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STATEMENT FOR THE RECORD

PRESENTATION TO THE U.S. NUCLEAR REGULATORY COMMISSION
STATUS OF THE LICENSING SUPPORT SYSTEM

BY

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Chairman Selin and Members of the Commission:

I am pleased to be here to brief you on the Licensing Support System. As Dr. Dreyfus has said, DOE recognizes that the Licensing Support System (LSS) is an indispensable tool in the acceptance and review of our license application for a Mined Geologic Disposal System and we remain committed to developing the LSS in a timely and cost-effective manner. Today I want to reaffirm the Department's belief in the original goal of the LSS, that of supporting effective Commission review of the DOE geologic repository license application within the mandated time interval, and our commitment to provide the resources necessary to make the LSS a reality within the time frame established in

Subpart J. In addition it is our goal that members of the Licensing Support System Advisory Review Panel will have use of substantial functionality of the LSS and access to substantial contents of the LSS in the 1997 time frame, well before license application submittal.

The Department participated in the negotiated rule making that led to promulgation of Subpart J. Basic to this negotiated rulemaking was the articulation of the purpose and goals of the LSS. The Department fully supported the stated purpose of the LSS of providing for timely review of the DOE license application by: eliminating the physical production of documents, eliminating or reducing the Freedom of Information Act requests, enabling comprehensive and early review of large volumes of material, and providing for electronic transmission of all filings. At that time the Department fully understood that the LSS was one of the mechanisms that the Commission was considering to streamline the licensing process; that a significant contributor to licensing delay was document discovery and motions practice--issues that the LSS was intended to address.

The Department of Energy (DOE) Office of Civilian Radioactive Waste Management (OCRWM) began to design and develop the LSS in 1988. A number of LSS analysis and design documents were prepared for OCRWM between 1988 and 1989, and a prototype system was completed and tested in 1990. However, a major reassessment

of the OCRWM program made in 1989 indicated that the target date for submittal of a repository license application was to be delayed from 1995 until 2001. In 1991, DOE postponed further work on the LSS in order to concentrate program resources and efforts on site characterization activities and early resolution of licensing technical issues with the NRC staff. As a consequence of the passage of time, concern has been expressed relative to current utility and applicability of the LSS. From the Department's perspective the objective and utility of the LSS remain valid today as the Commission continues to face a mandated time interval for review of the license application and the LSS will be an effective tool supporting the license proceeding.

Concern has been expressed that the DOE program approach varies significantly from the procedure envisioned by the NRC for licensing the Mined Geologic Disposal System and that this variance will degrade the utility of the LSS. DOE's program approach contemplates providing a license application that is as complete as possible in light of information that is reasonably available at the time of submittal of the license application. With respect to the LSS, the need for, and the timing of, the LSS is unaffected by the program approach. Therefore, although DOE may continue a number of research programs, and the results of those programs will be loaded into the LSS, substantially all relevant documents needed to support the granting of a construction authorization, including documents needed to support

a reasonable assurance finding by the NRC, will be in the LSS at the time of submittal of the initial license application.

The view is that early availability of the LSS is quite different now than it was in 1988. In 1988 the planning documents asserted that the LSS would be operational in 1990; those same estimates indicated that the backlog of documents would be processed in 1991-94. Currently we are planning to begin reprocessing the backlog of documents in 1995 and entering them into our own Records Management System. We intend to make parts of the Records Management System available for review by the members of the Panel. This "read-only" access to portions of the DOE records management system is envisioned to be available by the end of this fiscal year with access limited to the header and abstract data available for some of the documentary material that DOE plans to submit to the LSS. As the scanned images of licensing-relevant documents (as broadly defined below) become available, we shall be making them available to the members of the Panel. Thus we are making available for early review the millions of pages of relevant or potentially relevant licensing material. The operational LSS will be available in the 1998 time frame as the reprocessing and loading of records continues. The timing of the availability of the LSS relative to the submittal of the license application today is not markedly different than it was at the time the LSS rule was promulgated and the license application date was 1995. However, changing technologies have

significantly altered the methods used to implement the LSS and allowed a significant reduction in original cost estimates.

