



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 5, 2003

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-03-0180

TITLE: PROPOSED RULE TO AMEND 10 CFR PART 2,
SUBPART J, IN REGARD TO THE LICENSING
SUPPORT NETWORK

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of November 5, 2003.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook", written over a horizontal line.

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Diaz
 Commissioner McGaffigan
 Commissioner Merrifield
 OGC
 EDO
 PDR

VOTING SUMMARY - SECY-03-0180

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DIAZ	X					10/30/03
COMR. McGAFFIGAN	X				X	10/31/03
COMR. MERRIFIELD	X					11/3/03

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and some provided additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on November 5, 2003.

NOTATION VOTE
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN DIAZ
SUBJECT: **SECY-03-0180 - PROPOSED RULE TO AMEND 10 CFR
PART 2, SUBPART J, IN REGARD TO THE LICENSING
SUPPORT NETWORK**

Approved Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:



SIGNATURE

Oct. 30, 03

DATE

Entered on "STARS" Yes No _____

NOTATION VOTE
RESPONSE SHEET

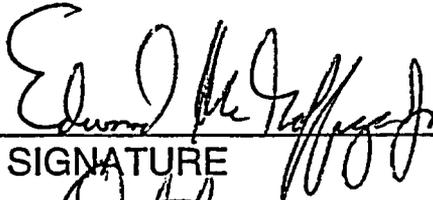
TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MCGAFFIGAN
SUBJECT: **SECY-03-0180 - PROPOSED RULE TO AMEND 10 CFR
PART 2, SUBPART J, IN REGARD TO THE LICENSING
SUPPORT NETWORK**

Approved ^{w/edits}X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

See attached edits.



SIGNATURE
October 31, 2003

DATE

Entered on "STARS" Yes X No _____

times). The Commission anticipates that the potential license application and some filings in the HLW adjudicatory proceeding will be of a size that will create transmission, viewing, or downloading challenges. In electronic format, some of these files could be up to several hundreds of megabytes (MB) in size. Examples of potential large documents are:

- DOE Site Characterization Plan
- DOE License Application and supporting materials
- DOE Environmental Impact Statement
- Adjudicatory documents (e.g., motions, responses, transcripts, exhibits, and orders)

Additionally, any or all of these types of documents could contain embedded photographs, charts, tables, and other graphics.

Complex documents consist (entirely or in part) of electronic files having substantial portions that are neither textual nor image in nature. For example, these types of specialized documents may include:

- executable files, which can be opened (run) to execute a programmed series of instruction^S on a computer or network;
- runtime executable software, which generally is operational upon demand without being installed on a computer or network;
- viewer or printer executable software that causes images to be displayed on the computer monitor or pages to print on an attached printer;
- files from a dynamic link library (.dll), which are a collection of small, bundled executable programs that each provide one or more distinctive functions used by

supplemented with a courtesy copy on optical storage media to provide NRC staff, parties, and interested governmental participants in the HLW licensing proceeding with a useful reference X copy of the document. For purposes of the NRC staff review of the DOE license application, as opposed to an electronic submission to the adjudicatory docket, the requirements for DOE's submission of the license application are already specified 10 CFR 63.22 of the Commission's regulations. 10 CFR 63.22(a) specifies that the application, any amendments to the application, and an accompanying environmental impact statement and any supplements, must be signed by the Secretary of Energy or the Secretary's representative and must be filed with the Director in triplicate on paper and optical storage media. In addition, 10 CFR 63.22(b) requires that 30 additional copies of the license application be submitted on paper and optical storage media.

"Complex documents" are any combination of the following:

- Textual or graphic-oriented electronic files
- Electronic files that cannot be segmented into 50 MB files
- Other electronic objects, such as computer programs, simulations, video, audio, data files, and files with special printing requirements.

Under proposed § 2.1013(c)(1)(iii), those portions of complex documents that can be electronically submitted through the EIE, again in 50 MB or less segments, will be transmitted electronically. Those portions that are not amenable to electronic transmission will be delivered on optical storage media. The optical storage media must include the complete document, i.e., include the portions of the document that have been delivered via the EIE.

