability, as negotiated in the LSS rule, to access documents on a timely basis and to be assured that the appropriate documents are available. Their comments on an Internet-based LSS and a rewritten 10 CFR 2, Subpart J were as follows:

The State of Nevada and Nye County stated that they were not interested in abandoning the LSS rule and proceeding with a new Subpart G (which provides for traditional proceedings without LSS-like support) unless the new Subpart G included early discovery of relevant documents before the license application is filed.

The use of negotiated rulemaking to revise the LSS rule was raised by the State of Nevada. Nevada believes the NRC is obligated to use negotiated rulemaking to implement these changes.

The State of Nevada stated that the LSS is very important to Nevada and the State planned to rely on the system in developing its case on the license application. The State does not want to see the LSS "unravel" and wants the LSS or something equivalent. Several of the counties also affirmed the Nevada concern. The tribal representative from the National Congress of American Indians requested that the NRC consider any special problems that Native American organizations may have in accessing the Internet.

SMT STRATEGY:

There are currently a number of DOE budget scenarios that pose substantial uncertainties concerning further LSS development. In addition, congressional action on a new HLW act may be imminent. These variables all mitigate against the development, under the current LSS rule, of a plan that can be adhered to. Developing a workable strategy for meeting the original LSS objectives must therefore be based on plans which are independent of those factors.

The SMT has developed a strategy, with four main components, for a plan of action to address the current LSS issues:

1. REASSESSMENT OF THE FUNDAMENTAL TECHNOLOGICAL APPROACH FOR THE LSS

   The concept of a dedicated installation (e.g., central mainframe computer) where all parties deposit their licensing related documents should be reassessed. The viability of using an approach whereby the computer systems of all parties are logically tied together via the Internet should be explored. In this approach, each party would be responsible for setting up its own computer, loading its own documents, and providing for the long-term maintenance and control of its own data. Access to all the collections comprising the LSS would be accomplished via hyperlinks on the Internet.

   Current thinking is that there could be a requirement for all parties to establish an Internet "home page" presence. Each home page would be established with a subset of LSS-relevant documents, following the bibliographic header format already agreed to by the LSSARP, and to include full text and images of the documents. Each participant could establish a web database server consistent with its existing records system hardware and software capabilities. The LSS would become an "LSSnet" comprised of a "master home page" with links to each of the participant's home pages. Concepts that should be evaluated for both technological feasibility and resource constraints/requirements include: (1) establishing hyperlinks among the document collections for referenced and attached documents, and (2) allowing the LSS Administrator to validate the timeliness of submission, completeness, document integrity, and other audit and compliance functions via automated, on-line reviews. Motions practice may be accomplished by e-mail submission to SECY, which would enter the motions into the electronic hearing docket currently under development for SECY.

In short, the LSS would be developed to support discovery, and already existing agency systems would be used to support motions practice and docketing and any other automation requirements related to the hearing process itself.

As a partial experiment on the practicality of this approach, the staff is developing a test demonstration website on the Internet where limited NRC documents concerning the HLW program will be made available to any interested party. These documents will be searchable on text or by the use of selected fields from indexes or headers. The purpose of the project is to demonstrate and test potential LSS tools using real HLW documents. This test is not designed to be a complete LSS that satisfies all of the requirements of the LSS rule. Input to the Internet server would come from existing internal electronic files contained in NRC's Consolidated Document Management System (CDOCS). The staff will also include in this test demonstration publicly available NRC HLW documentation contained in the Commission Decision Tracking System. This pilot program should be operational with a limited number of documents by August 31, 1996.

Also, DOE has developed a mechanism that allows limited access to document information contained in its internal Records Information System (RIS) via the Internet. RISweb allows interested parties access to the current index of DOE records, thereby providing a vehicle that allows them to gain additional experience in the use of Internet/Web technology for document review.

Additionally, in reassessing the fundamental technical approach for the LSS, the staff also plans to relook at the methods for funding non-DOE LSS-related activities to assure more direct NRC control.

2. CHANGES TO THE LSS RULE

The LSS rule currently anticipates an organization operating under the LSS Administrator that tightly control operations, access, and availability of the LSS via a centralized system. The rule requires the system to be designed and developed by DOE following consensus guidance of the LSSARP. The rule also requires that the LSS contain the electronic docket for the hearing. When promulgated in 1986, these attributes reflected political realities, the state of technology, and NRC practice in adjudicatory proceedings. These features are proving impractical, overtaken by technology, or constrained in light of the generic practices now being considered.

The SMT recognizes the need to further study available alternatives on how the LSS rule can be changed. There are at least two alternatives: (1) a stand- alone effort to revise only the LSS rule; or (2) as part of a larger effort to revise all of 10 CFR Part 2. The SMT met in July 1996 with ASLBP representatives. The consensus was that the procedures for NRC adjudicatory hearings, in general, be streamlined to include the use of electronic technology such as envisioned in the LSS rule. These new changes would ultimately subsume the LSS rule.

A comprehensive rewrite of 10 CFR Part 2 would provide for levels of automation beyond those reflected in the current LSS rule and would form an agency standard approach for all such activities rather than a case-specific approach. However, this effort could not conceivably be finished in time to support the required schedule for the availability of LSS functionality.

As a standalone effort, the revision of LSS rule to enable new automation approaches and reallocate roles and responsibilities would be expedited and be in place before the rest of 10 CFR Part 2 was revised. This would still be done following an approach that would reflect an agency standard so that the LSS rule could be effortlessly subsumed by a later rewrite of all of 10 CFR Part 2.

3. RETENTION OF FEATURES NEGOTIATED BY AFFECTED PARTIES

The concerns of affected parties should be addressed. Specifically, the affected parties are concerned about preserving their ability, as negotiated in the LSS rule, to access documents on a timely basis and to be assured that the appropriate documents are available. These and other items

that were key points during the negotiated rulemaking should be reflected in the rewritten LSS rule. The SMT recognizes that, while no commitment was made to use negotiated procedures or to keep the LSSARP in existence if the LSS rule is modified, revising the LSS rule should be a consensual process in the interest of efficiency as well as public outreach. Timeliness, integrity and other document submission concerns would be addressed by performance objectives to be included in the rewritten LSS rule. These performance objectives would be audited by the LSSA.

4. **ESTABLISHMENT OF A MECHANISM FOR ONGOING TECHNICAL COORDINATION**

The original LSS rule charters an LSS Advisory Review Panel to provide consensus guidance on the design and development of the LSS (the centralized system which the SMT now suggests be replaced by a system comprised of individual networks linked via the Internet). The SMT recommends that consideration be given to replacing the existing LSSARP with a voluntary forum and that its business be conducted via a combination of Internet bulletin board/discussion areas (along the lines of RuleNet), video teleconferencing, and traditional meetings. This forum would allow participants to give voice to their concerns over timeliness, authenticity, and completeness of the individual participant data. This would provide an efficient means for all current interests represented on the LSSARP to have the opportunity to be involved in the process of meeting the objectives of the LSS.

Similarly, to elicit commentary on the strategies proposed in this paper, the LSSA has already started an effort to implement an Internet discussion area similar in functionality to the RuleNet. The results of this interaction will be reflected in a paper subsequent to this one on proposed strategies that the SMT will offer for Commission consideration.

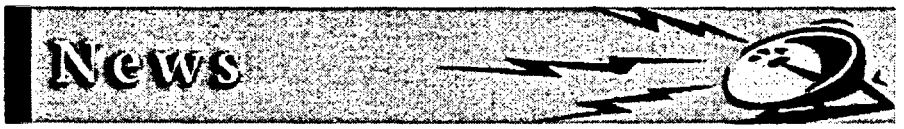
RECOMMENDATION:

Unless directed otherwise by the Commission, the SMT will pursue the four components of the proposed strategy for addressing current LSS issues. The SMT will begin electronic discussions with the members of the LSSARP to develop a detailed description of the pros and cons of each component. The results of this discussion will be presented to the Commission in a subsequent paper in which the SMT will request final direction from the Commission on a course of action for the future of the LSS. This paper will be submitted to the Commission by October 15, 1996.

James M. Taylor
Executive Director for Operations

cc: OGC/OCAA/OIG/OPA/OCA/ACNW/EDO/SECY

Return to References



LSSNet News - 10/31/96 at 13:27 (PST)

Front Page

WELCOME TO LSSNet (10/31/96)

LSSNET News

NRC Issues Topical Guidelines for the Licensing Support System (09/09/96)

LSSNet Opens! (10/31/96)

References | Help & Info | Feedback
News & Updates | Forum | Home

References | News | Help & Info | Forum | Feedback | Home

To comment on this service: *comment@lssnet.llnl.gov*
Technical problems: *tech-info@lssnet.llnl.gov*

Last Update: September 17, 1996
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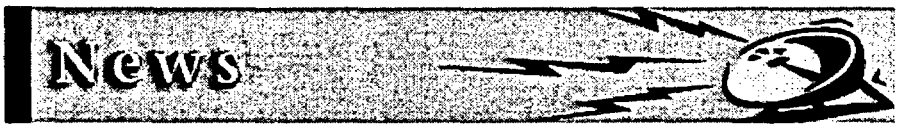

LSSNet Current News - 10/31/96 at 13:27 (PST)

Current Headlines | Archived News

WELCOME TO LSSNet (10/31/96) -

by
Arnold (Moe) Levin - LSS Administrator

On behalf of the Nuclear Regulatory Commission Senior Management Team for the High-Level Waste Geologic Repository Licensing Support System, I established the Licensing Support System Network (LSSNet) to provide an electronic forum for the discussion of issues related to the LSS. Although anyone can read messages in any forum, only registered members and/or representatives of the Panel can post messages.

