

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD  
Before Administrative Judges:

09-892-HLW-CAB04  
Thomas S. Moore, Chairman  
Paul S. Ryerson  
Richard E. Wardwell

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In the Matter of	)	February 4, 2010
	)	
U.S. DEPARTMENT OF ENERGY	)	Docket No. 63-001-HLW
	)	
(High Level Waste Repository	)	
Construction Authorization Application)	)	

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**THE DEPARTMENT OF ENERGY'S ANSWERS TO THE BOARD'S QUESTIONS  
AT THE JANUARY 27, 2010 CASE MANAGEMENT CONFERENCE**

The U.S. Department of Energy (DOE) provides the following information in response to the Board's questions at the January 27, 2010 Case Management Conference. The recitation of the questions reflects DOE's understanding of what the Board requested.

**1. Provide the content of the President's Fiscal Year 2011 budget as it relates to the Yucca Mountain licensing proceeding and the planning assumptions regarding the operation of DOE's LSN collection for the remainder of Fiscal Year 2010 and Fiscal Year 2011.**

The Administration's budget request, released February 1, 2010, states that DOE "will discontinue its application to the U.S. Nuclear Regulatory Commission for a license to construct a high-level waste geologic repository at Yucca Mountain" in 2010 and that "[a]ll funding for development of the Yucca Mountain facility and the Office of Civilian Radioactive Waste Management will be eliminated by the end of FY 2010." DOE Fiscal Year 2011 Congressional Budget Request, Volume 7 (February 2010) [Budget Request] at 176 (attached hereto). The

budget request does not specifically mention the operation of DOE's LSN collection. However, it states that DOE will conduct "preservation and archiving of project records . . . ." *Id.* at 185. It also states that DOE "is committed to preserving core scientific knowledge and expertise resident in government and national laboratory personnel . . . ." *Id.* at 177. In keeping with the budget request, DOE will continue to comply with LSN requirements during the remainder of the licensing proceeding and will preserve and archive its project records thereafter in compliance with federal requirements and consistent with DOE's objective of preserving the core scientific knowledge from the Yucca Mountain project.

**2. Does DOE have any plans to request OMB to reprogram Fiscal Year 2010 funds away from any activity needed to support licensing?**

As stated in the Administration's Fiscal Year 2011 President's Budget, DOE intends to discontinue its Yucca Mountain license application in Fiscal Year 2010. DOE will use remaining funding in FY 2010 to bring the Yucca Mountain Project and the Office of Civilian Radioactive Waste Management to an orderly close. DOE will take the budgetary steps necessary to effectuate those directions.

**3. Does DOE have any plans to alter the organizational structure for OCRWM insofar as it concerns responsibilities for DOE's LSN collection?**

DOE will merge into the Office of Nuclear Energy the "core functions and staff [of the Office of Civilian Radioactive Waste Management (OCRWM)] to support efforts under the Nuclear Waste Policy Act to meet the obligations of the Government . . . ." Budget Request at 194. The budget request does not specifically address responsibilities for DOE's LSN collection, but any such responsibilities would continue under the Office of Nuclear Energy.

**4. For each of the four components of DOE's LSN collection (Record Information System/Records Processing Center, E-mail, E-File, and Paper), answer the following questions.**

- a. Number of documents and pages in DOE's LSN collection.**
- b. Percentage of DOE's LSN collection.**
- c. Format in DOE's LSN Collection.**
- d. Native format.**
- e. Percentage of native format that is in PDF.**
- f. Retention schedule of native format.**
- g. Whether the native format is suitable for Federal Record Material.**

The answers to these questions for each of the four components of DOE's LSN collection are in the chart provided as Attachment A. Altogether, DOE's LSN collection currently contains approximately 3.65 million documents. Those documents comprise approximately 34 million electronic image files (one page per file). Most of the images (87.4%) are in black & white and are TIFF files. The balance (12.6%) are in color or grey scale and are JPEG files. In addition to the image files, the text of each document is represented by an HTML file, and for all documents, associated meta-data (i.e., title, authors, etc.) are represented by an XML file. There is one HTML and one XML file for each document.

**5. Is the RIS collection in any way linked to the LSN accession number?**

There is not an electronic link between the RIS and DOE's LSN collection. However, the header information for a document in the RIS identifies its LSN accession number if a copy of that document is part of DOE's LSN collection.

**6. Does DOE currently have any plans to archive its LSN document collection?**

DOE will archive its LSN collection in a manner that complies with the Federal Records Act and with National Archives and Records Administration (NARA) guidance, and that is consistent with budget authorization. DOE has assembled a team of DOE personnel to develop

expeditiously a plan to archive its LSN collection. DOE will keep the Board timely and fully apprised of its plans. DOE will provide the Board a status report on its archiving plan by no later than February 19, 2010.

**a. Does DOE intend to archive its LSN collection in a readily retrievable format?**

DOE will work with NARA to ensure that the format of its archived LSN records comply with retrievability requirements of the Federal Records Act and NARA regulations.

**b. What are the principal components or features of that archiving plan?**

DOE has not yet decided on the specific components or features of its archiving plan but is working expeditiously to do so and, as noted above, will provide a status report by February 19, 2010. DOE also will provide the Board with a copy of the plan promptly upon its completion.

**c. What format will DOE use to archive documents in its LSN collection that are not currently in PDF format?**

DOE understands, based on its reading of NARA guidance, that the file format of its current LSN collection would be acceptable to NARA. DOE further understands that NARA would not require the conversion of those files to PDF and that the files would remain accessible in their current format. DOE, however, is conferring with NARA and will address this further in its next report.

In addition, DOE understands that NARA would permit archiving of DOE's LSN collection in essentially its present structure. Regardless, DOE is investigating the feasibility of restructuring the directory structure of its LSN collection to allow each document in that collection to be archived as single file, rather than being stored page by

page in separate files and being assembled “on the fly,” as the LSN currently operates, or in PDF format. This too is the subject of DOE’s consultation with NARA.

**d. Will DOE share its archiving plan with the LSNA and the Licensing Support Network Advisory Review Committee?**

DOE will consult with the LSNA regarding its plan for archiving its LSN collection and will share its plan with the LSNA as well. DOE is not certain that consultation with the LSN Advisory Review Committee would be effective. The LSN Advisory Review Committee was constituted to provide advice on the functioning of the LSN in the context of the licensing proceeding. *See* 10 CFR 2.1011(e). The archiving of DOE’s LSN collection following termination of the licensing proceeding would seem to be outside the Committee’s scope of responsibility and expertise. Also, the Committee has not met for some years, and it may not be in a position to provide advice as expeditiously as DOE would like for the development of its archiving plan.

**e. What are the “when”, “how”, “where” and cost of DOE’s archiving plan?**

DOE will provide these specifics when it reports to the Board on its archiving plan.

**f. How long it would take to complete.**

The time needed to archive DOE’s LSN collection depends on the specifics of its archiving plan. When DOE has finalized those plans, it will provide the Board with a time estimate.

Respectfully submitted,

**U.S. DEPARTMENT OF ENERGY**

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the **THE DEPARTMENT OF ENERGY'S ANSWER TO BOARD QUESTIONS AT THE JANUARY 27, 2010 CASE MANAGEMENT CONFERENCE** have been served on the following persons on this 4th day of February 2010 through the Nuclear Regulatory Commission's Electronic Information Exchange.

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