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May 6, 1994**Mr. David S. Drapkin
U.S. Nuclear Regulatory Commission
Office of the Licensing Support
System Administrator
Mail Stop T6F15
Washington, D.C. 20555****Reference: Task Order No. 4, Request for Proposal - August 3, 1993
Subject: Draft Meeting Summary for April 14-15, 1994 LSSARP Meeting
Enclosure: As Above****Dear Mr. Drapkin:****Please find enclosed one copy of the subject deliverable. If you have any questions, please do not hesitate to call me at (703) 525-9400.****Sincerely,****LABAT-ANDERSON Incorporated***Tony Neville***Tony Neville
Project Manager****cc: LAI contract file
Edna Knox-Davin, COA**

**SUMMARY OF PRESENTATIONS AND STATEMENT OF ISSUES
LICENSING SUPPORT SYSTEM ADVISORY REVIEW PANEL (LSSARP) MEETING
APRIL 14-15, 1994**

INTRODUCTION

The purpose of this paper is to summarize the discussions at the recent LSSARP meeting and list the issues that relate to the planning and operation of the Licensing Support System Administrator (LSSA) Compliance Assessment Program (CAP). The purpose of the meeting was to a) address the LSSARP members' concerns over control of the LSS and b) come to resolution on the recommendations outlined in Commission paper SECY-93-107 concerning the assignment of LSS program and budget responsibilities.

In this summary, NRC and DOE participants, non-LSSARP participants, and presenters are identified by name, while LSSARP members are referred to as "a member." The numbers that appear in bold and brackets refer to the page number and line number in the official transcript where the particular discussion can be found.

PANEL MEMBER ATTENDEES

Kirk Balcom, State of Nevada
Dennis Bechtel, Clark County
Chip Cameron, NRC, Office of General Counsel
Daniel Graser, DOE
Robert I. Holden, National Congress of American Indians
John C. Hoyle, NRC
Brad Mattam, Inyo County
Corinne Macaluso, DOE
Malachy Murphy, Nye County
Jay Silberg, Shaw, Pittman, Potts & Trowbridge

Additional Participants:

Arnold (Moe) Levin, LSSA, NRC
Terry Quigley, National Congress of American Indians (Oneida Tribe, Wisconsin)
Harry Swainston, Deputy Attorney General, State of Nevada

THURSDAY, APRIL 14

OPENING REMARKS, John C. Hoyle, NRC, LSSARP Chairperson.
Attachment A: Commission paper SECY-94-081.

The seventh meeting of the LSSARP was convened, in open session, by Chairman Hoyle. At the previous LSSARP meeting held in Las Vegas, Nevada, on October 5-6, 1993, NRC staff

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briefed LSSARP members on an approach that NRC had developed which would make DOE responsible for developing and operating the LSS using InfoSTREAMS design and technology. That discussion resulted in a February 18, 1994, letter to the Commission from the LSSARP which expressed the members' reactions and concerns and concluded that an additional meeting was necessary for the panel to reach a fuller understanding of NRC's role in maintaining supervision and control of the LSS. In preparation for this meeting, NRC staff reviewed the October discussions and developed a report to the Commission (SECY-94-081), which expanded on the mechanisms NRC would use to maintain control of the LSS. [5(4)]

Hoyle said that, by the end of the meeting, he would like the panel to come to closure on the Commission-approved Alternative 3 recommendation. This would enable him to present the panel's views to the Commission as it makes its final decision on Alternative 3. [6(13)]

Hoyle introduced Arnold (Moe) Levin, who became LSS Administrator in October 1993. Levin said that he and his staff have been considering the LSSARP's comments on Alternative 3 and have developed a strategy to strengthen NRC's control over DOE's operation of the LSS. Levin said he views DOE as a contractor operating the LSS for NRC. [8(9)]

**BRIEFING ON LSS ADMINISTRATOR'S AUDIT PROGRAM, David Drapkin,
LSSA/NRC**

Attachment B: slide presentation.

Attachment C: illustrative examples of participant commitments.