Navigation within and use of the forum should be self-explanatory. After a few "clicks" around the forum, it should be obvious how it should be used. However, if you need help, please contact the forum manager.

The topics to be discussed include rethinking the use and implementation of the LSS based on modern technologies and the current state of the environment surrounding LSS activities. We started a number of topics and will include alternatives for dealing with LSS issues along with pros/cons for these alternatives. We invite forum participants to provide comments on any and all aspects of the topic -- new issues, modifications to old issues, alternatives for issue resolution, pros/cons for alternatives, etc.

The Senior Management Team will use your input to prepare a paper seeking Commission direction on the future of the LSS. A Commission decision is needed in time to influence the Department of Energy activities leading up to the implementation of the LSS.

If you wish to contact me directly (outside of the forum), please feel free to do so.

LSSNET News Summaries

10/31/96 - The NRC has developed an interactive web site for use by Licensing Support System Advisory Review Panel (LSSARP) members. [more]

References | News | Help & Info | Forum | Feedback | Home

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Technical problems: *tech-info@lssnet.llnl.gov*

Last Update: September 17, 1996
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LSSNET News - 10/31/96 at 13:27 (PST)

Current Headlines | Archived News

NRC Issues Topical Guidelines for the Licensing Support System - 09/09/96

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.69, "Topical Guidelines for the Licensing Support System," provides guidance on the documentary material that should be included in the Licensing Support System, which is an electronic information management system for the geologic repository for high-level waste.

Comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time. Written comments may be submitted to the Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Single copies of regulatory guides, both active and draft guides, may be obtained free of charge by writing the Office of Administration, Attn: Distribution and Services Section, USNRC, Washington, DC 20555-0001, or by fax at (301)415-2260. Issued guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.
(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 9th day of September 1996.
For the Nuclear Regulatory Commission

/s/
David L. Morrison, Director
Office of Nuclear Regulatory Research
7590-01

LSSNet Opens! - 10/31/96

The U.S. Nuclear Regulatory Commission (NRC) has developed an interactive web site for use by Licensing Support System Advisory Review Panel (LSSARP) members and their representatives.

In order to facilitate discussions among members of the LSSARP, the NRC re-used tools and methods developed for another electronic forum known as RuleNet. RuleNet was developed for the NRC by Lawrence Livermore National Laboratory (LLNL) to facilitate electronic discussions on rulemaking and other regulatory issues via the Internet.

The NRC implemented the LSSNet forum using RuleNet tools dedicated for the use of the

LSSARP members and support staff. Discussion of issues and topics of interest are limited to these individuals although results of these discussions are expected to be made available to the public.

References | Help & Info | Feedback
News & Updates | Forum | Home

References | News | Help & Info | Forum | Feedback | Home

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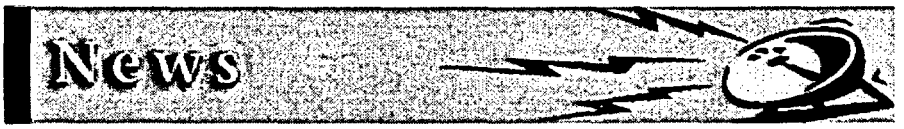

LSSARP Archived News - 9/25/96 at 14:51 (PST)

Front Page Archives

No Stories

LSSARP News Archives

No Stories

References | Help & Info | Feedback
News & Updates | Forum | Home

References | News | Help & Info | Forum | Feedback | Home

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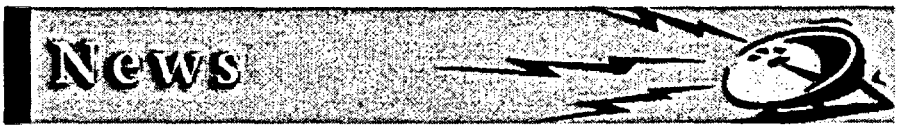

Front Page Archive - 9/25/96 at 14:51 (PST)

Current Headlines | Archived News

No Front Page Archived Stories

References | Help & Info | Feedback
News & Updates | Forum | Home

References | News | Help & Info | Forum | Feedback | Home

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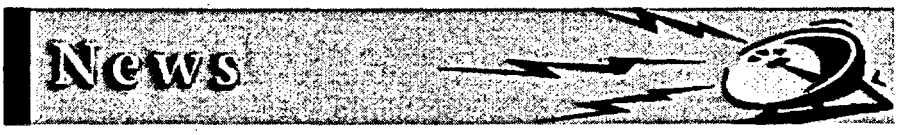

LSSARP News Archive - 9/25/96 at 14:51 (PST)

Current Headlines | Archived News

No LSSARP News Archived Stories

References | Help & Info | Feedback
News & Updates | Forum | Home

References | News | Help & Info | Forum | Feedback | Home

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Help & Info

This forum was created to promote discussion among members of the Licensing Support System Advisory Review Panel (LSSARP).

Panel members participating in these discussions may have varying levels of experience with the Internet. The resources here are intended to explain how the forum works and what is needed to participate. The following is our recommendation of starting places in LSSNet.

If you are new to the web, start exploring in LSSNet Quick Start for web novices.

If you have web experience, start exploring in LSSNet Quick Start for web pros.

The National Performance Review used the Electronic Forum for the purpose of outreach through the experimental Electronic Open Meeting held in December, 1994, and through the Acquisition Reform Net (ARNet), which is still ongoing. Through similar electronic forums such as RuleNet, the NRC is exploring how these resources can be used to connect communities of people.

In developing this information, we've drawn heavily on the work of those who wrote the Frequently Asked Questions (FAQs) and other supporting information for the Vice President's Electronic Open Meeting in 1994 and for ARNet. We're grateful that we were able to benefit from their experience.

Frequently Asked Questions (FAQs) about the Electronic Forum

- General Guidelines
- Using E-mail
- Using the World Wide Web
- Glossary of Terms

To comment on this service: comment@lssnet.llnl.gov
Technical problems: tech-info@lssnet.llnl.gov

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Help & Info

Frequently Asked Questions about LSSNet

General Guidelines

Contents of this FAQ:

- About LSSNet
- LSSNet Participation
- Some Points on the Process
- LSSNet Content
- The LSSNet Electronic Forum Team
- Participants
- Access Options
- Registration

About LSSNet

(Contents of this FAQ)

Q: What is LSSNet?

A: LSSNet is an experiment in using the Internet to promote discussion among members of the Licensing Support System Advisory Review Panel (LSSARP). Therefore, LSSNet is an "electronic forum" in which Panel members use the Internet to come together electronically and discuss issues relating to the LSS. For more information on the enabling technology, see the Web FAQ.

Q: Why are you promoting this forum?

A: Our objectives are to:

1. **Share information** - we want to involve Panel members more in the discussion process and to encourage the view that electronic communications offer a means to spread knowledge and experience.

2. **Brainstorm and Experiment** - we want to develop hands-on experience with a new "intelligent infrastructure" operating over the Internet, and brainstorm opportunities and approaches for next steps.

3. **Connect and Engage** - we want to interconnect the Panel members and promote electronic communications as a means to encourage discussion.

Q: What is LSSNet trying to achieve?

A: LSSNet is aimed at improving the exchange of information among Advisory Review Panel

members.

LSSNet Participation

(Contents of this FAQ)

Q: How can I make use of LSSNet?

A: You can make use of LSSNet from any computer terminal with access to the Web, a service residing on the Internet. For those who do not have such access in the home, public libraries frequently have such access.

Q: Will participation in LSSNet be open to all?

A: No, the LSSNet is primarily intended for use by LSSARP members. However, the public will be able to review the dialog on any topic.

Q: May I watch the process without registering to participate?

A: Yes, you are free to be an observer, obtain all the documents placed on the system by the NRC, and follow the electronic dialogue. You do not have to become an active participant or to register your presence. You can post electronic comments in the public forum, but you cannot post comments at the "LSSARP areas."

Q: I have some concerns, questions, and suggestions about LSS that I'd like to raise. However, I notice that there are others participating whose official titles indicate that they are more knowledgeable and are empowered to officially represent the interests of organizations to which I belong. Can I participate directly?

A: No. The NRC's goal is to identify all significant issues and any approaches or elements that might contribute to a feasible solution. Therefore it is important that interested members of the public express their views in via the public forum.

Q: Can I participate anonymously?

A: No. To protect the integrity of the process, Panel members and their representatives are registered with the NRC.

Q: How should I get started?

A: If you are unfamiliar with LSSNet, we suggest that you read

1. the LSSNet vision statement,
2. these Frequently Asked Questions (and Answers) and the rest of the Help and Information pages,
3. News on what's been discussed to date, and
4. the Forum, which includes all participants' comments and questions.

Only members of the LSSARP are eligible to post comments.

