

Graser



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

April 4, 1995

MEMORANDUM TO: The Chairman
Commissioner Rogers
Commissioner de Planque

FROM: James M. Taylor *James M. Taylor*
Executive Director for Operations

SUBJECT: QUESTIONS FOR THE U.S. DEPARTMENT OF ENERGY ON THE
LICENSING SUPPORT SYSTEM

Dr. Daniel Dreyfus, Director of the Office of Civilian Radioactive Waste Management, of the U.S. Department of Energy, is presently scheduled to meet with the Commission on the High Level Waste Licensing Support System in early May. In support of that meeting, the staff recommends that the attached letter and list of questions on the Licensing Support System (LSS) be transmitted to the U.S. Department of Energy (DOE). In the letter, the staff has requested that Dr. Dreyfus or his staff be prepared to answer the questions during the meeting.

The questions were developed, in part, to help the Commission consider whether to continue the LSS as presently envisioned, and if so, under what conditions, or whether to propose a fundamental rethinking of the concept in light of the substantial changes in assumptions related to the timing of the ultimate licensing proceeding. The questions were also developed to ensure that DOE was aware of the issues the staff has identified related to DOE's current efforts to implement the LSS. In part, the questions reflect the reasons originally put forward in support of the LSS in SECY-89-027. That paper stated that the use of the LSS in the licensing proceeding is to provide for timely review of the DOE license application by:

- eliminating the most burdensome and time-consuming aspect of the current system of document discovery -- i.e., the physical production of documents after the license application has been filed -- because the LSS will provide for the identification and submission of discoverable documents before the license application is submitted;
- eliminating the equally burdensome and numerous FOIA requests for the same information that both NRC and DOE will surely receive before and after the application is filed if the LSS does not become a reality;
- enabling the comprehensive and early technical review of the millions of pages of relevant licensing documents by the DOE and NRC staff, through the provision of electronic full-text search capability which will allow the quick identification of relevant documents and issues;

Contact: Arnold Levin, IRM
415-7458

- enabling the comprehensive and early review of the millions of pages of relevant licensing material by the potential parties to the proceeding, so as to permit the earlier submission of better focussed contentions resulting in a substantial saving of time during the proceeding; and
- providing for the electronic transmission of all filings during the hearing, thereby eliminating a significant amount of delay.

In addition, the cost-benefits associated with the LSS described in the paper were based on the schedule assumptions from the Nuclear Waste Policy Act (the Act). The Act envisions DOE's readiness to take possession of spent fuel under contract with the utilities and to transport it directly to emplacement in the repository. Thus, costs associated with constructing Independent Spent Fuel Storage Facilities, a Monitored Retrievable Storage Facility, or additional dry cask storage are avoided. The paper notes that a single year's reduction in licensing time would save \$200,000,000, more than the projected cost of the LSS (scheduled to be completed in 1993 at that time).

More recently, the staff has identified additional advantages to the LSS which were also considered in developing the questions:

- The negotiated rulemaking requires that all parties to the proceeding capture their documents contemporaneously in the LSS, thereby giving NRC early insight into their contentions and greatly reducing the possibility of a party introducing new evidence late in the process.
- Although not explicitly stated, the LSS was intended to provide a mechanism for capturing the decision process so that not only DOE and NRC decisions but their technical and logical bases can be retrieved, thus reducing the need for time to reconstruct the decision history during the discovery phase of the adjudicatory proceeding.

Mr. Arnold Levin is the NRC point of contact for this action. Any questions about this attached list of questions should be directed to Mr. Levin who can be reached at 415-7458.