Drapkin discussed how the audit program fits into the Compliance Assessment Program. He pointed out that most of the audit program has nothing to do specifically with Alternative 3. Most of the proposed audit program would be implemented under the current LSS Rule. One important addition is including the LSSARP in the audit process. The audit program is a proposal; nothing has been cast in stone. The LSSA is looking for input and advice from the LSSARP. [11(3)]

Types of Audits

A member asked how the basis for the semi-annual audits was developed and is that mandatory of all participants regardless of the number of documents they may have. Drapkin stressed that audits will be made to fit the situation; either simple or complex, depending on the amount of documents the participant has, as long as the LSSA is confident that the data is as correct and complete as possible. [14(16)]

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LSS Participant Commitments

A member asked whether the *LSS Participant Commitments* would be published for general comment or just circulated to the LSSARP. Drapkin said the LSSARP will have the opportunity to review the *LSS Participant Commitments* before they are released for general public comment. Chip Cameron said that he was not sure what form the Commitments would take—a regulatory guide or something else. [21(17)]

Drapkin distributed examples of draft participant commitments to give the LSSARP a concept of what the participants will be asked to do. One member said that for most participants it will be simple to draft a commitments document, but some latecomers, public interest groups or citizen activist groups may need some assistance. [24(21)]

LSSARP Observation of Audits

The LSSA will ask for volunteers from the LSSARP to participate in the audit process. Representative LSSARP members and LSSA staff will accompany the audit team on audits as observers. LSSARP representatives will be given an opportunity to write their opinions on the audit report. The LSSARP, as a whole, will be given copies of the final audit report for its review. [27(3)]

Comparison to Other Audit Programs

A member asked how the resources planned for the LSS audits would compare to the amount of resources devoted to a typical vendor audit, and inquired why the LSSA is developing its own audit process rather than drawing from NRC's years of auditing experience. Drapkin responded that this audit approach is only a plan. The plan can be scaled back if it is apparent that fewer resources are needed to ensure adequate controls. Drapkin added that the LSS is not like other NRC activities. Within NRC, the LSS is viewed as a unique activity, almost an experiment in licensing. Also, the NRC has an internal steering committee that provides input into the process and lessons learned from its quality assurance and audit activities. [33(10) & 39(1)]

Determining What Type of Audit Is Necessary

A member asked how the LSSA will determine which type of audit to conduct. Drapkin said that his office has not yet addressed this in detail. The LSSA staff will decide on the planned audits for the coming year, the next two years, or maybe just the next six months. There will also be unplanned audits triggered by complaints from other participants. [38(1)]

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Auditing of Non-documentary Material

A member asked whether the LSSA will audit DOE non-documentary material processing operations. Cameron stated that non-documentary material would be included in the audit. [41(25)]

Use of Resident Inspectors

A member asked whether the LSSA had considered adopting a resident inspector-type of oversight. Drapkin responded that using resident inspectors could present a problem because the inspector may begin to identify with the agency he or she is auditing rather than the agency for which he or she is working. This situation tends to occur when contractors are onsite with no loyalty to NRC. Drapkin said he would look into using an NRC staffperson as the resident inspector. If the LSSA places a resident inspector onsite, this may rule out the need for a complex audit. [42(20)]

Levin said that the LSSA is committed to doing what is needed to ensure all participants' confidence. He said that is why input from the LSSARP is necessary. If the members are satisfied with a less extensive audit program, then the plan will be modified. [45(21)]

Dispute Resolution

A member asked what recourse a participant would have if a participant thought that DOE was putting in documents that were not relevant or if a participant thought that DOE was not doing its job and the findings of the audit did not reveal any deficiencies. Cameron stated that disputes can be brought before the Pre-licensing Application Licensing Board or, after the filing of the application, the Hearing Licensing Board. Levin said that prior to going through formal dispute mechanisms, he would hope that any participant who was aware of a problem would first contact him to attempt to resolve the problem. [46(23)]

Submitting Depositions For Inclusion in the LSS

Harry Swainston, Deputy Attorney General, State of Nevada, said that the Department of Justice has ruled on behalf of the NRC and DOE that depositions cannot be taken for future administrative proceedings. He asked whether he could proceed with the depositions of his own people and whether he would be able to submit these documents into the LSS. Cameron stated that the LSS Rule does not determine whether or not a deposition can be taken. However, if there is a deposition taken, and it is relevant to the LSS, it will be included. [48(18)]

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A member said that this highlights the problem underlying who has control of the LSS. If a participant has a document and DOE says the participant's document is not relevant, the participant needs a mechanism for telling DOE that the document must be put in the LSS. It is more than just auditing. The LSSA needs direct control. NRC is asking participants to give up part of the bargain of the negotiated Rulemaking in 1990. Levin responded by saying that DOE should not be placed in the role of determining whether or not another participant's document is put into the LSS. He reiterated that DOE would be like a contractor to the LSSA. DOE would not make the decisions; they would carry out NRC's orders. NRC will try to be more explicit, especially in the *LSS Participant Commitments*, about what documents should be included in the LSS. [51(23)]