To check whether anyone else has raised the issues that you're particularly interested in, use the "Search Discussions" capability provided on the Help and Information pages.

Q: I don't have much time, but I'm eager to participate. What should I do?

A: Since we're trying to cover a lot of ground quickly, it would be best if you could check in at least once every business day.

If you want to participate efficiently, we suggest that you check the News every day, then read and post in the Forum discussions.

Q: My schedule won't permit me to check in every day. What should I do?

A: We welcome your participation. If you can't check in daily, we suggest that you check in as often as possible.

Just as in a face-to-face working meeting, we need to balance the interests of individuals who can participate only occasionally with the interests of ongoing participants. Therefore, it is important that the group be able to move on to new areas if consensus is reached on certain issues.

Some Points on the Process

(Contents of this FAQ)

Q: How is LSSNet going to work?

A: Advisory Review Panel members may chose one or more threaded topics. Each topic has been initially given an objective to start the discussion.

As a member, you will browse the forum and any supporting information provided for participants, propose changes, report other information, identify problems, and comment on the information provided by others. Moderators will facilitate the discussion, prepare summaries and in general try to keep the discussion focused on the topic. Once comments are posted, you may comment on them.

Q: How is LSSNet any different from a news group or e-mail list serve?

A: The tool we're using, which allows us to use a combination of e-mail and World Wide Web conventions, allows you to build and follow threads in the discussion by having each participant (1) link their comment to the topic or comment to which it relates and (2) select the type of comment it is (e.g., question, agreement, qualification, etc.). This may be tricky at first, because it's more complicated than just sending general comments to a general address. But what it allows you to do is respond to each other's comments and follow what others have said in response to you.

Q: Will it be real-time interactive?

A: No, the LSSNet Electronic Forum will not be "real time." It will be asynchronous, which means that you can schedule your participation to suit your schedule. You can dip in once or twice a day and not be left behind.

Q: How much time will it take?

A: How much time you spend during that time is really up to you.

Q: Will computers be used to process comments?

A: There is no substitute for reading what individual commenters have to say. In addition, LSSNet

envisions that Panel members will be asked to use clicks of the computer "mouse" to characterize their own comments on a particular topic -- for example, whether they agree, disagree, agree with qualifications, etc. -- to speed review of the information.

LSSNet Content

(Contents of this FAQ)

Q: How will the moderators interact with the conversation?

A: The U.S. Nuclear Regulatory Commission (NRC) intends for the LSSNet Electronic Forum to be as open and frank as possible. One of the most important values of this experiment is establishing learning channels both between Panel members. We encourage hard-nosed assessment and debate. Following are norms we have developed to make the forum as productive as possible.

- **Categorized Comments, Posted via the Web:** To permit others to browse and read efficiently, we encourage participants to categorize their comments as precisely as possible, using the categories provided. Comments may only be posted through the web browser interface. Below are the guidelines the moderators will follow. Please bear with the moderators as they apply these guidelines; we'll all be learning here.

- **No Anonymity:** In the LSSNet Electronic Forum every participant owns his or her own words, and their name and e-mail address will be posted with each comment. There is no anonymous participation in the forum. We cannot promise confidentiality. The LSSNet Electronic Forum is accessible to all that register so is therefore considered a very public place, available for review by people all over the globe. See also the guidance on anonymity. For those participants who wish to establish a proxy posting process, send email to tech-info@lssnet.llnl.gov.

- **Political Partisanship:** Statements of political partisanship that do not directly and specifically contribute to the discussion at hand will not be posted.

- **Personal Attacks:** We will remove posted comments which could be construed as libelous and issue a warning to the participant. If attacks continue, then his or her participation in the LSSNet Electronic Forum will be revoked. That participant can still provide written commenta to NRC.

- **Profanity:** While we acknowledge the power of "vigorous" speech in conveying ideas, we are concerned that use of profanity diverts discussion away from the substance of the idea to the words themselves. We actively discourage use of profanity, and will be using a "Text Analysis Program" to screen out postings containing profanity. See also the guidance on anonymity.

- **Flames:** Flames--which we define as long-winded or vindictive diatribes--are often not useful to advancing a discussion. We encourage posters to edit down their submissions for clarity and conformance with the guidance regarding Personal Attacks.

- **Marketing:** Comments which contain blatant marketing of consulting or other services within the LSSNet Electronic Forum framework are not acceptable and will not be posted.

- **Press/Reporters:** Reporters may quote the words of a participant only with his or her express permission. The e-mail address of each participant will be attached to each individual's posting.

Q: If I've got information about something that's worked, can I send it in to the LSSNet Electronic Forum?

A: Absolutely! Collecting and sharing what has worked and what has not worked is very important to the process.

The LSSNet Electronic Forum Team

(Contents of this FAQ)

Q: Who is behind this?

A: The team includes people from the U.S. Nuclear Regulatory Commission (NRC), and the Department of Energy's (DOE) Lawrence Livermore National Laboratory (LLNL).

Each of these partners is making specific contributions. NRC contributed the topic and overall coordination for the forum. The Lawrence Livermore National Laboratory designed and put together the system we're experimenting with in the forum, which integrates a lot of pieces of information technology into a single system. It also contains some new technology.

Q: So you experts have everything figured out?

A: Well, frankly, this LSSNet Electronic Forum is an experiment. The team that is helping NRC put this event together has some ideas. We think they are good ideas. We also recognize that they need to be tested and modified based on Panel member feedback.

Participants

(Contents of this FAQ)

Q: I'm new to this Web Browser and Internet stuff. Do you have to be an experienced Web Surfer to do this?

A: If you're new to the Internet, this will be an opportunity for you to gain some experience with it. We'll provide *some* help along the way, and also try to coach you to learn how to find resources on your own. Participation in LSSNet is not a guarantee that we will help you solve your Internet connectivity problems.

Access Options

(Contents of this FAQ)

Q: What do I need to participate?

A: You need Internet access and a web browser. You can follow the discussions with only e-mail but posting will not be provided through the listserver. This can be through a government server or through commercial accounts such as America OnLine, Prodigy and CompuServe, so long as you have a web browser. You can browse the forum using a World Wide Web browser -- however, you can receive the postings of the comments by subscribing to the listserver. See the FAQ on Using E-Mail.

Q: What if I don't have access to the Internet?

A: If you hear of this LSSNet Electronic Forum and cannot participate because you do not have access to the Internet, please contact the Panel Chairman or the LSS Administrator.

Q: Can't I participate by FAX or hardcopy?

A: Given the anticipated volume of traffic, it may not be possible to handle FAX or hardcopy participation. Which is not to say that you cannot submit written comments to NRC. Those comments received by mail or hand to NRC may be inserted into LSSNet.

Registration

(Contents of this FAQ)

Q: Can I see to check if I am registered?

A: At the time of registration a user identification will be given and a password selected to access the Forum. That is verification of receipt of registration.

Q: If I am registered, am I automatically in?

A: Yes.

Q: How do I get more information?

A: The FAQs on the LSSNet Electronic Forum are available over the World Wide Web. The URL for the Web is **http://lssnet.llnl.gov/Help/Info.html**

To comment on this service: *comment@lssnet.llnl.gov*
Technical problems: *tech-info@lssnet.llnl.gov*

Last Update: September 17, 1996
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Frequently Asked Questions about the LSSNet E-Mail

This is LSSNet E-Mail FAQ. FAQs are also available on the General Guidelines; how to search the comments; and how to participate by using the World Wide Web. Instructions on obtaining the other FAQs are given at the end of this FAQ.

Contents of this FAQ:

- How the Forum works in E-Mail
- Subscribing to Comments and Topic Summaries
- Some Details on Obtaining Comments

How the forum works in E-Mail

(Contents of this FAQ)

Q: I've heard about the LSSNet Electronic Forum and I want to participate but all I have is e-mail. How can I?

A: Participation on LSSNet requires Web access.

Q: What if I don't have access to the Internet?

A: Paper copy of information available via LSSNet will eventually be made available to the public. Internet access will provide more timely access to this information. Requests for paper copy can be submitted to:

Secretary
U.S. Nuclear Regulatory Commission
Washington,DC 20555
Attention: LSSNet

Q: Can't I participate by FAX or hardcopy?

A: Unfortunately, given the anticipated volume of traffic, we cannot handle FAX or hardcopy participation. Which is not to say that you cannot submit written comments to NRC. Those comments received by mail or hand to NRC may not be inserted into LSSNet.

Subscribing to Comments and Topic Summaries

(Contents of this FAQ)

Q: How do I see other people's comments?

A: There are two things you can do. You can order comments that have already been posted in this area of the discussion, and you can subscribe to later comments.

Some Details on Obtaining Comments

(Contents of this FAQ)

Q: I subscribe to AOL and access the service with my Macintosh. How do I reply to the form?

A: Use your Web browser provided to you by AOL, Prodigy, or Compuserve; to access the forms under each discussion space. The filling out and submitting of those forms (after registration) is all one needs to do. The central idea is that the web browser form based email does all the work for you when it comes to posting a comment.

Q: I get my e-mail on a Unix system, but I'm not really familiar with it.

A: There are a variety of e-mail programs in wide use in this environment, but since this is being handled via the web interface, all you need do is use the Web forms to reply to posted comments.

