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October 6, 2000

Secretary  
U.S. Nuclear Regulatory Commission  
Washington DC 20555-0001

Attention: Rulemakings and Adjudication's Staff

**SUBJECT:** Nuclear Energy Institute (NEI) comments on Proposed  
Amendments to 10 CFR Part 2

The Nuclear Energy Institute (NEI),<sup>1</sup> on behalf of the nuclear energy industry, is pleased to submit these comments to the Nuclear Regulatory Commission (NRC) on the proposed 10 CFR Part 2 rulemaking, *Licensing Proceedings for the Receipt of High-Level Radioactive Waste at a Geologic Repository: Licensing Support Network, Design Standards for Participating Websites*, (65 Fed. Reg. 50,937 – August 22, 2000)

The industry commends the NRC for its leadership in carrying out its responsibilities under the Nuclear Waste Policy Act of 1982 by proposing design standards for the licensing support network for a geologic repository at Yucca Mountain. In establishing the Internet based Licensing Support Network (LSN) in 1999 as a replacement for the stand alone Licensing Support System (LSS) that preceded it, NRC took a significant step forward towards a more effective repository licensing process. NRCs' proposal for establishing design standards for participating web-sites represents another important step forward.

This proposal will appropriately facilitate the implementation of the LSN. Accordingly, the proposed amendment constitutes an essential piece of a regulatory framework that is urgently needed in order for the Nation to safely and responsibly address the disposal of used nuclear fuel and high level radioactive waste.

<sup>1</sup> NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear material licensees, and other organizations and individuals involved in the nuclear energy industry.

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NEI's overall conclusion is that the proposed amendment to 10 CFR Part 2 represents a valuable tool for use in the repository licensing process. We endorse NRC's selection of regulatory and LSN site design options as described in this rulemaking. There is, however, one aspect of this rulemaking with which we do not concur -- the proposed change to § 2.1009 clarifying timing of participant compliance determinations.

NRC has proposed to link DOE and NRC certification of compliance to the submission of DOE's site recommendation to the President (requiring "initial certification" within 30 days of the site recommendation submission). DOE's site recommendation and license applications are separate and distinct actions.

Implementation of the LSN is intended to facilitate review of the latter but is not related to the former. NRC should, instead, set the requirement for NRC and DOE "initial certification" no later than 6 months in advance of the DOE license application. This would be consistent with the original compliance expectation established for the LSS in 1989.

The corresponding requirement for other participants to certify compliance should then be set at an appropriate period of time after DOE and NRC have certified their compliance. This would provide added flexibility to all participants and enhance the quality of the overall process. System readiness would be linked to readiness to begin the licensing process. DOE would then be able to take whatever path was appropriate to proceed from a site decision to a license application, without having to clear the bureaucratic hurdle of either certifying compliance or explaining a delay in certification before it was appropriate to do so.

Other participants would also not be encumbered to comply before compliance would be needed. This would make the network less likely to be cluttered with irrelevant information if DOE were to need to make adjustments to its repository design for licensing as a result of comments received during or conditions placed upon it by the site recommendation process. It would also assure that participants do not confuse the site recommendation with a licensing action.

NEI has also reviewed the technical content of the proposed LSN design. The enclosed comments discuss our views on the proposed Design Standards and associated Functional Requirements as communicated in Andrew Bates' August 16, 2000 memorandum to the LSN Advisory Review Panel (LSNARP).

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We would encourage NRC, in finalizing this rulemaking, to continue to draw upon the expertise of the LSNARP Technical Working Group. NEI would welcome any opportunity to participate in future Technical Working Group activities.

We would be pleased to address any questions the NRC may have on our comments on this rulemaking.

Sincerely,

  
Steven P. Kraft

Enclosure

cc: The Honorable Richard Meserve, Chairman, NRC  
The Honorable Greta J. Dicus, Commissioner, NRC  
The Honorable Nils J. Diaz, Commissioner, NRC  
The Honorable Edward McGaffigan Jr., Commissioner, NRC  
The Honorable Jeffrey S. Merrifield, Commissioner, NRC  
Dr. William Travers, Executive Director for Operations, NRC  
Dr. Carl J. Paperiello, Deputy Executive Director for Materials, Research and State Programs, NRC  
Mr. William F. Kane, Director, Office of Nuclear Materials Safety and Safeguards, NRC  
Mr. John T. Greeves, Director, Division of Waste Management, NRC  
Mr. C. William Reamer, Acting Deputy Director, Division of Waste Management, NRC

Dr. John Garrick, Chairman, ACNW  
Mr. Richard Major, ACNW Staff

The Honorable Ivan Itkin, Director, OCRWM, DOE  
Mr. Lake H. Barrett, Deputy Director, OCRWM, DOE

## ENCLOSURE

**NUCLEAR ENERGY INSTITUTE (NEI)  
DETAILED TECHNICAL COMMENTS ON  
The US Nuclear Regulatory Commission's  
Proposed Design Standards and Functional Requirements  
For  
The Licensing Support Network supporting Licensing Proceedings  
for the Receipt of High-Level Radioactive Waste at a Geologic  
Repository**

### **General Comments:**

The proposed LSN design standards in this rulemaking along with the LSN Level One and Two Functional Requirements contained in Andrew Bates' August 16, 2000 memorandum represent a significant and positive step forward by the NRC. This system appears to be a valuable tool for facilitating an effective and fair Yucca Mountain licensing process. The key to the success of this system will be in how well it is implemented. The LSN Advisory Review Panel's (LSNARP) role in providing appropriate guidance to facilitate implementation will be critical.

