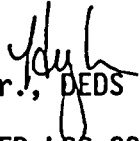


July 24, 1995

NOTE TO: Moe Levin, IRM  
FROM: Hugh L. Thompson, Jr.,  DECS  
SUBJECT: SECY PAPER ON REVISED LSS COMPLIANCE ASSESSMENT PROGRAM

Given the activities that the Senior Management Team for the LSS is currently engaged in, I believe that it is premature to provide the Commission with a paper on the LSS Compliance Assessment Program. Accordingly, I am returning the attached paper, with a modified suspense date of February 28, 1996.

Please accommodate the following guidance in preparing a revised paper:

- 1) Modify the purpose of the paper so that it seeks to inform the Commission of the approach that LSSA intends to follow in carrying out its responsibilities to ensure participants comply with provisions of the LSS rule.
- 2) Provide a description of the LSS Compliance Assessment Program as an attachment to the paper.
- 3) Describe the purpose and particulars of the LSS Compliance Assessment Program in a manner that individuals unfamiliar with the nuances of the LSS rule and LSS terminology can understand (e.g., the general public).

Attachment:  
SECY Paper on Revised LSS  
Compliance Assessment  
Program

cc: J. Blaha  
M. Bridgers

FOR: The Commissioners

FROM: James M. Taylor  
Executive Director for Operations

SUBJECT: REVISED COMPLIANCE ASSESSMENT PROGRAM FOR  
PARTICIPANTS IN THE LICENSING SUPPORT SYSTEM

PURPOSE:

To inform the Commission of the status of the revised Compliance Assessment Program (CAP) for participants in the Licensing Support System (LSS) and to ask for the Commission's approval of the continued development of the CAP.

BACKGROUND:

Under 10 CFR Part 2, Subpart J, the LSS Administrator (LSSA) is responsible for the management and administration of the LSS, including the responsibility to evaluate and certify compliance with the requirements of this subpart under Section 2.1003(h). The CAP effort was launched by the LSSA to identify the requirements that LSS participants must adhere to in order to have their documentary material accepted for entry into the LSS. Guidance and standards provided in the CAP cover participant identification, preparation, and submission of documentary material. By establishing guidance and standards for the preparation and submission of this material, and by comparing submitted material to those standards, the LSSA will ensure LSS availability and data integrity in compliance with the LSS Rule.

By a Staff Requirements Memorandum dated June 4, 1993, the Commission approved, with clarification, the staff's recommendation in SECY-93-107, *Licensing Support System Program and Budget Responsibilities*, dated April 26, 1993. In this paper, the staff recommended that the LSS rule be changed to task DOE with additional LSS responsibilities in order to take advantage of DOE's efforts to develop their InfoSTREAMS program. In SECY 94-021, *LSS Program Administration - Semiannual Report*, dated February 2, 1994, the LSSA noted that the new approach would require a reevaluation and expansion of the LSS CAP to encompass NRC's oversight of DOE's expanded role in design and operation of

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elements of the LSS. In that paper, a commitment was made that after review and comment by the LSSARP, a paper describing the revised CAP program would be sent to the Commission for approval.

Since that time, DOE transferred responsibility for LSS to the staff at Yucca Mountain Site Characterization Office, DOE/YMSCO, canceled funding for operational deployment and further development of InfoSTREAMS, and mapped out a new strategy -- a simplistic response to the LSS rule as originally promulgated -- for meeting its LSS obligations. Subsequently, the LSSA pursued initiatives to streamline the CAP and conform it to DOE's new strategy.