A member said that he was concerned about a "perception" issue, specifically that DOE is in the process of characterizing a site, and it will also be managing the information that will be used to determine whether the site is suitable or not. Also, the Alternative 3 approach deviates from the original Rule that said NRC is going to manage the system. Now we are trying to determine, after the fact, whether the information is being entered properly. Drapkin said that he believes NRC can audit DOE to the point where the LSSARP will be comfortable with the result. Levin added that the audit program would exist whether DOE was running the system or NRC hired a contractor to operate the system. [59(20)]

Audit Plan Review

A member asked if there was a formal write-up of the audit program for review. The LSSA would like to have a decision on Alternative 3 before sending out a draft audit plan for review. At this time, the LSSA is looking for comments on the audit plan presentation within the next month. [65(23)]

COMMITTEE DISCUSSION

Hoyle began the open discussion with a brief look at how the LSS program has evolved. The DOE program has had numerous delays. Hoyle also stressed that the audit program will consist of thorough audits reported directly to the Commission. Cameron added that in the latest Commission paper, SECY-94-081, NRC proposed an MOU between NRC and DOE to make NRC's control stronger and more visible. [67(8)]

A member commented that he saw contrasting language in the audit program presentation. He said that in one place it talks about LSSA control and in another it talks about LSSA oversight, and oversight and control are completely different. He also said that Section §2.1011(a) of the Rule states, "the Licensing Support System shall be administered by the LSS Administrator" and §2.1011(c) states, "the Licensing Support System...shall not be part

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of any computer system that is controlled by any party, interested governmental participant, or potential party, including DOE and that of its contractors." The member further stated that NRC is violating the Rule, and he will not agree to Alternative 3. Hoyle explained that NRC examined several alternative ways of avoiding costs. Using InfoSTREAMS was a viable option. When the Rule was written, it was contemplated that there would be a combined system developed by DOE. A member responded that using a combined system developed by DOE was contemplated but, the committee decided against it. It was thought that DOE might develop the system, but then it would be turned over to the LSSA. [70(14)]

The members raised the following questions for discussion:

- What changed since the Rule was promulgated that necessitates the change? [72(7)]
- How does the audit program square with NRC treating DOE as a contractor for implementing the LSS? [70(5)]
- Why can't DOE develop InfoSTREAMS and then turn it over to NRC for operation? [77(13)]
- What are the cost savings, if any, related to Alternative 3? [73(10)]
- What other benefits are there from Alternative 3? [77(16)]
- What, at a minimum, should be added to Alternative 3 and the audit program to demonstrate NRC control and management? (e.g., LSSA picks up the phone and directs DOE to...) [76(1) & 85(7)]
- How about Alternative 4—transfer InfoSTREAMS technology to NRC? [83(10)]
- What is the difference between oversight and control. i.e., isn't the contractor analogy deficient in that there are no enforceable sanctions against DOE? [83(20)]
- Why should there be a middle ground? [87(1)]

Cost Avoidance by Using Alternative 3

A lot of detail was put into the Rule, but it was difficult to foresee some of the realities of implementing the system. Concerns over the cost of O&M for the LSS and for continued funding prompted NRC to look into ways to avoid costs. NRC could realize a \$63 million

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cost avoidance by not duplicating the capture of documents and not having DOE contractors turn over operation and maintenance to NRC contractors. [97(3)]

Graser said that much of the cost savings can be attributed to changes in technology. When the original design was done in 1990, SAIC anticipated developing software for components of the system that can now be purchased off the shelf. However, no matter what technology is used, part of the savings will result from NRC not having to replicate the hardware and software to run a relatively small-volume system. [99(1)]

One member commented that the cost avoidance was not a sufficient justification for not transferring the LSS over to NRC. [102(7)]

Transferring LSS from DOE to NRC

When asked what problems he would foresee in DOE taking InfoSTREAMs and giving it to LSS for operating, Graser responded that if both InfoSTREAMs and the LSS are sharing pieces of software code, then configuration management becomes an issue. For example, would a change to one system necessitate a change to the other system? All the code DOE could re-use is a cost savings because there would be no cost of replicating code. Graser added that it is very difficult to estimate cost savings until you go through the drill and see what pieces are reusable. [103(13)]

