



# **NRC NEWS**

## **U.S. NUCLEAR REGULATORY COMMISSION**

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### **NRC CONSIDERS CHANGES TO REGULATIONS ON ELECTRONIC DOCUMENTS FOR POSSIBLE HIGH-LEVEL WASTE REPOSITORY HEARING**

The Nuclear Regulatory Commission is considering changing its regulations to provide additional details on how documents should be placed on Internet web sites for a possible hearing associated with the license application review for a future high-level radioactive waste repository. The proposed changes also specify the time when participants must certify that they have placed all the required documents on their web sites.

The agency's current regulations require all potential participants in the license application review process to make their documents available in electronic form through participants' individual web sites on a Licensing Support Network (LSN). The documents that will have to be made available on this network will consist of the information that a party, potential party or interested government participant intends to rely on in the licensing proceeding for a high-level waste repository, and certain other relevant information. The websites will be accessible by members of the public.

The current regulations also specify that the Department of Energy (DOE) -- the party that might submit an application to NRC for a waste repository license -- and the NRC must make their documentary material available in electronic form beginning 30 days after DOE submits its site recommendation decision to the President. All other participants must make their documents available in electronic form no later than 30 days after the date that the repository site selection decision becomes final after review by Congress.

The revisions would establish the basic structure and design standards for the websites. Without such standards, there is a potential that the parties and potential parties to a high-level-waste proceeding may be unable to identify needed documents efficiently and effectively because the system is slow, cumbersome or unavailable, given the large number of documents and the many users who might try to access the system.

The individual websites would be accessed through an overarching "LSN site." Each participant web site would deliver to Internet users the documents responsive to a query made through the LSN website. The LSN homepage/web site would also be used to post announcements about the overall LSN program or items of interest (such as hours of availability and scheduled outages) for the participant sites.

The LSN Administrator, an NRC official with responsibility for coordinating the functioning of the electronic network and reporting periodically on its status to the Commission, would have authority to review participant website designs to verify compliance with the basic design standards, including the authority to allow variances from the standards. This person would also have authority to issue guidance to the LSN participants on how they might best meet the design standards.

The proposed regulations also clarify the time when a responsible official for each participant would have to certify that, to the best of his or her knowledge, the required documentary material has been identified and made electronically available. The proposed changes provide that participants would have to make their certifications at the time specified in the rule for making their documentary material available.

Although the regulations presently require responsible officials for each participant to update this certification at 12-month intervals, and require the responsible official for DOE to also update the certification when the license application is submitted, they do not specify when the initial certification must be made.

Under the proposed changes, if DOE is unable to provide the initial certification at the established time -- 30 days after its site recommendation to the President - - then it would have to make the certification as soon as possible. In addition, DOE would have to submit detailed information on the circumstances regarding its noncompliance with the deadline, including the type and volume of the documentary material that it has not made available. DOE would remain under an obligation to provide access to all the documentary material that is available and that is not identified in its submittal explaining its noncompliance.

The Commission notes that curtailing the amount of time that the required documentary material is available on the LSN before submission of the license application would reduce the potential benefit of the LSN in terms of facilitating an effective and efficient NRC review of the DOE license application and providing complete document disclosure at the outset of the proceeding.

Interested persons are invited to submit comments on the proposed changes within 45 days after publication of a Federal Register notice on this subject, expected shortly. Comments may be sent to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff. Comments may also be submitted electronically via the NRC's interactive rulemaking website at <http://ruleforum.llnl.gov> .

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