#### DISCUSSION:

The overall philosophy of the CAP is focused on the products and deliverables more so than on the processes and procedures used to accomplish them. Procedural information requested by the LSSA is intended to serve as a baseline for compliance audits that identify the causes of unacceptable quality in submitted data. Revised approaches from the original LSSA plans include: (1) participants are responsible for ensuring that all their potential materials have been identified and submitted, (2) items determined to be non-relevant by a participant will not be reviewed for relevancy by the LSSA, (3) volume estimates are requested for only a two-year look ahead and are used for capacity planning, and (4) prioritization of document submissions has been removed from consideration since DOE intends to present a fully loaded LSS to the NRC. The principal components of the LSSA's overall compliance assessment strategy include:

- participant certification of understanding of overall LSS Program, LSS commitments, and responsibilities under the LSS Rule
- participant Compliance Program Plans reviewed and approved by the LSSA
- statistically-based quality assessment (QA) review of participant-submitted material
- periodic LSSA audits of participant document processing operations

Participant certification of their understanding of the overall LSS program, the LSS commitments being made, and of their responsibilities under the rule is considered key in that it ensures that they are part of the process, contributed to the development of the compliance program, understand the rationale

for the LSSA's program, and are positive, active, and collaborative participants in making it a success.

The Participant Compliance Program is the formalized documentation of this philosophy. Two key documents comprise the guidance that will be initially provided to the potential parties to the license proceeding. The Compliance Plan will include:

- estimated document backlog
- submission schedules
- description of document identification, processing, and quality control activities
- verification plan
- staffing and training plan

The guidance documents have been developed in conjunction with the potential parties and presented to the LSS Advisory Review Panel during the July meeting. Both documents have been made available for comments and have been (or are being) revised to respond to comments received. The following are synopses of the documents.

1. LSSA Guidance on the Format and Content of LSS Participant Compliance Program Plans [Under review by LSSARP]. The primary purpose of this document is to describe to the applicant the proposed format and data content of the information they are expected to provide to the LSSA in their compliance plans. Use of this format will help to ensure that the compliance plans are complete and accurate and includes all of the elements that are considered by the LSSA in evaluating applicant commitment and ability to comply with the LSS Rule and LSSA guidance.
2. LSS Participant Compliance Program Plan: Certification Document [Under review by LSSARP]. This document sets forth the applicants' commitments to the LSS program and serves as the applicants' official certification document.

Appendix A of this document, LSS Participant Commitments (final as of May 1995) presents commitments, in the form of a commitment statement, with the specific processing standards, non-compliance reporting thresholds, and compliance assessment methods for each of three categories of commitments. The first category deals with the proper identification, screening, and timely submission of relevant materials. The second category deals with the physical

condition of submitted materials and its proper preparation, including processing standards and rejection/resubmission thresholds. The third category addresses participant program management requirements and describes conditions for gaining and retaining access to the LSS.

The uses of these documents in gaining access to the LSS is detailed in the attached schematic (Attachment 1).

The LSSA's approach for performing QA reviews is in active development. The LSSA has submitted its QA requirements to the DOE team who are developing the LSS Functional Requirements (Phases 1 and 2). The LSSA staff is coordinating closely with DOE to ensure that the documentary material being downloaded from the DOE Records Management System can be properly examined and subjected to QA sampling prior to it being designated as acceptable for loading in the LSS to be delivered by DOE. It is anticipated that a contract will be placed for performance of automated sampling and review of submitted materials for the accuracy and completeness of documentation beginning in FY 1997.

The LSSA audit program is in the early stages of implementation planning. It is anticipated that a draft Audit Plan will be submitted to the LSSARP for comment in Fall 1995 and that a contract will be placed for site audits at participant locations beginning in FY 1997. These auditing responsibilities may include examining:

- DOE's LSS operations procedures, schedules and reporting mechanisms
- LSS acceptance testing
- LSS capture of documentary material and deficiencies in the content of the entered data and integration of non-DOE materials captured by participants
- LSS database administration and security
- LSS contingency planning
- LSS telecommunication services
- LSS support services
- LSS operational performance
- LSS change control procedures.

Semiannual audits will be conducted by a team assembled under LSSA direction.