DOE intends to put all of its program relevant records management system documents, apart from that material that is specifically excluded by subpart J, into the LSS. The 2001 license application submittal date places no additional burdens upon the LSS design and development. The date of license application is fixed by the availability of data, analyses, and understanding. Thus the projected date for license application submittal is a milestone indicating that the materials supporting data, analyses, and understanding are available. The volume of the material is not dependent on the date of the license application submittal. The rationale for entering all but the regulatorily-excluded information into the LSS is to minimize any appeals to the LSS Administrator regarding the alleged failure of DOE to include information that is relevant or that could lead to the discovery of information that is relevant. In addition, the potential for error in judgment in making a relevance determination for individual documents is minimized. Recall that at the initial LSS rulemaking, there was a concern with the apparent high costs associated with document storage. Today those costs have been significantly reduced. Now the concern is with the cost of human participation (e.g., proof reading and screening of documents). Thus, disputes and costs are reduced by being inclusive, rather than exclusive, regarding loading

documents into the LSS.

We believe that the only effective way to further reduce the number of documents is for the Panel to agree on additional categories of documents that may be easily identified and excluded without the need for substantial judgment to determine whether a given document falls within a particular category. This would enable individual parties to avoid potential administrative challenges to attempts at document exclusion based on relevancy. We believe that by providing a comprehensive data base for the LSS, total costs should be reduced, and time consuming and expensive administrative challenges to document exclusion should be eliminated.

The OCRWM Records Management System captures and manages those records that document the chronology of events and decisions related to the Program mission. It utilizes a VAX based indexing and retrieval system and micrographic technology to capture and preserve images of records. Established criteria and procedures are used to exclude from the records system records which are not relevant to the OCRWM Program mission. Types of records which are excluded from the OCRWM Records Management System include material pertaining exclusively to administrative, Department-wide materials, nonprogrammatic correspondence, non-QA procurements, financial plans, budget material and other similar business related records.

The OCRWM Records Management System is replacing its current microfilming function with electronic imaging of records and documents and integrating the images with the system. Thus, we are modernizing our Records Management System and modernizing it in a fashion such that it is compatible with the LSS.

The question is raised of whether there can be a single system that is both the OCRWM RMS and the LSS. We believe not for the following reasons: First, there are different requirements for the two systems; Second, the rule as currently accepted by all parties precludes DOE from operating the LSS, thus foreclosing the RMS from being used as the LSS. The rule does suggest that the NRC can operate the LSS and make some separate system integrated into the LSS available to DOE to serve the RMS function. This would appear to put DOE in conflict with its responsibilities for maintaining and operating its own records system as required under the Federal Records Act. Moreover, the inherent reason for adopting such a process, cost savings, is not realized. Basically the costs that DOE incurs for records management are primarily driven by the records management functions that it must carry out, not by the operation of a automated system such as that which will support the LSS. If DOE records were stored in a system operated by the NRC, the Department would continue to support records induction, continue to support the role of a requestor, and moreover continue to support the current system used for DOE records as it is a

multiple use system that supports another forty program applications. The use of the LSS for DOE records management would not result in any significant cost savings under the current rule.

With the advent of the Program Approach to support the 2001 license application submittal date, an examination of the status of the LSS and of future requirements was undertaken to assure an operating, acceptable LSS is in place before the submission of the license application. This review of the LSS additionally was appropriate to ensure that the existing LSS operational concept was sound, and to identify strategies for incorporating advances in computing technology to optimize system performance and lower overall cost. As a consequence of this review we:

- Identified several technical options for the LSS that comply with Subpart J and represent a full range of capabilities.
- Evolved a significant cost reduction from previous estimates such that the expected ten year cost for the LSS is expected to be less than seventy million dollars, about forty million dollars less than the previous estimate.
- Developed a schedule and funding profile to support timely development of the LSS.
- Began modernization of the OCRWM Records Management System to be compatible with LSS requirements.
- Are beginning the processing of existing records for incorporation into LSS.

Following completion of this study we have been working with the LSSARP and the Administrator in achieving the following goals:

- Develop LSS requirements.
- Establish protocols for input to the LSS.
- Produce an NRC/DOE Memorandum of Understanding.

We are moving rapidly in our efforts to build a solid foundation for the LSS effort; we have developed an effective working relationship with all stakeholders in the LSS, including the NRC; and, we are on schedule for bringing the LSS to an operational state well in advance of the submittal of the license application.