LSSA as COTR for DOE O&M Contract

Levin discussed the possibility of having the LSSA be the Contracting Officer's Technical Representative (COTR) over all LSS activities under the DOE contract. The LSSA would be directly responsible for the O&M contract and the O&M contractor would report directly to the LSSA. [107(9)] A member said that this might come close to the Office of Management and Budget's objection to any arrangement where one agency would pay for responsibilities that were within another agency. DOE and NRC will have to explore the following issues:

- Is this arrangement permissible under government contracting?
- Can you have dual contracting officers, one from each agency?
- Is there anything to prevent putting in a government contract that one agency may report to another? [134(11)]

Impetus for Making the LSS Operational

One participant asked what the impetus was for getting the system up and running if the licensing proceeding is at least 10 years away. Cameron said that one of the objectives of the original rule was that the LSS would be available for use before the licensing application

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comes in. One member said that half the counties are already using document tracking systems. No matter when the system is made available, it will not be too soon. It would also allow DOE to get started on the document backlog. [113(9) & 118(10)]

A member asked whether InfoSTREAMS is designed as a document management system. Graser described InfoSTREAMS as 1) an architectural foundation of computer resources necessary for OCRWM to meet its ADP requirements, 2) a document intake capability to meet specific requirements of the Rule, and 3) a tool for capturing office automation and transferring it to the records management environment. [114(25)]

DOE as "Contractor" to NRC

Levin said that legally it is impossible for DOE to be a contractor to NRC. However, a MOU would function as a contract between the two agencies. Maryann Jones, DOE, said there are existing MOUs that are the same as a contract between DOE and other agencies such as USGS, the Weather Service, and DNA. Those agencies work for DOE just like a contractor and the arrangement has worked successfully for many years. [142(12)]

One member commented that there still may be a perception issue that participants are turning over their documents to DOE rather than NRC. [143(5)]

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DOE PRESENTATION, Dan Graser, Information Management Division, OCRWM, DOE
Attachment D: InfoSTREAMS Overview.

Acceptance and Documentation of Defense Waste Materials

DOE put together a response to a member's question from the last LSSARP meeting concerning how DOE intends to handle defense waste materials. To summarize the response, Graser said the program office has formal procedures in place for the acceptance and documentation of defense waste materials. [149(11)]

Another question dealt with documents at the Secretariat level. Graser said DOE has a standard correspondence management system run by a group called the Executive Secretariat. The Executive Secretariat screens incoming and outgoing materials and anything that relates to a specific program is automatically copied to the program office. The potential problem occurs when something does not come from the normal correspondence route, i.e., someone walks in and hands the secretary a viewgraph. [150(18)]

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A member asked if DOE had checked into whether InfoSTREAMS can capture graphic-oriented material like field notebooks and circulated drafts of controlled correspondence. Graser said he would need to check on both questions. He did not know if there is a capture ability for those materials. [152(4)]

InfoSTREAMS Overview

Graser said that much of the InfoSTREAMS technology has reusability, whether or not cost saving is perceived as important. InfoSTREAMS Increment 2 is now undergoing final acceptance testing. [155(19)] The system is modular, so you are not tied to using a particular vendor. This will allow for the use of the latest or most cost-effective technology. [163(25)]

An important part of the InfoSTREAMS architecture, in terms of the LSS, is a commercial software product called Storage Monitor. It provides a mechanism for storing a very large amount of data. The product also allows the system to be scalable. DOE is also focussing on building a storage manager that will identify the location where documents are sitting and how often they are used. When a user starts to access a document the system tracks what documents are frequently used so they are put near the front. This speeds up retrieval time. [165(12)]

A member asked whether all comments on all documents must be in the system (electronic) instead of in the margins (handwritten marginalia). Graser responded that that is practically unenforceable. It is not a totally electronic environment. If it is a QA-affecting activity, there are specific procedures in place for how comments are made and captured. DOE encourages people in other circumstances to make comments using automation rather than handwritten mark-up. [158(9)]

A member asked once something goes into the licensing data management system, what happens to the prerecords database. Graser responded that the database is archived. The database would fall under the normal disposition schedule for the length of time to keep documents. These documents would probably be on a five- to seven- year schedule. [162(5)]

Sally Larimore, systems engineer for Clark County, stated that she had not received the detailed system requirements she had requested at the last LSSARP meeting in October. She is concerned that there could be performance problems that would impede timely access to documents. She feels that participants must fully understand the requirements to determine whether the system meets its users' needs. Larimore presented the following issues concerning the system:

- What operating system are you using?