Such guidance is clearly necessary. For example, at NEI, we have a fairly sophisticated system and system operators. However, were we to participate in this process we would need much more information than what has been given to us in this rulemaking and its supporting documents, in order to "certify the compliance of our system with the LSNA".

Also, the Level One and Level Two Functional requirements in the August 16 memorandum appear to be significantly more stringent than the minimum design standards specified in the rule. Although NEI understands the need to standardize, it appears that NRC has over-engineered these requirements, which might hinder system implementation and result in burdensome oversight of the participant web sites.

The LSNARP should carefully examine these Functional Requirements and any other expectations that are to be imposed in addition to or as guidance upon the LSN rule to assure that they are necessary and appropriate for all participants.

NEI would welcome the opportunity to participate actively in future LSNARP and associated Technical Working Group activities. NEI maintains a number of web sites and has expertise in this area.

### **Comments on Supplementary Information – II. LSN Design Standards:**

On Page 50939, middle column, near top of page, NRC stipulates, in permitting participants to correct or revise documents that, "[3] Other parties or potential parties are notified of the change." This requirement needs clarification in terms of how it will be accomplished. Will there be a central way of notifying the other parties? Will participants know whom all of the participating parties are?

How is this tracked? Is this actually necessary or should each participant be responsible for assuring that it is using the latest information from other participants sites?

On Page 50939, middle column, near top of page, in item 2., NRC discusses its proposed requirement for a bibliographic header. NRC should also provide an actual example of this header with the final rulemaking. In the August 16 memorandum there is a Table A that refers to the structure of the header, but details on how this required could be implemented should also be provided. Guidance in this area from the LSNA is recommended.

On Page 50939, right hand column, near top of page, in item 4. NRC states, "Participants should store images on their servers as single-image-per-page to facilitate retrieval of no more than a single page" - does this mean that all multi-page documents need to be broken up into individual documents by page with a tracking number? That would be burdensome - more explanation is needed.

#### **Comments on Supplementary Information – III. LSN Site Design:**

On Page 50940, middle column, near the bottom of page, NRC states that its recommended design is "based on a proven technical solution that has been successfully implemented." Examples of such implementation should be provided.

#### **Comments on Regulatory Analysis**

On Page 50943, middle column, NRC discusses its proposed portal architecture. Has NRC made specific decisions with regard to the portal software (i.e.: Which one? Who makes it? What does it cost? Is it proprietary?, etc.). Does NRC intend to make such decisions in consultation with the LSNARP?

#### **Comments and questions on the Andrew Bates Memorandum of August 16, 2000:**

Cover letter - P. 1 - "All participants must certify that they have identified and made available electronically all of their documentary material" – How will this be accomplished?

LSN 2.06.03 - How is the bibliographic data in a SQL database tied to the individual document ID numbers on the participant's website? How are they then indexed? Is there an example of this with supporting code?

LSN 1.08 - Are these advanced boolean queries to be performed by the LSN or the participants?

LSN 2.13.01 - This needs further explanation. Will participants need to retrofit documents that do not comply?

LSN 2.13.02 - Are there any existing formatting guidelines?

LSN 2.14.02 – NRC stipulates that, “Specific access shall include SNMP monitoring of network utilization...” NEI cautions against this approach. SNMP or Simple Network Management Protocol is not usually turned on through a firewall to let outside organizations monitor your network as a participant. While ICMP access is a given, NRC needs to define “as well as access to the normal web distribution facility”.

LSN 2.14.03 - “...and summary formats...” - Summaries of raw web data logs are usually done by an application such as Webtrends or SiteData. Does this section imply the use of this software at each participant site, or are the raw data files sufficient?

LSN 1.17 - 2.18.04 – Who will review the participant guidelines and procedures for internal posting to the LSN site? Is it absolutely necessary that NRC know how the documents make it to the site so long as they do? This seems overly invasive.

LSN 1.19 - Will there be an onsite inspection and certification procedure by the NRC and DOE? Is every 12 months an appropriate interval for such an activity? What format do these certifications take?

LSN 2.20.08 - As it reads, this clause basically requires that all of the LSN related documents be placed on a single server and that links to existing document stores on other servers can not be made. This is quite restrictive for large repositories of information and should be made to include “virtual server” and “virtual directory” access.

LSN 2.23.06 - Does every multi-page document have to be broken down into single page documents? This could be untenable and compromise the utility of the system.

LSN 2.24.01 – An example should be provided.

LSN 2.24.03 – Additional explanation is necessary.

LSN 2.25.02 - How will the latency be certified - by whom?

LSN 2.25.03 - Last sentence - What software is being referred to? An example should be provided.

LSN 2.29.01, .02 - Who certifies this? What tool is used to assess?

LSN 2.45.02 - In order to provide an electronic log of all emails that are sent regarding LSN activities, it would be incumbent upon the LAN administration to setup a separate mail server for these activities to avoid providing data mixed with other email business - a major security issue. This has the potential to significantly and adversely affect the cost of the project.