One of the features of an open environment like e-mail or the Internet is that many different application programs with different user interfaces are able to exchange information by following a standard set of communication protocols. As a result, we don't know about everyone's specific user interface. Your service provider (commercial service) or user help desk (Government Owned and Operated computer facilities) should be able to help you with how your mail program works, and how you can send and receive messages.

Q: What about WordPerfect and WPMail?

A: Working with WordPerfect and WPMail, the mail program understands WordPerfect file format and does the appropriate conversion when you retrieve a document into your message. Note that you must retrieve it into the body of the message. If the message is rejected by the server, save the message as DOS Text (also known as ASCII) and try again.

Q: What about other mail programs?

A: The exact techniques you will want to use vary depending on your computer, your e-mail application, and your favorite word processor or text editor. But most will support either an on-screen cut and paste function like AOL or a file import/export capability.

If your mail program and word processor are not from the same company, it may be necessary to tell the word processor to "export" the document or "save as" ASCII (or "DOS") text.

Again, please do not attach or "enclose" a document formatted for your word processor. Such attachments or "encoded binary" files are not supported by the experimental server.

The form identification should appear on its own line, justified to the left margin. Each answer line should appear on its own line, similarly flush left.

A: First, please double-check to see if you can save received messages to a file, and import a file into an outgoing message. Upload/download will probably be less work (see below) than the following (for long forms), but if you have to_...

Review the above answer about the minimum information essential to send in. You can type it all in. Taking care with the identifying marks which start these lines will save repetitions.

Q: I'm still confused. How do I ask for help?

A: First, check to see if System Administration/Operations, or perhaps someone else from your agency who's participating can help you. If you can't find help locally, send an e-mail message to tech-info@lssnet.llnl.gov and we will see what we can do.

Q: How do I get more information?

A: The FAQs on the LSSNet are available over the World Wide Web. The URL for the FAQs under the Web is http://lssnet.llnl.gov/Help/Info.html

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To comment on this service: *comment@lssnet.llnl.gov*
Technical problems: *tech-info@lssnet.llnl.gov*

Last Update: September 17, 1996
Disclaimer: UCRL-MI- 116408

Frequently Asked Questions about the LSSNet World Wide Web

This is LSSNet World Wide Web FAQ Version 1.00, date November 18, 1995. FAQs are also available on the General Guidelines; how to search the comments; and how to follow the forum by e-mail.

Instructions on obtaining the other FAQs are given at the end of this FAQ.

Contents of this FAQ:

- How the Forum works on the Web
- Posting Comments
- Some Details on Web Browsers

How the forum works on the WEB

(Contents of this FAQ)

Q: I want to participate in the LSSNet Electronic Forum, what must I do?

A: The URL you should go to is:
http://lssnet.llnl.gov/Discussions/Forum.html

Please note that the URL is case sensitive and must be spelled exactly as it appears above.

You will be asked to provide a user name and password. You may browse the Forums without being registered, but to post will require registration. Additionally, if you join a caucus, to enter those sessions will require you to go though the authentication process to get to the forum space and participate in the conversations.

Q: I'm registered for the LSSNet Electronic Forum and I want to participate using the World Wide Web. How do I get started?

A: The URL you should go to is:
http://lssnet.llnl.gov/Discussions/Forum.html

Please note that the URL is case sensitive, and must be spelled exactly as it appears above.

Q: How do I figure out where to post my comments?

A: Browse the References and News and look at the conversation overviews and discussions which are already taking place and find the discussion that most closely relates to what you want to talk about. Please keep in mind that by posting your comment in the area that most applies to your interest, you'll be able to help other people with similar interests find your comment.

Posting Comments

(Contents of this FAQ)

Q: How do I post comments to the forum?

A: In each part of the Forum, an electronic form is provided to permit you to post comments.

What you'll see on the form is a request to categorize the conversation or comment you are posting.

General Comments:

Question: A question about a declaration, benchmark, obstacle description, or other message from a LSSNet participant;

Answer: An answer to someone else's question;

Promising Practice: A report of a promising practice that illustrates one good way to realize a recommendation or address an issue;

Agree: A reason to support a LSSNet participant's message;

Qualify:A qualification that explains exceptions or extensions for another message;

Alternative: An alternative way to implement a proposal or recommendation;

Disagree: A reason to challenge a LSSNet participant's message;

New Subject: Starting a new subject of discussion under the topic or issue;

No Position: No position is stated for the posting on the conversation posting.

Comments specific to the issue(s) requiring consensus decision:

Agree [1]: An unqualified "yes" to the decision. The LSSNet participant is satisfied that the decision is an expression of the wisdom of the group;

Agree [2]: The LSSNet participant is satisfied that the decision is acceptable;

Agree [3]: The LSSNet participant can live with the decision but is not particularly enthusiastic about it;

Agree [4]: The LSSNet participant does not fully agree with the decision and needs to register a view about it. However, will not choose to block the decision. Is willing to support the decision because of a trust in the wisdom of the group;

Disagree [5]: The LSSNet participant does not agree with the decision and feels the need to stand in the way of this decision being accepted;

Disagree [6]: The LSSNet participant feels no clear sense of unity in the group and feels the need for more work before consensus can be reached;

Issue: The LSSNet participant does not agree with the decision and feels the need to declare their issues which are felt to require more work before consensus can be reached;

You'll also be asked to include your email address. Be sure to use the one you provided in the

registration form.

Some Details on Web Browsers

(Contents of this FAQ)

Q: Does this system work with all World Wide Web browsers?

You will probably experience problems if you the Web browser software you are using is more than six months old. We highly recommend that you install the latest version of one of the poppular Web clients, or ask your system administrator to do so.

You may also use Lynx, a text-based browser. Lynx users will also be able to interact directly, but will not see the graphic aspects of the interface.

If this is not possible, you may find it best to just follow the Electronic Forum via e-mail. E-mail users will be not able to participate fully, but may try to follow the forum through the listserver (See FAQ Using E-mail).

If you experience problems with the latest versions of one of the popular web browsers, please contact your computer support personnel or try contacting us at:
http://www.w3.org/hypertext/WWW/Clients.html

NCSA Mosaic Home Page
http://www.ncsa.uiuc.edu/SDG/Software/Mosaic/NCSAMosaicHome.html

EINet WinWeb overview
http://galaxy.einet.net/tradewave/WinWeb/WinWebHome.html

EINet MacWeb
http://galaxy.einet.net/tradewave/MacWeb/MacWebHome.html

Spyglass Home Page
http://www.spyglass.com/products/browser.html

Q: Is there anything I should know about using Lynx?

A: Lynx is a good low-end browsing tool that can be used to accomplish all the basic tasks of the LSSNet Electronic Forum. One suggestion may be useful. To "submit" a comment, use your down arrow to scroll down to the "submit" option near the bottom of the page, then either hit the right arrow or the return key to submit the form request.

Q: How do I get more information?

A: The FAQs on the LSSNet are available by e-mail or over the World Wide Web. The URL for the FAQs is http://lssnet.llnl.gov/Help/Info.html

To order FAQs by e-mail, send a message To: **Electronic-Forum@lssnet.llnl.gov/LSSNet**

Put **GET FAQ ALL** in the body of the message (not the subject) to get all FAQs.

Put **GET FAQ GUIDELINES** in the body of the message (not the subject) to get the General Guidelines FAQ.

Put **GET FAQ EMAIL** in the body of the message (not the subject) to get the FAQ on using e-mail to access the forum comments.

Put **GET FAQ WEB** in the body of the message (not the subject) to get the FAQ on using the World Wide Web to access the forum.

References | Help & Info | Feedback
News & Updates | Forum | Home

References | News | Help & Info | Forum | Feedback | Home

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Technical problems: *tech-info@lssnet.llnl.gov*

Last Update: September 17, 1996
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Help & Info

Glossary of Terms

The exact regulatory definition is given per 10 CFR Part 2.1001

- ASCII File
- Bibliographic Header
- Circulated Draft
- Document
- Documentary Material
- DOE
- Full Header
- Image
- Interested Governmental Participant
- LSS Administrator
- Marginalia
- NRC
- Party
- Personal Record
- Potential Party
- Pre-license Application Phase
- Pre-License Application Presiding Officer
- Preliminary Draft
- Presiding Officer
- Searchable Full Text

ASCII File

ASCII File means a computerized text file conforming to the American Standard Code for Information Interchange which represent characters and symbols.

Bibliographic Header

Bibliographic header means the minimum series of descriptive fields that a potential party, interested governmental participant, or party must submit with a document or other material. The bibliographic header fields are a subset of the fields in the full header.

Circulated Draft

Circulated draft means a nonfinal document circulated for supervisory concurrence or signature in which the original author or others in the concurrence process have non-concurred. A "circulated draft" meeting the above criterion includes a draft of a document that eventually becomes a final document, and a draft of a document that does not become a final document due to either a decision not to finalize the document or the passage of a substantial period of time in which no action has been taken on the document.

Document

Document means any written, printed, recorded, magnetic, graphic matter, or other documentary material, regardless of form or characteristic.