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- What communication protocol and transport are you using?
- Can we have access to critical design review material?
- We have been asked to consider InfoSTREAMS because it is a cost savings; but it may not be if it needs costly re-engineering to meet our requirements.
- Pages 3, 4, 5, and Figure 3, and page 28 of the LSSA Audit Program presentation indicate that the LSSA will make periodic audits of DOE LSS development. Have there been any audits to date? Page 27 states that no actual auditing of DOE's activities will take place until implementation. Are you providing oversight into the development or not?
- We are concerned about simultaneous access to documents. We need to have as close to real time access to documents as possible for all participants. [173(9)]

Graser said the functional requirements of the LSS have been documented and made available to the LSSARP for quite some time. Cameron suggested that the LSSARP appoint a subcommittee or working group to address technical issues involved in the development of the system. Levin suggested that the group begin by reviewing the Functional Requirements Document developed by SAIC. Any member interested in participating in the working group should contact John Hoyle. [186(17)]

HEADER SUBGROUP REPORT, Kirk Balcom, State of Nevada

Attachment E: List of fields and descriptions to be added to the previous approved list of "header" fields.

Attachment E: LSS Header Working Group Meeting February 23-24, 1994—LSS Field Definition Summary Table.

The Header Subgroup was formed four years ago to come to a consensus on how to catalog and index LSS documentary material. The subgroup has looked at a multitude of ways to retrieve and organize materials. New technology including sound and film are being incorporated in headers. A member asked what "mandatory" meant in terms of header fields. Balcom said mandatory means that information must be submitted by the participant, e.g., "date." Some data must go in that field even if it is artificial data. Balcom said that since technology changes so rapidly, the LSS Field Definition Summary Table document is not a final draft. [188(12)]

A member asked when DOE will start using the header definitions and what will DOE do with documents for which they have created headers under prior direction. Graser responded

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that DOE is already using a larger set of headers. DOE will eventually have to go through a rescreening effort for a portion of its materials to identify the material that has to go into the LSS. Hoyle will include in his summary of this meeting a statement that DOE endorses and will use the LSS headers. [194(17)]

USE OF LSS ON PILOT PROJECT BASIS, Mal Murphy, Nye County

Attachment G: March 30, 1994 Letter from Malachy R. Murphy, Nye County, to John C. Hoyle, LSSARP Chairman, Re: LSSARP Meeting April 14-15, 1994.

Mal Murphy suggested that the LSSARP discuss the feasibility of developing the LSS to the point where interested parties could use the system on a pilot project basis. DOE will be seeking certification from NRC for the development of a multi-purpose canister (MPC) in the next few years in order to be able to make MPCs available at reactor sites by 1998. The LSS could be used during the MPC certification proceedings to test the functionalities of the system and familiarize the participants with how the system works in a regulatory arena. The pilot system would need to be operational by 1996, when the certification process is likely to begin. [198(18)]

Graser asked whether the purpose of the pilot test would be to test LSS functionalities or to test the LSS. He said there is big difference between saying InfoSTREAMS will be used for the LSS and making it a reality. The LSSARP has to come to closure on which option will be used before DOE can commit to the 1996 timeframe. If a decision is made soon, it is highly possible that DOE could have a pilot system available by 1996. Graser will report back to the LSSARP on the feasibility of the pilot project, what it would take to make it happen, in what timeframe, and what is the mechanism for funding. [211(11)]

Cameron questioned whether a select group of people should have access to the pilot system in a certification process that is open to the public. The Commission would have to consider making the pilot system available to the public. [213(6)]

FUTURE AGENDA DISCUSSION

- Update from the LSSA.
- DOE report on the feasibility of the pilot project.
- Preliminary report from the technical working group.
- NRC Discussion of Topical Guidelines.

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ACTION ITEMSNRC

John Hoyle will

- ✓ schedule another LSSARP meeting for September 1994.
- ✓ set up the technical working group.
- ✓ take the "LSSA as COTR" option to the Commission for consideration and will keep the LSSARP informed.

The LSSA will

- ✓ follow up on contractual issues of LSSA as COTR of DOE's O&M contractor.
- ✓ look into using an NRC staffperson as resident inspector.

The Commission will consider making the pilot program available to the public.

DOE

Dan Graser will

- ✓ follow up on contractual issues of LSSA as COTR of DOE's O&M contractor.
- ✓ check to see whether InfoSTREAMS can capture graphic-oriented material like field notebooks and circulated drafts of controlled correspondence.
- ✓ check into feasibility of pilot program.

LSSARP

LSSARP members will

- ✓ contact John Hoyle if they are interested in participating in the technical working group.
- ✓ provide comments on the Audit Plan presentation to Dave Drapkin within 30 days.