

From: Dyer, YMP  
To: Chu, OCRWM

Subject: Approach for LSN Certification

References: April and Jake's letter  
Brocoum letter to Ben McGrae

Claudia, I incorporated your changes that still applied with this revision...

If the Yucca Mountain site is designated to become the nation's first geologic repository for High-Level Radioactive Waste, the Department's next major milestone is to submit a License Application to the Nuclear Regulatory Commission (NRC). In order to docket the License Application (LA), the NRC requires that the Licensing Support Network (LSN) be available to facilitate timely NRC technical review, and petitioner discovery-type review, of the Department's LA. LSN provides access to relevant documents before any LA is submitted, and is intended to supplant the need for the traditional document discovery process after the LA is submitted. Additional information on the regulatory background can be found in Enclosure 1.

It is OCRWM's obligation to fulfill the LSN requirements in 10 CFR 2, Subpart J, and Topical Guidelines 3.69, and certify the LSN at least six months prior to any LA submission. Had steps not been taken years earlier, timely LSN certification would be near impossible.

Anticipating a possible need for LSN certification, YMP took several actions: aligning the records database to facilitate LSN certification; implementing procedures to capture any inclusionary records and trained personnel on these procedures. Without these early steps, manual screening for LSN relevancy would be a necessity for each record. A crosswalk of requirements in 10 CFR 2, Subpart J with RMS Document Types is available in Enclosure 2.

Our approach in certifying the LSN is to:

- Automatically include key documents (VA, SCP, EIS, SR, etc)  
Automatically include records designated as inclusionary in the RMS
- Screen remaining records either manually, or using software queries for:
  - Exclusionary material
  - Documentary material
  - Privileged material (header only)
    - legal
      - preliminary drafts
      - Homeland Security sensitivities
- Use appropriate personnel to screen for classified material (header only)
- Ensure header information for the records is accurate
- Place records onto LSN servers
- Three months prior to initial certification, DOE perform a readiness review

Additional detail on RMS Document Types, Numbers, and Relevancy Method can be found in Enclosure 3. Printed examples of some actual RMS documents are contained in Enclosure 4.

This approach is an attempt to balance the need to fulfill requirements for LSN certification and the NRC's technical review and discovery process; the desires of OGC for litigation support and preparation; and the anticipated time remaining. The first objective however is to ensure all information required to fulfill the criteria in the YM Review Plan (YMRP) is available within the LSN. Risk can be taken in areas where there is no direct connection in fulfilling YMRP criteria. The NRC is interested in a *"more focused set of materials most important to the licensing proceeding. It is not interested in the entire backlog of DOE and other parties' material, some of*

*which may no longer be relevant to the licensing proceeding.*" 62 Fed. Reg. 60789, 60793 (1997).

Screening must be done quickly and objectively. With regard to efficiency, measures were taken to streamline the entire process, while maintaining its credibility. Specific screening criteria has been developed into an automated series of questions to enable a screener to quickly determine what material is relevant, and if additional handling considerations are required. With regard to objectivity, BSC will hire a litigation firm to perform the actual screening and provide support. The overall process and architecture are illustrated in Enclosure 5, with specific screening criteria being developed in the future.

After long consideration, the following YMP position has been developed with respect to the following areas. Additional detail can be found in Enclosure 6.

- **Email** – Emails in the RMS will be screened for relevancy. These records reflect those emails designated by individuals as inclusionary per procedures, first being implemented in 1995. With regard to past emails, it is YMP's position these emails do not contain relevant documentary material. Any pertinent information would be in another existing document. Resources have been allotted only for addressing emails within RMS.
  - Option: Manually screen all emails on backup tapes
    - Metrics for one backup tape (snapshot taken at 11/20/0000)
      - Volume: ~500,000 messages (believed to be exclusionary)
      - Users: 1868 people
      - # Attachments: 1,064,156
    - Issues:
      - Would need exemption or relief from LSNARP for developing RMS headers for these additional emails
      - Need determination on how to handle attachments, especially since lot of software to launch attachments no longer available
      - Additional resources could be up to two man-years of work, excluding attachments
  - Option: Filter by group or software
    - Only key PIs, Engineers, Management or;
    - Only AMs, GMs, and Director or;
    - Only DOE managers
    - Autonomy by subject
  - Issues from above would still apply
- Circulated Drafts – Include in LSN only those documents in RMS which were circulated for supervisory concurrence or signature in which the original author or others in the concurrence process have non-concurred. An effort will be made to collect any outstanding material in office areas.
- Readily Available -- can be, and should be, excluded from the LSN to avoid issues with copyrighted material. Readily available is defined to be available through interlibrary loans. Current schedule shows the review to determine readily available publications to be done in late FY03.

This position and approach will enable us to meet the target date however additional funding is required. For FY02, an additional \$xxx is required to allow for immediate entry of known documentary material and the release of an RFP for a litigation firm. If an option is chosen above our stated position, additional resources will be required.

SIGNATURE

Cc w Enclosures: NRC  
OGC  
Cc w/o Enclosures: BSC folks

- Enclosure 1 – Regulatory Analysis and Background
- Enclosure 2 – 10 CFR 2, Subpart J crosswalk to RMS
- Enclosure 3 – Document Information Planned for LSN Inclusion
- Enclosure 4 – Examples of RMS Document Types
- Enclosure 5 – Overall Process and Architecture
- Enclosure 6 – Time and Resource Estimates

**Joe/Bill/Claudia:** if Margaret wants an earlier LA date – then we'll just have to do some smart software queries and sorts, and then dump all of RMS, DIRS, and TDMS into LSN – nothing much more...