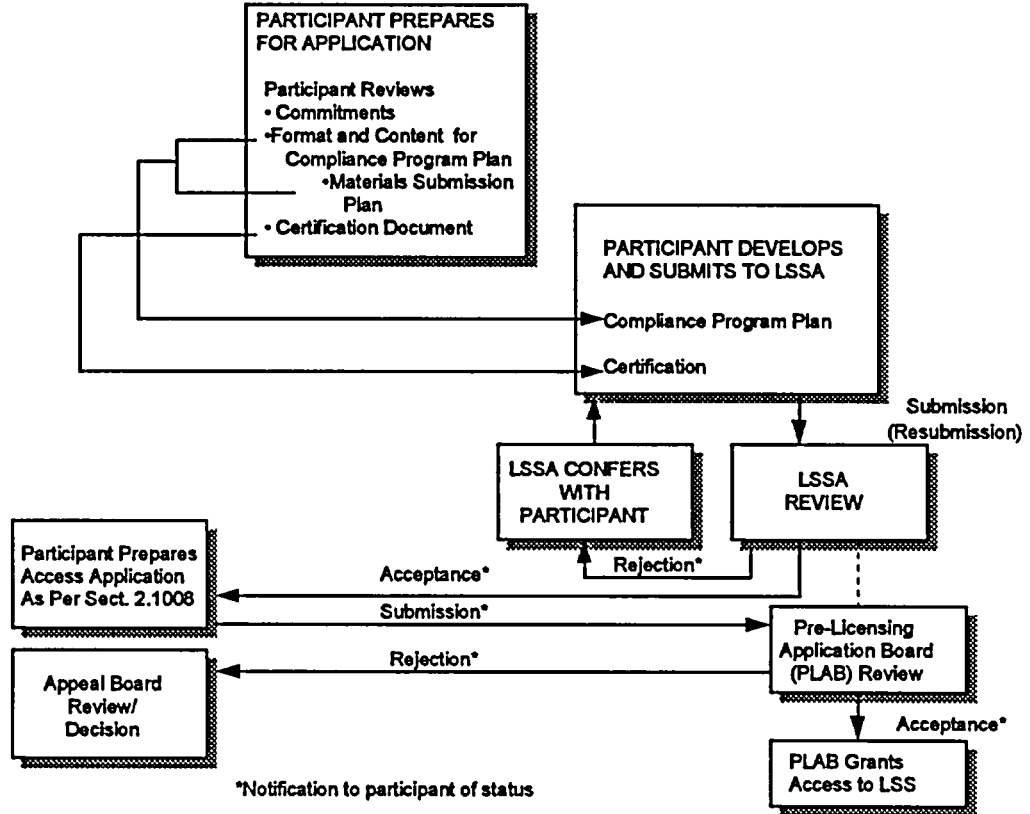
RECOMMENDATIONS:

As stated in SECY-95-153, *Licensing Support System Senior Management Team Recommendations on Direction of the Licensing Support System*, dated June 14, 1995, 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 is submitted. The staff believes that this can and should be accomplished through the CAP and recommends the Commission approve ~~of~~ the continued development of this program.

James M. Taylor  
Executive Director for Operations

Attachment: As stated

**"Road Map" for Participant's Access to LSS**



Semiannual audits will be conducted by a team assembled under LSSA direction.

RECOMMENDATIONS:

As stated in SECY-95-153, *Licensing Support System Senior Management Team Recommendations on Direction of the Licensing Support System*, dated June 14, 1995, 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 is submitted. The staff believes that this can and should be accomplished through the CAP and recommends the Commission approve of the continued development of this program.

James M. Taylor  
Executive Director for Operations

Attachment: As stated

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NAME	A. Levin <i>alt</i>		H. Thompson		J. Taylor				
DATE	07/01/95		07/ /95		07/ /95				

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ROUTE SLIP

July 19, 1995

1. ~~Moe Levin~~ concurrence *CS?*
2. Hugh Thompson -- concurrence
3. James Taylor -- signature and concurrence

This refers to WITS #9400036.