Documentary Material

Documentary material means any material or other information that is relevant to, or likely to lead to the discovery of information that is relevant to, the licensing of the likely candidate site for a geologic repository. The scope of documentary material shall be guided by the topical guidelines in the applicable NRC Regulatory Guide.

DOE

DOE means the U.S. Department of Energy or its duly authorized representatives.

Full Header

Full header means the series of descriptive fields and subject terms given to a document or other material.

Image

Image means a visual likeness of a document, presented on a paper copy, microform, or a bit-map on optical or magnetic media.

Interested Governmental Participant

Interested governmental participant means any person admitted under §2.715(c) of this part to the proceeding on an application for a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to part 60 of this chapter.

LSS Administrator

LSS Administrator means the person within the U.S. Nuclear Regulatory Commission responsible for administration, management, and operation of the Licensing Support System. The LSS Administrator shall not be in any organizational unit that either represents the U.S. Nuclear Regulatory Commission staff as a party to the high-level waste licensing proceeding or is a part of the management chain reporting to the Director of the Office of Nuclear Material Safety and Safeguards. For purposes of this subpart the organizational unit within the NRC selected to be the LSS Administrator shall not be considered to be a party to the proceeding.

Marginalia

Marginalia means handwritten, printed, or other types of notations added to a document excluding underlining and highlighting.

NRC

NRC means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.

Party

Party for the purpose of this subpart means the DOE, the NRC staff, the host State and any affected Indian Tribe in accordance with §60.63(a) of this chapter, and a person admitted under §2.1014 of this subpart to the proceeding on an application for a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to part 60 of this chapter; provided that a host State or affected Indian Tribe shall file a list of contentions in accordance with the provisions of §§2.1014(a)(2) (ii) and (iii) of this subpart.

Personal Record

Personal record means a document in the possession of an individual associated with a party, interested governmental participant, or potential party that was not required to be created or retained by the party, interested governmental participant, or potential party, and can be retained or discarded at the possessor's sole discretion, or documents of a personal nature that are not associated with any business of the party, interested governmental participant, or potential party.

Potential Party

Potential party means any person who, during the period before the issuance of the first pre-hearing conference order under §2.1021(d) of this subpart, is granted access to the Licensing Support System and who consents to comply with the regulations set forth in subpart J of this part, including the authority of the Pre-License Application Presiding Officer designated pursuant to §2.1010 of this subpart.

Pre-license Application Phase

Pre-license application phase means the time period before the license application to receive and possess high-level radioactive waste at a geologic repository operations area is docketed under section 2.101(f)(3) of this part.

Pre-License Application Presiding Officer

Pre-License Application Presiding Officer means one or more members of the Commission, or an atomic safety and licensing board, or a named officer who has been delegated final authority in the pre-license application phase with jurisdiction specified at the time of designation.

Preliminary Draft

Preliminary draft means any nonfinal document that is not a circulated draft.

Presiding Officer

Presiding Officer means one or more members of the Commission, or an atomic safety and licensing board, or a named officer who has been delegated final authority in the matter, designated in the notice of hearing to preside.

Searchable Full Text

Searchable full text means the electronic indexed entry of a document in ASCII into the Licensing Support System that allows the identification of specific words or groups of words within a text file.

To comment on this service: *comment@lssnet.llnl.gov*
Technical problems: *tech-info@lssnet.llnl.gov*

Last Update: October 7, 1996
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Forum

Welcome!

LSS Rulemaking Issues

The Licensing Support System (LSS) concept grew out of the Nuclear Regulatory Commission's concern regarding how best to review the DOE license application for a high-level radioactive waste (HLW) repository. A centralized, electronic database, accessible by all parties appeared to offer the opportunity for significant time savings in conducting the licensing proceeding for the repository and, simultaneously, for the enhancement of any party's opportunity for effective participation. Plans for the LSS were first initiated in 1986 and were based on computer technology available in that time frame. It was intended to provide a central, shared, federally funded database of licensing information beginning in 1995. Budgetary shortfalls, however, and the unanticipated length of time that it would take to develop the licensing application for the repository, not only delayed the development of the LSS, but also resulted in the accumulation of a tremendous amount of potential licensing information, much of which may no longer be relevant to a licensing proceeding which may not begin until about 2002. In addition, since document capture may now involve much larger backlogs than originally contemplated, the risk of failing to capture all relevant material in the LSS is substantially larger than originally assumed. While the development of the LSS remained stalled, the state of technology in document automation and retrieval overtook the technology of 1986 on which the original LSS was to be based. With the widespread and common place use of computers to generate and maintain the documents of a party to the HLW licensing proceeding, the universal availability of the Internet to tie disparate and geographically dispersed systems together, and the availability of commercially available software applications relevant to LSS functionalities, the centralized LSS envisioned at the time the LSS rule was developed may be obsolete. Consequently, the Commission intends to evaluate how these new technologies can be integrated into the LSS rule while still maintaining the primary functions of the LSS:

1. A mechanism for the discovery of documents before the license application is filed;
2. Electronic transmission of filings by the parties during the proceeding;
3. Electronic transmission of orders and decisions related to the proceeding; and
4. Access to an electronic version of the docket.

It is the intent of the NRC staff to focus this rulemaking on how best to address changes in technology in regard to the LSS. There is no intent to re-visit the basic functionalities of the LSS that are reflected in the current 10 CFR Part 2, Subpart J.

To attempt to address these issues, the NRC is posting the following "topics" to guide the discussion during this phase of LSSNet:

- Topic 1 - What are the costs and benefits of moving from a dedicated, centralized system to a distributed system based on the Internet?
- Topic 2 - How should other improvements in computer technology be incorporated into the LSS?
- Topic 3 - What provisions of the LSS rule will need to be changed to reflect the incorporation of new technologies?
- Topic 4 - How should the backlog of "uncaptured", and possibly irrelevant, repository-related information be addressed?
- Topic 5 - What would the role of the LSS Administrator be under a distributed system?

□ Topic 6 - How should advice from potential users of the LSS be provided for?

References | Help & Info | Feedback
News & Updates | Forum | Home

References | News | Help & Info | Forum | Feedback | Home

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Last Update: October 24, 1996
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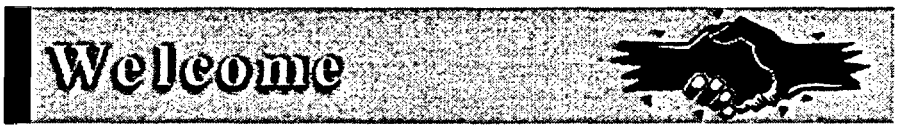

Welcome to LSSNet!

On behalf of the Nuclear Regulatory Commission Senior Management Team for the High-Level Waste Geologic Repository Licensing Support System, I established the Licensing Support System Network (LSSNet) to provide an electronic forum for the discussion of issues related to the LSS. Although anyone can read messages in any forum, only registered members and/or representatives of the Panel can post messages.

Navigation within and use of the forum should be self-explanatory. After a few "clicks" around the forum, it should be obvious how it should be used. However, if you need help, please contact the forum manager.

The topics to be discussed include rethinking the use and implementation of the LSS based on modern technologies and the current state of the environment surrounding LSS activities. We started a number of thread topics and included several alternatives for dealing with LSS issues along with pros/cons for these alternatives. We invite caucus members to provide comments on any and all aspects of the topic -- new issues, modifications to old issues, alternatives for issue resolution, pros/cons for alternatives, etc.

The Senior Management Team will use your input in seeking Commission direction on the future of the LSS. A Commission decision is needed in time to influence the Department of Energy activities leading up to the implementation of the LSS.

If you wish to contact me directly (outside of the forum), please feel free to do so.

Arnold (Moe) Levin
LSS Administrator

References | Help & Info | Feedback
News & Updates | Forum | Home

References | News | Help & Info | Forum | Feedback | Home

To comment on this service: *comment@lssnet.llnl.gov*
Technical problems: *tech-info@lssnet.llnl.gov*

Last Update: October 17, 1996
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What are the costs and benefits of moving from a dedicated, centralized system to a distributed system based on the Internet?

▶ **LSSNET Caucus Area**

This area is use for discussion of this issue by members of the Licensing Support System Advisory Review Panel.

▶ **LSSNET Voting Area**

This area is used for voting on this issue by members of the Licensing Support System Advisory Review Panel.

▶ **Public Discussion Area**

This area is used for discussion of this issue by members of the public.

Choose another topic

To comment on this service: *comment@lssnet.llnl.gov*
Technical problems: *tech-info@lssnet.llnl.gov*

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LSSNET Caucus Area 1

What are the costs and benefits of moving from a dedicated, centralized system to a distributed system based on the Internet?

- **Messages Sorted by:** | Thread | Date | Author | Position | Subject | Abstract |
- **Generate a** New Thread

Messages Sorted by Thread

There are no messages in this dialog at this time

Return To: Home Page | Topics Page

LSSNET Voting Area 1

What are the costs and benefits of moving from a dedicated, centralized system to a distributed system based on the Internet?

- **Name: Password:**
- **Messages Sorted by:**

Return To: Home Page | Topics Page

Public Discussion Area 1

What are the costs and benefits of moving from a dedicated, centralized system to a distributed system based on the Internet?