Attachments:

1. Transmittal letter from I. Selin to D. Dreyfus
2. Questions for D. Dreyfus

cc: FCameron, OGC
LScattolini
DGraser
SECY
OCA
OPA
OGC



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

Dr. Daniel A. Dreyfus, Director
Office of Civilian Radioactive
Waste Management
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585

SUBJECT: QUESTIONS TO BE ADDRESSED AT THE U.S. DEPARTMENT OF ENERGY'S
BRIEFING TO THE COMMISSION ON THE LICENSING SUPPORT SYSTEM

Dear Dr. Dreyfus:

As our respective staff have informally discussed, I would appreciate you briefing the Commission on the Licensing Support System (LSS) on (fill in date). In view of such factors as implementation of the U.S. Department of Energy's (DOE's) new program approach, recently introduced amendments to the Nuclear Waste Policy Act of 1982, and delays in the high-level waste repository program since the inception of the LSS, the Commission is considering whether to continue its support for the LSS, as presently envisioned, or to propose a fundamental rethinking of the LSS. Your briefing will help the Commission with this decision.

We are particularly interested in ascertaining DOE's support for the LSS and its commitment to implementing the LSS in a timely manner. Enclosed is a list of questions that I would like you to answer at the briefing. If there are any questions that cannot be answered at the time of the briefing, I will want to know when DOE will provide its answers to the Commission. These questions were developed by the Nuclear Regulatory Commission's LSS Senior Management Team whose point of contact is Mr. Arnold Levin. Please call Mr. Levin if you need to discuss these questions prior to the briefing. He can be reached at (301) 415-7458.

Sincerely,

Ivan Selin

Enclosure: As stated

QUESTIONS FOR DOE

- 1 = 1. What does DOE now consider are the goals of the LSS and how does DOE intend to achieve them? Does DOE consider the LSS to be a mission-critical system?
- 13 = 2. What specific benefits does DOE expect to realize by using the LSS?
 - a. How much time will be saved?
 - b. How much money will be saved?
 - c. What is the cost of the LSS and the cost-benefit of having an LSS?
- 4 = 3. Two intended benefits of the LSS are: 1) enabling early review of documents to permit better preparation for review of the license application and to permit better focused contentions in the licensing proceeding; and 2) memorializing the bases for decisions. The Commission fears that these benefits are likely to be lost if the LSS is not available until 1999. With this in mind, should DOE accelerate implementation of the LSS?
- 6 = 4. When the Nuclear Waste Policy Act was passed in 1982, a decision process of about 10 years was contemplated. Now the process is expected to take until 2004, at best, or about 20 years. In light of the increased time, what additional burdens does DOE foresee in the discovery, deposition, hearing, etc., process and how has that affected its plans for the LSS?
- 5 = 5. What is DOE's present schedule for completing the LSS and what are the critical path items? Can any of these items be started earlier and accomplished quicker?
- 1 = 6. What steps will DOE take to involve the NRC during design and implementation of the LSS to ensure NRC acceptance and certification for use?
- 2 = 7. Nothing in this rule precludes a participant from using the LSS as a system of records. Does DOE intend to use the LSS as its documentary database for the high-level waste repository and, if not, is DOE intending to rely on an alternative database whose use is restricted to DOE? What would be the projected incremental cost of this approach and why would it be justified?
- 9 = 8. Are there any factors which will preclude DOE from granting LSS participants access to DOE computers containing the document (sub)collections it wants to replicate and deliver in a separate, distinct LSS?
- 11 = 9. What staff assignments have been made to ensure successful LSS implementation and what is the percentage of their time dedicated to meeting LSS obligations?

Enclosure

- 8 = 10. Our joint efforts in developing and implementing the LSS require close coordination between DOE and NRC. The timely response to requests made of each other is critical to the ability of both organizations to carry out their responsibilities in this. What policies/procedures has DOE established to ensure that they provide timely response to requests for information from the NRC? What priority has been established for the LSS with the DOE staff responsible for DOE's participation in the LSS project?
- 10 = 11. What is the current five year budget forecast for LSS design, development, and implementation activities? How much of that budget is LSS-unique; how much is serving dual purpose in meeting DOE systems or records requirements?
- 3 = 12. What are the implications of DOE's new program approach for the need and timing of the LSS?
- 12 = 13. Given the longer time frames now involved, how does DOE plan to screen its data base to ensure that documents which may no longer be relevant to licensing because of the extended repository program schedule are excluded from the data base?

4/5/95

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