

POLICY ISSUE (Information)

December 1, 2015

SECY-15-0150

FOR: The Commissioners

FROM: Annette L. Vietti-Cook
Secretary

E. Roy Hawkens
Chief Administrative Judge

SUBJECT: INITIATING ACTIVITIES TO MAKE LICENSING SUPPORT
NETWORK DOCUMENTS PUBLICLY AVAILABLE

PURPOSE:

In its February 3, 2015 Staff Requirements Memorandum (SRM) on COMSECY-14-0041, "Yucca Mountain Project Activities" (ML15034A086), the Commission (1) approved initiating the project to make the Licensing Support Network (LSN) documents currently residing in a non-public library in the agency's Agencywide Documents Access and Management System (ADAMS) available in Public ADAMS with enhanced search capability; and (2) designated the Office of the Secretary (SECY) and the Atomic Safety and Licensing Board Panel (ASLBP) to act as project coordinators. The SRM also indicated that, to ensure adequate Nuclear Waste Fund (NWF) monies were available, this project should begin no earlier than the close of the public comment period for the NRC staff's draft environmental impact statement (EIS) supplement on groundwater impacts associated with the proposed Yucca Mountain high-level waste repository. That public comment period closed on November 20, 2015.

This paper informs the Commission that (1) the NWF monies needed for staff activities associated with completing the EIS supplement and wrapping up work on the staff's already-completed Safety Evaluation Report (SER) for the proposed Yucca Mountain repository are not anticipated to exceed the estimates previously provided to the Commission; and (2) because sufficient NWF monies are available for Public ADAMS LSN library project per the estimates previously provided to the Commission, the LSN project is being initiated in December 2015.

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BACKGROUND:

In COMSECY-14-0041 (Dec. 24, 2014; ML15062A530), the staff provided the Commission with (1) a description of its progress in completing the SER for the proposed Yucca Mountain geologic repository and an estimate of NWF resources that would remain after SER completion; (2) its plans for (a) post-SER completion of the EIS supplement, and (b) SER wrap-up activities; and (3) two options for making publicly available the LSN documents that previously had been loaded into a non-public library in ADAMS for staff use in preparing the SER. That paper's enclosure 3 (ML15057A066), which was prepared by the then-Office of Information Services with input from the Office of the Chief Financial Officer (OCFO), the Office of the General Counsel (OGC), SECY, and ASLBP, provided detailed information regarding the project to make the LSN documents publicly available, including a breakdown of the NWF and feebased monies required to put in place and maintain the necessary information technology (IT) infrastructure. In the paper (at page 4), based on these estimates, the staff also concluded that "the available carryover NWF funding remaining after the SER is completed will be sufficient to develop and issue the EIS supplement, load the LSN document collection into a public library in ADAMS . . . , and conduct wrap-up activities as proposed."

In its February 3 SRM, the Commission approved the staff's recommendations for developing and issuing an EIS supplement and for undertaking SER wrap-up activities. Additionally, the Commission approved making the LSN documents publicly available through ADAMS with enhanced search capabilities. In doing so, however, the Commission directed that this activity should be initiated "no earlier than the close of the public comment period on the draft EIS supplement." According to the Commission, "this timing will allow the staff to gauge its resource estimates for completing and issuing the EIS supplement." Finally, the Commission noted that, consistent with 10 CFR 2.1011, responsibility for LSN document activities should not reside with the staff, but rather should be coordinated by SECY and ASLBP, as appropriate.

DISCUSSION:

This paper provides the Commission with current information regarding the status of the staff's EIS supplement and SER wrap-up activities, as well as the availability of NWF monies to complete both these staff activities and the placement of LSN documents into a library in Public ADAMS with enhanced search capabilities.

As the Commission made clear in its February 2015 SRM approving the public availability of LSN documents, initiating the LSN public-availability project is contingent on (1) the staff reaching the milestone of completing the public comment period in the EIS supplement preparation process; and (2) an assessment of whether there are sufficient NWF monies remaining so as to permit both the completion of the staff's EIS supplement and the creation of an LSN library in Public ADAMS. In accordance with the staff's September 18, 2015 *Federal Register* notice regarding the public comment period on the draft EIS supplement, that comment period (as extended) closed on November 20, 2015. The staff subsequently has advised SECY and ASLBP that it anticipates being able to complete its EIS supplement activities, as well as its SER wrap-up activities, within the funding estimates provided in COMSECY-14-0041. Moreover, the Office of the Chief Information Officer (OCIO) has advised us that the estimate for creating an LSN library in Public ADAMS with enhanced search capabilities has not changed, both in terms of (1) the resources required, i.e., \$1,100K in NWF monies and \$165K in feebased funds for design and implementation and, thereafter, \$320K in feebased funds for annual

operations and maintenance;* and (2) implementation time, i.e., six to eight months from project initiation, albeit with implementation time highly dependent on the length of the security authorization process. Feebased funds to support this work are within the OCIO budget.

As a consequence, the comment period for the draft EIS supplement now being closed and there being sufficient NWF monies available to complete the staff's EIS supplement and SER wrap-up activities and the Public ADAMS LSN library project, the LSN project is being initiated in December 2015.

COMMITMENTS:

In consultation with OCIO, SECY and ASLBP will provide input to the monthly status reports to the Congress on activities related to the Yucca Mountain licensing action regarding the status of the Public ADAMS LSN library project.

PROJECT INITIATION AND COMPLETION:

Given the NWF resource information set forth above, pursuant to the Commission's direction in its February 5, 2015 SRM, OCIO in December will initiate the project, as described under Option 2 in enclosure 3 to COMSECY-14-0041, to create, operate, and maintain an LSN library in Public ADAMS with enhanced search capabilities that incorporates all the LSN documents now found in the ADAMS LSN non-public library, as well as the staff's LSN documents now housed in ADAMS. Also, consistent with the Option 2 projection, OCIO estimates that, subject to the length of the security authorization process, the LSN documents should be available in Public ADAMS by the end of fiscal year 2016.

RESOURCES:

The resource implications associated with the SECY/ASLBP recommendation are described in the "Discussion" section above.

* As was noted in enclosure 3 to COMSECY-14-0041 (at page 3), the cost estimate for this activity was based on current pricing for the licenses needed to provide an enhanced search capability for the LSN documents, which OCIO has confirmed is available through December 31, 2015. Because there is some uncertainty about the cost of the necessary licenses after December 31, OCIO currently is working with the Office of Administration and OCFO to get the required licenses in place before the end of 2015. If acquiring these licensing agreements becomes a budgetary and/or scheduling issue, we will keep the Commission informed.

COORDINATION:

The information provided in this paper has been coordinated with OCIO, NMSS, OGC, OCFO, and the Office of Commission Appellate Adjudication.

/RA/

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Chief Administrative Judge

cc: OGC
OCAA
OCA
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OCFO
OEDO
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