- **Messages Sorted by:** | Thread | Date | Author | Position | Subject | Abstract |
- **Generate a** New Thread

Messages Sorted by Thread

There are no messages in this dialog at this time

Return To: Home Page | Topics Page

How should other improvements in computer technology be incorporated into the LSS?

▶ **LSSNET Caucus Area**

This area is use for discussion of this issue by members of the Licensing Support System Advisory Review Panel.

▶ **LSSNET Voting Area**

This area is used for voting on this issue by members of the Licensing Support System Advisory Review Panel.

▶ **Public Discussion Area**

This area is used for discussion of this issue by members of the public.

Choose another topic

To comment on this service: *comment@lssnet.llnl.gov*
Technical problems: *tech-info@lssnet.llnl.gov*

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LSSNET Caucus Area 2

How should other improvements in computer technology be incorporated into the LSS?

- **Messages Sorted by:** | Thread | Date | Author | Position | Subject | Abstract |
- **Generate a** New Thread

Messages Sorted by Thread

There are no messages in this dialog at this time

Return To: Home Page | Topics Page

LSSNET Voting Area 2

How should other improvements in computer technology be incorporated into the LSS?

- **Name: Password:**
- **Messages Sorted by:**

Return To: Home Page | Topics Page

Public Discussion Area 2

How should other improvements in computer technology be incorporated into the LSS?

- **Messages Sorted by:** | Thread | Date | Author | Position | Subject | Abstract |
- **Generate a** New Thread

Messages Sorted by Thread

There are no messages in this dialog at this time

Return To: Home Page | Topics Page

What provisions of the LSS rule will need to be changed to reflect the incorporation of new technologies?

- **LSSNET Caucus Area**

  This area is use for discussion of this issue by members of the Licensing Support System Advisory Review Panel.

- **LSSNET Voting Area**

  This area is used for voting on this issue by members of the Licensing Support System Advisory Review Panel.

- **Public Discussion Area**

  This area is used for discussion of this issue by members of the public.

Choose another topic

To comment on this service: *comment@lssnet.llnl.gov*
Technical problems: *tech-info@lssnet.llnl.gov*

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LSSNET Caucus Area 3

What provisions of the LSS rule will need to be changed to reflect the incorporation of new technologies?

- **Messages Sorted by:** | Thread | Date | Author | Position | Subject | Abstract |
- **Generate a** New Thread

Messages Sorted by Thread

There are no messages in this dialog at this time

Return To: Home Page | Topics Page

LSSNET Voting Area 3

What provisions of the LSS rule will need to be changed to reflect the incorporation of new technologies?

- **Name: Password:**
- **Messages Sorted by:**

Return To: Home Page | Topics Page

Public Discussion Area 3

What provisions of the LSS rule will need to be changed to reflect the incorporation of new technologies?

- **Messages Sorted by:** | Thread | Date | Author | Position | Subject | Abstract |
- **Generate a** New Thread

Messages Sorted by Thread

There are no messages in this dialog at this time

Return To: Home Page | Topics Page

How should the backlog of "uncaptured", and possibly irrelevant, repository-related information be addressed?

▶ LSSNET Caucus Area

This area is use for discussion of this issue by members of the Licensing Support System Advisory Review Panel.

▶ LSSNET Voting Area

This area is used for voting on this issue by members of the Licensing Support System Advisory Review Panel.

▶ Public Discussion Area

This area is used for discussion of this issue by members of the public.

Choose another topic

To comment on this service: comment@lssnet.llnl.gov
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LSSNET Caucus Area 4

How should the backlog of "uncaptured", and possibly irrelevant, repository-related information be addressed?

- **Messages Sorted by:** | Thread | Date | Author | Position | Subject | Abstract |
- **Generate a** New Thread

Messages Sorted by Thread

There are no messages in this dialog at this time

Return To: Home Page | Topics Page

LSSNET Voting Area 4

How should the backlog of "uncaptured", and possibly irrelevant, repository-related information be addressed?

- **Name: Password:**
- **Messages Sorted by:**

Return To: Home Page | Topics Page

Public Discussion Area 4

How should the backlog of "uncaptured", and possibly irrelevant, repository-related information be addressed?

- **Messages Sorted by:** | Thread | Date | Author | Position | Subject | Abstract |
- **Generate a** New Thread

Messages Sorted by Thread

There are no messages in this dialog at this time

Return To: Home Page | Topics Page

What would the role of the LSS Administrator be under a distributed system?

- **LSSNET Caucus Area**

  This area is use for discussion of this issue by members of the Licensing Support System Advisory Review Panel.

- **LSSNET Voting Area**

  This area is used for voting on this issue by members of the Licensing Support System Advisory Review Panel.

- **Public Discussion Area**

  This area is used for discussion of this issue by members of the public.

Choose another topic

To comment on this service: *comment@lssnet.llnl.gov*
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LSSNET Caucus Area 5

What would the role of the LSS Administrator be under a distributed system?

- **Messages Sorted by:** | Thread | Date | Author | Position | Subject | Abstract |
- **Generate a** New Thread

Messages Sorted by Thread

There are no messages in this dialog at this time

Return To: Home Page | Topics Page

LSSNET Voting Area 5

What would the role of the LSS Administrator be under a distributed system?

- **Name: Password:**
- **Messages Sorted by:**

Return To: Home Page | Topics Page

Public Discussion Area 5

Description not found.

- **Messages Sorted by:** | Thread | Date | Author | Position | Subject | Abstract |
- **Generate a** New Thread

Messages Sorted by Thread

There are no messages in this dialog at this time

Return To: Home Page | Topics Page

How should advice from potential users of the LSS be provided for?

- **LSSNET Caucus Area**

  This area is use for discussion of this issue by members of the Licensing Support System Advisory Review Panel.

- **LSSNET Voting Area**

  This area is used for voting on this issue by members of the Licensing Support System Advisory Review Panel.

- **Public Discussion Area**

  This area is used for discussion of this issue by members of the public.

Choose another topic

To comment on this service: *comment@lssnet.llnl.gov*
Technical problems: *tech-info@lssnet.llnl.gov*

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LSSNET Caucus Area 6

How should advice from potential users of the LSS be provided for?

- **Messages Sorted by:** | Thread | Date | Author | Position | Subject | Abstract |
- **Generate a** New Thread

Messages Sorted by Thread

There are no messages in this dialog at this time

Return To: Home Page | Topics Page

LSSNET Voting Area 6

How should advice from potential users of the LSS be provided for?

- **Name: Password:**
- **Messages Sorted by:**

Return To: Home Page | Topics Page

Public Discussion Area 6

How should advice from potential users of the LSS be provided for?

- **Messages Sorted by:** | Thread | Date | Author | Position | Subject | Abstract |
- **Generate a** New Thread

Messages Sorted by Thread

There are no messages in this dialog at this time

Return To: Home Page | Topics Page

Feedback

Thank you in advance for providing feedback on LSSNet. The feedback you provide will be used to determine the usefulness of the LSSNet.

Please note: The comments you post here will not be shared with other LSSNet participants. We urge you to put all comments pertaining to LSS issues in the appropriate Forum area, where other participants will be able to read them.

Generally, NRC will not reply directly to comments submitted via this feedback page.

LSSNet Feedback

What elements of the tool(s) were most useful?

Information
Links to other information
Other--please explain:

Is there anything in particular that you did not like?

Do you have any suggestions for future enhancements?

We ask that you complete the following optional survey before submitting this form. You may, however, send just the form at this time.

LSSNet Survey (optional)

Overall, was LSSNet useful?

Yes
No

On a scale of 1 to 5 with 5 being the highest, how would you rate LSSNet?

1 (Useless)
2
3
4
5 (Great)

Is LSSNet something you would use again?

Yes
No

Would you tell a friend or co-worker about LSSNet?

Yes
No

Which of LSSNet's services did you find particularly useful? (You can select more than one.)

Vision
Electronic Forum
News & Updates
Help & Info
References
Feedback
None

Personal Information (optional):

Name:

Title:

Company:

Address:

City:

State:

Zip Code:

Home Address Work Address

Email Address:

Please check where appropriate

Type of Employment

Industry:
Agriculture, Forestry, & Fishing

Mining
Construction
Manufacturing
Transportation & Utilities
Wholesale & Retail Sales
Finance, Insurance, & Real Estate
Service Industries

Government:
Federal
State
Local

Non-Government:
Private Sector
Non-Profit
Academia
Student
Other

General Information

Are You Accessing "LSSNet" from:

Work
Home
School
Other

How did you find out about "LSSNet"?

Mosaic "What's New" Page
Internet FAQ (i.e., Internic Scout...)
Federal Register
Internet Email list
Internet Newsgroup
Newspaper
Magazine
Speech/Presentation
Friend
Co-worker
Supervisor
Other

To comment on this service: *comment@lssnet.llnl.gov*
Technical problems: *tech-info@lssnet.llnl.gov*

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Vision/Purpose

LICENSING SUPPORT SYSTEM NETWORK

The Licensing Support System (LSS) is an electronic information management system proposed under 10 CFR 2, Subpart J to support license proceedings for the national high-level radioactive waste repository. The Licensing Support System Advisory Review Panel (LSSARP) was chartered to advise participants in the design, development and use of the LSS. The Panel had face-to-face meetings that we now want to augment with this electronic forum.

