

19. RECORDS MANAGEMENT AND OFFICIAL DOCKET REQUIREMENTS

The LSNA and the ASLBP have the responsibility for applying NRC's records management guidelines to the LSN and, in conjunction with the Office of the Secretary, the NRC electronic docket or EHD. Guidelines relating to the LSN will help ensure that participants are able to participate effectively in the discovery process, while guidelines relating to the EHD will help ensure that participants to the licensing hearing and the Presiding Officer can rely on the integrity and completeness of electronically-filed motions and exhibits.

These guidelines are primarily concerned with the documentary materials presented on a participant LSN website that will be offered as official records for the licensing docket, and that will eventually be retired to the National Archives and Records Administration (NARA) under approved disposition schedules as official agency records. Those documents submitted to the docket must come under control of the NRC in order to satisfy NARA requirements.

NRC has comprehensive policies and procedures that govern the release of sensitive information. Nothing in these guidelines should be construed as superseding NRC's established policies and procedures regarding the use of sensitive information. These policies and procedures are contained in Management Directives 3.1 (Freedom of Information Act (FOIA)), 3.2 (Privacy Act), and 3.4 (Release of Information to the Public). Unless otherwise provided by law, NRC employees are prohibited from releasing sensitive information in violation of these procedures.

19.1 Best Available Copy

Section 2.1003 requires each participant, concurrent with the production of an electronic file of documentary material, to provide "an authentication statement that indicates where an authenticated image copy of the document can be obtained." If an authenticated image is not provided on the LSN with the electronic file, the Comments field in the bibliographic header may be used to document where an authenticated image version may be obtained. Although a participant need not certify that an image provided via its LSN website is the best available copy of that image, in accordance with normal adjudicatory procedure, it is strongly recommended that participants provide an image of the best available copy. This obviates the need for the requesting participant to make further inquiry of the participant supplying the image or, if that inquiry is unavailing, to petition to the PAPO or PO to request that the owner of the document be directed to produce a better copy. It is permissible to mark an image "best available copy" if it is so.

19.2 Hyperlinks Within Website Documents

A document published on a participant LSN website may contain hyperlinks to other supporting referenced documents that also reside on that website. This permits the viewer to easily navigate within a website and thereby more easily access the reference for further information.

However, if that document is submitted to the EHD, the hyperlinks to other referenced documents will be rendered ineffective. Therefore, when a participant submits a document from its LSN website or another participant's LSN website, the participant must ensure that all referenced supporting documentation is properly assembled as a record package (in a parent/child context) and submitted together. Relationships between the documents being submitted to the docket must be reflected utilizing the cross-reference capability contained in the bibliographic header. (See Guideline 14.)

19.3 Digital Signatures

Documents presented on a participant's LSN website will not be required to bear digital signatures. A certification by the participant's designated official that the documents presented on the website are "true and accurate representations of documents maintained in the normal course of business in accordance with established procedures" is acceptable. This certification, in addition to the mandated method of submission of material to the EHD described below, will reasonably ensure the integrity and completeness of participant LSN website materials and tendered filings and exhibits.

19.4 Electronic Information Exchange (EIE)

ADAMS was developed to be the NRC's electronic document and records management system. An integral part of ADAMS is the capability to intake, process, and disseminate electronic documents that are either submitted to the NRC or created within the NRC. The process of transmitting electronic documents to the ADAMS intake capability is called EIE. EIE allows both users internal to the NRC as well as those external to the NRC to exchange electronic documents in a secure manner via the Internet.

EIE is intended to address the mandate of the Government Paperwork Elimination Act (GPEA), Title XVII of Public Law 105-277, which provides that, by October 21, 2003, federal agencies shall give persons who are required to maintain, submit, or disclose information, the option of doing so electronically. It also is intended to provide for the use of electronic authentication (electronic signature) methods to verify the identity of the sender and the integrity of electronic content where necessary. The GPEA specifically provides that electronic records and their related electronic signatures are not to be denied legal effect, validity, or enforceability merely because they are in electronic form.

The NRC is conducting a pilot adjudicatory EIE program. The objective of this pilot program is to institute business processes that will enable the NRC and the customers and clients of the NRC to electronically interact and communicate in a secure manner via the Internet. This undertaking is expected to provide the basis for an operational EIE process. The NRC pilot EIE design is based on a Public Key Infrastructure (PKI) that provides the capability to exchange electronic documents in a secure manner via the Internet using Secure Sockets Layer (SSL) technology.

The NRC will provide for overall administration of the EIE process through the Local Registration Authority (LRA) and the Local Registration Authority Administrator (LRAA). The LRA will create and maintain an Access Control List (ACL) consisting of authorized internal and external EIE participants. Each participant will provide the LRA with pertinent information such as a name, organization name, phone number, and e-mail address. The LRA will verify participant information (via e-mail) before adding them to the ACL. The information provided to the LRA is entered into a secure database and is used to create and distribute secure account information for access to the NRC EIE external server for the dissemination of electronic documents. The LRAA will use the ACL to validate authorized individuals requesting digital signature certificates. Both the LRA and the LRAA can be contacted via e-mail at LRAA@nrc.gov.

LSN participants can use their existing workstations with a standard desktop configuration to submit documents to the EHD. The recommended workstation configuration is a Pentium 133 Mhz (Megahertz) (or higher) with a minimum of 16 MB (megabytes) of RAM (Random Access Memory), and access to the World Wide Web through an ISP. The operating system should be either Windows NT or Windows 95 (or higher). In addition, each workstation must be equipped with browser software consisting of either Netscape Navigator or Communicator (version 4.0 or higher) or Microsoft Internet Explorer (version 4.0 or higher). All other software needed in the EIE process will be available via the NRC EIE external server home page.

19.5 Encryption

Encrypted documents cannot be stored in the EHD. If a document, such as one containing business proprietary information, requires encryption during the EIE transfer process, prior arrangements should be coordinated through SECY for eventual delivery of a non-encrypted version for entry into the docket.

19.6 Classified and Safeguards Information

None of the electronic systems used to support the HLW repository licensing proceeding are authorized to transmit or maintain information that has a Department of Defense (DoD) security classification or which is considered nuclear safeguards information. Although the LSN Rule requires a bibliographic header for safeguards materials, participants should exercise extreme care to ensure that the bibliographic header data itself does not contain any safeguards information. Classified material, which is excluded from any electronic access requirements, should be handled in accordance with 10 C.F.R. Part 2, Subpart I.

Transmission or submission of paper versions of classified or safeguards information should be coordinated in advance with the PAPO/PO and/or SECY.

19.7 Information Covered by the Privacy Act

Although the LSN Rule requires a bibliographic header for materials not publicly releasable, participants should exercise extreme care to ensure that the bibliographic header data itself does not contain any information covered by the Privacy Act. This is particularly important for information such as expert witness, consultant qualifications, and for quality assurance (QA) training records for DOE scientists, engineers, or other personnel.

19.8 Freedom of Information Act

Per the LSN rule, availability of documentary material - - such as acquiring an image version of an agency record - - from government agencies, such as DOE and NRC, falls under the agency's FOIA policies and procedures. Release of sensitive information must comply with any obligation to release information that is required by law. Information that is subject to FOIA must be released unless an exemption applies, following standards governing FOIA compliance.