In order to facilitate discussions among members of the LSSARP, the U.S. Nuclear Regulatory Commission (NRC) re-used tools and methods developed for another electronic forum known as RuleNet. RuleNet was developed for the NRC by Lawrence Livermore National Laboratory (LLNL) to facilitate electronic discussions on rulemaking and other regulatory issues via the Internet.

The NRC implemented the LSSNet forum using RuleNet tools dedicated for the use of the LSSARP members and support staff. Discussion of issues and topics of interest are limited to these individuals although results of these discussions are expected to be made available to the public.

Although a limited amount of background material (e.g., 10 CFR 2, Subpart J) is available within the LSS Network forum, it is not intended that LSSNet duplicate the function of the Licensing Support System. Efforts to demonstrate the functionality of the LSS on the Internet can be found at the NRC Licensing Support System Test Bed or the DOE Yucca Mountain Project Office Records Information System Extension (RISWEB).

References | Help & Info | Feedback
News & Updates | Forum | Home

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Quick Start

If you are unfamiliar with LSSNet, we suggest that you read

1. The LSSNet vision statement,
2. Help and Information on how to participate in LSSNet,
3. News on what's been discussed to date, and
4. The Forum, which includes all participants' comments and questions.

You must be an LSSNet participant if you would like to post comments or register your opinions.

To check whether anyone else has raised the issues that you're particularly interested in, use the frequently asked questions (FAQs) provided on the Help and Information pages.

References | Help & Info | Feedback
News & Updates | Forum | Home

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Technical problems: *tech-info@lssnet.llnl.gov*

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Quick Start

If you want to participate efficiently, we suggest that you check the News every day, then read and post in the Forum discussions that most interest you.

References | Help & Info | Feedback
News & Updates | Forum | Home

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Nuclear Regulatory Commission

Improvement Form

Tell us how we can improve the LSSNet:

Name: (Optional)

Email: (Optional)

Comments: (Required)

References | Help & Info | Feedback
News & Updates | Forum | Home

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LSSNet Usage Statistics

References | Help & Info | Feedback
News & Updates | Forum | Home

References | News | Help & Info | Forum | Feedback | Home

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Textual Statistics for LSSNET

LSSNET Statistics

Last updated on: Thu Oct 31 20:00:42 PST 1996

World-Wide Web Access Statistics for LSSNET (lssnet.llnl.gov)

Last updated: Thu, 31 Oct 1996 20:00:02 (GMT -0800)

- Daily Transmission Statistics
- Hourly Transmission Statistics
- Total Transfers by Client Domain
- Total Transfers by Reversed Subdomain
- Total Transfers from each Archive Section

Totals for Summary Period: Sep 13 1996 to Oct 31 1996

Files Transmitted During Summary Period	6044
Bytes Transmitted During Summary Period	26425957
Average Files Transmitted Daily	163
Average Bytes Transmitted Daily	714215

Daily Transmission Statistics

%Reqs	%Byte	Bytes Sent	Requests	Date
5.56	4.86	1283903	336	Oct 31 1996
5.63	4.94	1304895	340	Oct 30 1996
0.65	0.11	30308	39	Oct 29 1996
2.13	1.99	525990	129	Oct 28 1996
0.33	0.05	12618	20	Oct 27 1996
1.17	0.72	191439	71	Oct 25 1996
2.90	1.31	345511	175	Oct 24 1996
2.28	1.92	506519	138	Oct 23 1996
0.26	0.16	43387	16	Oct 22 1996
2.18	4.96	1310353	132	Oct 21 1996
0.08	0.08	21566	5	Oct 19 1996
0.94	1.35	357668	57	Oct 18 1996
0.28	0.76	200778	17	Oct 17 1996
0.40	0.58	152265	24	Oct 16 1996
3.81	4.30	1135374	230	Oct 11 1996
0.71	1.31	346585	43	Oct 10 1996
1.14	1.64	433553	69	Oct 9 1996
3.06	2.12	558920	185	Oct 8 1996
4.33	5.55	1465696	262	Oct 7 1996
0.15	0.11	30178	9	Oct 5 1996
1.06	1.96	517525	64	Oct 4 1996
0.33	0.42	109668	20	Oct 3 1996
2.50	4.86	1283148	151	Oct 2 1996
2.80	3.90	1030631	169	Oct 1 1996
2.47	2.39	630729	149	Sep 30 1996
2.66	2.15	567945	161	Sep 27 1996
2.70	2.08	550452	163	Sep 26 1996
8.87	5.47	1446624	536	Sep 25 1996
4.96	4.19	1107461	300	Sep 24 1996
3.54	1.90	503414	214	Sep 23 1996
4.42	4.95	1307034	267	Sep 20 1996
11.96	14.22	3758184	723	Sep 19 1996
6.20	3.99	1054392	375	Sep 18 1996
4.27	5.03	1328798	258	Sep 17 1996
2.58	2.71	717463	156	Sep 16 1996
0.02	0.00	419	1	Sep 14 1996
0.66	0.96	254564	40	Sep 13 1996

Hourly Transmission Statistics

%Reqs	%Byte	Bytes Sent	Requests	Time
0.41	0.76	201352	25	00
0.93	1.08	285540	56	01
2.15	1.35	357710	130	02
0.73	1.06	281415	44	03
0.22	0.10	26844	13	04
5.15	7.14	1885527	311	05
4.14	4.21	1113405	250	06
7.25	6.92	1828358	438	07
7.28	4.57	1207906	440	08
8.84	9.26	2446337	534	09
10.82	12.01	3173835	654	10
9.27	9.48	2504835	560	11
10.56	12.29	3248361	638	12
11.48	11.40	3011822	694	13
8.75	8.71	2301987	529	14
3.36	2.36	622682	203	15
2.07	2.83	748335	125	16
1.13	0.42	111299	68	17
1.64	0.48	126872	99	18
0.15	0.05	13080	9	19
0.88	1.72	454891	53	20
0.99	0.65	172090	60	21
1.84	1.14	301474	111	23

Total Transfers by Client Domain

%Reqs	%Byte	Bytes Sent	Requests	Domain
0.15	0.11	30178	9	us United States
6.01	6.15	1626285	363	com US Commercial
50.48	56.89	15034457	3051	gov US Government
43.37	36.84	9735037	2621	llnl.gov

Total Transfers by Reversed Subdomain

%Reqs	%Byte	Bytes Sent	Requests	Reversed Subdomain
1.13	0.98	259230	68	com.aol.proxy
4.62	4.79	1265611	279	com.his
0.26	0.38	101444	16	com.tmn
43.37	36.84	9735037	2621	gov.llnl
50.48	56.89	15034457	3051	gov.nrc
0.15	0.11	30178	9	us.md.lib

Total Transfers from each Archive Section

%Reqs	%Byte	Bytes Sent	Requests	Archive Section
3.38	0.34	89718	204	/
0.02	0.00	1314	1	/Discussions/
0.05	0.03	9061	3	/Discussions/Ballot.html

0.02	0.02	5596	1	/Discussions/Consensus.html
0.02	0.02	5406	1	/Discussions/DiscussType.html
0.99	0.98	258905	60	/Discussions/Forum.html
0.36	0.15	39966	22	/Discussions/Topic1.html
0.18	0.09	24208	11	/Discussions/Topic2.html
0.13	0.07	18229	8	/Discussions/Topic3.html
0.15	0.08	21251	9	/Discussions/Topic4.html
0.08	0.05	12020	5	/Discussions/Topic5.html
0.12	0.07	18009	7	/Discussions/Topic6.html
0.05	0.08	21465	3	/Facilitator/CE.About.html
0.55	0.83	218714	33	/Feedback.html
0.12	0.28	72687	7	/Help/FAQ_Consensus.html
0.15	0.39	103149	9	/Help/FAQ_Email.html
0.50	2.13	563431	30	/Help/FAQ_Policy.html
0.13	0.12	32002	8	/Help/FAQ_Search.html
0.18	0.45	119518	11	/Help/FAQ_WEB.html
0.26	0.60	159286	16	/Help/Glossary.html
1.36	1.12	296706	82	/Help/Info.html
0.65	0.35	91356	39	/Help/Quicknew.html
0.48	0.23	60864	29	/Help/Quickold.html
0.31	0.21	54675	19	/Help/Welcome.html
0.02	0.02	5004	1	/Help/info.html
0.53	0.26	69148	32	/Imp_Form.html
0.03	0.01	1712	2	/News/
0.08	0.05	11955	5	/News/Archive.html
0.03	0.02	4723	2	/News/Caucus.html
0.93	0.69	182396	56	/News/Front.html
0.02	0.01	2317	1	/News/Front_archive.html
0.05	0.02	4074	3	/News/Headline.html
1.47	0.61	160729	89	/News/News.html
0.46	0.23	59805	28	/News/Preview/Archive.html
0.07	0.02	5130	4	/News/Preview/Caucus.html
0.05	0.01	2671	3	/News/Preview/Caucus_archive.html
0.66	0.42	111834	40	/News/Preview/Front.html
0.02	0.01	2333	1	/News/Preview/Front_archive.html
0.22	0.13	34124	13	/News/Preview/Headline.html
0.36	0.18	46442	22	/News/Preview/News.html
0.63	0.36	96348	38	/News/Preview/Private.html
0.23	0.10	26304	14	/News/Preview/Private_archive.html
0.05	0.02	5209	3	/News/Preview/Public.html
0.05	0.01	2673	3	/News/Preview/Public_archive.html
0.55	0.39	103892	33	/News/Private.html
0.02	0.01	2319	1	/News/Private_archive.html
0.05	0.03	7475	3	/News/Public.html
0.02	0.01	3846	1	/Part.html
1.26	0.81	212819	76	/Participants.html
0.08	0.02	5756	5	/References/
0.28	4.69	1238781	17	/References/10cfr2ptj.html
1.99	1.49	393966	120	/References/References.html
0.02	0.02	4791	1	/References/References_old.html
0.22	0.02	5864	13	/References/brocoum1.html
0.03	0.03	7515	2	/References/dcg.html
0.02	0.05	13680	1	/References/glt80100.html
0.15	0.50	133441	9	/References/s96020.html
0.15	1.37	362808	9	/References/s96119.html
0.08	1.89	500384	5	/References/s96119.wp5
0.07	0.21	56464	4	/References/s96151.html
0.45	0.80	211175	27	/References/s96178.html
0.08	0.14	36891	5	/References/temp.html
0.02	0.11	29137	1	/References/tmp178.html
0.08	1.05	277062	5	/References/tran5am.html
0.12	3.17	837969	7	/References/tran5pm.html
0.03	0.01	2454	2	/Textonly.html
0.05	0.05	14266	3	/Vision/CE.About.html
0.86	0.51	134908	52	/Vision/Vision.html
0.10	0.32	84136	6	/Vision/Visioncnts.html
0.02	0.00	440	1	/cgi-bin
0.84	0.31	81341	51	/cgi-bin/LSSARPmail.pl
0.35	0.06	16049	21	/cgi-bin/LSSARPmail.sh

0.17	0.07	18534	10	/cgi-bin/approver
2.60	2.17	572662	157	/cgi-bin/editor
0.33	0.03	8426	20	/cgi-bin/imagemap/comgrnd.map
0.35	0.03	9223	21	/cgi-bin/imagemap/toolbar.map
4.20	1.81	477307	254	/cgi-bin/messages
0.55	0.30	78166	33	/cgi-bin/moderator
0.50	0.21	55930	30	/cgi-bin/newsadmin
0.58	0.20	53206	35	/cgi-bin/newthread
1.51	1.09	288878	91	/cgi-bin/nfadmin
0.26	0.10	25621	16	/cgi-bin/nfreg
0.07	0.02	6263	4	/cgi-bin/poster
4.05	1.62	426953	245	/cgi-bin/publisher
0.05	0.01	3549	3	/cgi-bin/registerme
1.72	1.30	343049	104	/cgi-bin/replyto
0.40	0.13	33921	24	/cgi-bin/reporter
1.04	0.61	160722	63	/cgi-bin/sysadmin
0.02	0.00	346	1	/cgi-bin/test.pl
0.15	0.03	7176	9	/cgi-bin/test.sh
2.56	0.95	251843	155	/cgi-bin/topics
0.03	0.00	880	2	/cig-bin/topics
0.02	0.00	98	1	/dcg.html
0.46	0.74	196167	28	/gwstat/LSSARPstats.html
0.33	0.78	207187	20	/gwstat/LSSNETstats.html
0.86	0.09	22636	52	/gwstat/stats.html
0.03	0.00	196	2	/gwstat/tmp.html
0.13	0.01	2557	8	/icons/blank.xbm
0.02	0.00	98	1	/icons/image.gif
0.13	0.01	1375	8	/icons/menu.gif
0.13	0.01	1420	8	/icons/text.gif
0.13	0.01	2575	8	/icons/unknown.xbm
0.03	0.01	2986	2	/images/
0.31	0.02	5579	19	/images/Agree1Cmt.gif
0.30	0.02	5292	18	/images/Agree2Cmt.gif
0.30	0.02	5193	18	/images/Agree3Cmt.gif
0.20	0.01	3926	12	/images/AgreeCmt.gif
0.20	0.01	3856	12	/images/AlternCmt.gif
0.20	0.02	5432	12	/images/AnswerCmt.gif
0.38	0.06	17006	23	/images/CaucusForumBnr.gif
0.38	0.07	17358	23	/images/CommonsForumBnr.gif
0.20	0.01	3898	12	/images/Disagree2Cmt.gif
0.30	0.02	4950	18	/images/Disagree5Cmt.gif
0.30	0.02	4923	18	/images/Disagree6Cmt.gif
0.20	0.01	3408	12	/images/ExclamCmt.gif
0.50	0.34	90396	30	/images/FeedBkBnr.gif
0.45	0.22	58518	27	/images/FeedBkTB.gif
1.21	0.40	104699	73	/images/ForumBnr.gif
1.46	0.32	85030	88	/images/ForumTB.gif
1.26	1.09	289106	76	/images/Help%26InfoBnr.gif
1.94	1.00	264582	117	/images/Help%26InfoTB.gif
0.94	0.49	129696	57	/images/Help&InfoBnr.gif
1.01	0.22	58568	61	/images/Help&InfoTB.gif
0.40	0.49	129672	24	/images/Joint.gif
0.22	0.02	5592	13	/images/NewCmt.gif
3.87	0.82	216632	234	/images/NewsBnr.gif
4.02	0.85	223314	243	/images/NewsTB.gif
0.22	0.02	5656	13	/images/NoneCmt.gif
0.20	0.02	6341	12	/images/PromiseCmt.gif
0.30	0.02	5733	18	/images/Qualify4Cmt.gif
0.20	0.02	4521	12	/images/QualifyCmt.gif
0.20	0.02	4969	12	/images/QuestionCmt.gif
0.25	0.17	45000	15	/images/QuickStart.gif
2.05	1.39	367589	124	/images/RefBnr.gif
2.10	0.75	197782	127	/images/RefTB.gif
0.60	0.05	12728	36	/images/RegForum.gif
0.02	0.01	1665	1	/images/TopicsForumBnr.gif
1.03	0.95	250375	62	/images/VisionBnr.gif
2.13	0.74	195720	129	/images/VisionTB.gif
0.38	0.06	16902	23	/images/WrkGrpsForumBnr.gif
0.63	0.05	12666	38	/images/agree.gif

0.63	0.05	12750	38	/images/alternative.gif
0.89	0.09	24786	54	/images/answer.gif
0.17	0.15	38570	10	/images/bubbler.gif
0.63	0.04	11841	38	/images/disagree.gif
0.71	0.16	41778	43	/images/dot.gif
0.02	0.38	101464	1	/images/electron.1b.gif
0.02	0.12	31918	1	/images/fusion.3.gif
0.02	0.26	70012	1	/images/hightech.2.gif
0.98	0.06	16726	59	/images/issue.gif
2.25	23.85	6301522	136	/images/main.gif
0.91	9.67	2554520	55	/images/main2.gif
1.16	0.10	26585	70	/images/new.gif
0.10	0.29	76395	6	/images/nf_admin.gif
0.46	1.73	457814	28	/images/nf_messages.gif
0.07	0.38	100204	4	/images/nf_moderator.gif
0.15	0.79	207732	9	/images/nf_newthread.gif
0.02	0.09	25051	1	/images/nf_poster.gif
0.30	1.26	332724	18	/images/nf_replyto.gif
0.69	2.52	666720	42	/images/nf_topics.gif
0.12	0.47	125206	7	/images/nn_editor.gif
0.08	0.09	25063	5	/images/nn_news.gif
0.30	0.57	151482	18	/images/nn_publisher.gif
0.08	0.47	125010	5	/images/nn_reporter.gif
0.05	0.10	25681	3	/images/nr_approver.gif
0.02	0.10	25204	1	/images/nr_registerme.gif
0.53	0.31	82933	32	/images/nrc.gif
0.08	0.19	51028	5	/images/ns_admin.gif
0.43	0.03	7850	26	/images/plus.gif
0.22	0.02	6097	13	/images/promising.gif
0.88	0.08	20551	53	/images/qualify.gif
0.71	0.07	17374	43	/images/question.gif
3.82	0.15	38670	231	/images/smball.gif
0.17	0.12	31444	10	/images/welcome.gif
3.72	2.02	533462	225	/index.html
0.02	0.00	465	1	/index.old
0.18	0.07	17893	11	/index1.html
0.07	0.02	5015	4	/index2.html
0.02	0.00	98	1	/sysdoc/

This summary was generated by wwwstat-1.0

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To bypass the images on the LSSNet Home Page only, bookmark this page.

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[Return to LSSNet with graphics]

LICENSING SUPPORT SYSTEM NETWORK

[LSSNet Quick Start-Novice] [LSSNet Quick Start-Pro]

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To comment on this service: *comment@nmsnet.llnl.gov*
Technical problems: *tech-info@nmsnet.llnl.gov*

About LSSNet

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Last Update: October 31, 1996
Disclaimer: *UCRL-MI- 116408*

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If you have technical questions about this page, contact:
jlowens@llnl.gov -- Jerry L. Owens

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