In addition to these proposed revisions, § 2.1013 (c)(1) would also be amended to require the following:

- Electronic submissions must have 300 dots per inch (dpi) as the minimum resolution for bi-tonal, color, and grayscale resolution.
- Electronic submissions must be in the appropriate PDF output format. These formats and their use are:
 - PDF - Formatted Text and Graphics -- use for textual documents converted from native applications
 - PDF - Searchable Image (Exact) -- use for textual documents converted from scanned documents
 - PDF - Image Only -- use for graphic-, image-, and forms-oriented documents
 - Tagged Image File Format (TIFF) images and the results of spreadsheet applications will need to be converted to PDF, except in those rare instances where PDF conversion is not practicable. Spreadsheets may be submitted using Microsoft® Excel, Corel® Quattro Pro, or Lotus® 123.
- Electronic submissions to the hearing docket cannot contain any hyperlinks to other documents or websites. Electronic submissions to the hearing docket, however, may contain hyperlinks within a single PDF file, if those links are created using PDF authoring software. Hyperlinks are electronic links that allow a user to automatically access a document or website by clicking on the hyperlink. The existing NRC Document Management System used as the basis for the electronic hearing docket does not accept hyperlinks to other documents or websites. Even if the NRC Document Management System were changed in the future to include a hyperlink capability, questions about the integrity of the Commission's electronic hearing docket might arise if the hyperlink in a

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 Sub headings
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litigated in the HLW licensing proceeding. The Commission is proposing to add "correspondence between a party, potential party, or interested governmental participant and the Congress of the United States" to these exclusions. This reflects the Commission's current judgment that this type of material will not have a significant bearing on repository licensing issues. Much of this material either relates to budgetary issues or is merely a reiteration of an agency primary document. It would normally not be the source of material that a party would rely on for its case in the hearing or as a source of material that would be contrary to such reliance information. However, the material directed to federal entities will still be available as part of the normal federal recordkeeping requirements. If a particular item of Congressional correspondence does become relevant to a contention admitted in the HLW proceeding, it can be made available at that time. The Commission does not anticipate that any disputes over this clearly and narrowly defined exclusion would be brought before the PAPO.

Plain Language

The Presidential memorandum dated June 1, 1998, entitled, "Plain Language in Government Writing," directed that the Government's writing be in plain language. This memorandum was published June 10, 1998 (63 FR 31883). In complying with this directive, editorial changes have been made in these proposed revisions to improve the organization and readability of the existing language of the paragraphs being revised. These types of changes are not discussed further in this document. The NRC requests comments on the proposed rule specifically with respect to the clarity of the language used. Comments should be sent to the address listed under the ADDRESSES caption of the preamble.

Voluntary Consensus Standards

* * * * *

"Simple document" means a document that consists of electronic files that are 50 megabytes or less.

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3. In § 2.1003, the introductory text of paragraph (a) and paragraph (a)(1) are revised, and paragraph (e) is added, to read as follows:

§ 2.1003 Availability of Material.

(a) Subject to the exclusions in § 2.1005 and paragraphs (b), (c), and (e) of this section, DOE shall make available, no later than six months in advance of submitting its license application to receive and possess high-level radioactive waste at a geologic repository operations area; the NRC shall make available no later than thirty days after the DOE certification of compliance under § 2.1009(b), and each other potential party, interested governmental participant or party shall make available no later than ninety days after the DOE certification of compliance under § 2.1009(b)--

(1) An electronic file including bibliographic header for all documentary material (including circulated drafts but excluding preliminary drafts) generated by, or at the direction of, or acquired by, a potential party, interested governmental participant or party; provided, however, that an electronic file need not be provided for acquired documentary material that

has already been made available by the potential party, interested governmental participant or party that originally created the documentary material. Concurrent with the production of the electronic files will be an authentication statement for posting on the LSN website that indicates where an authenticated image copy of the documents can be obtained.

* * * * *

(e) Each potential party, interested governmental participant or party shall continue to make available to other participants via the LSN documentary material created after the time of its initial certification in accordance with paragraph (a)(1) through (a)(4) of this section.

4. In § 2.1005, paragraph i is added to read as follows:



§2.1005 Exclusions.

* * * * *



(i) Correspondence between a potential party, interested governmental participant, or party and the Congress of the United States.

5. In § 2.1012, paragraph (a) is revised to read as follows:

§2.1012 Compliance

(a) If the Department of Energy fails to make its initial certification at least six months prior to tendering the application, upon receipt of the tendered application, notwithstanding the



NOTATION VOTE

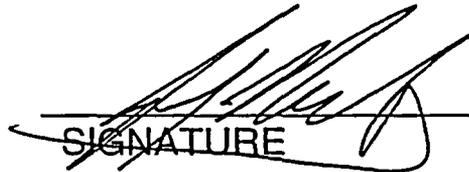
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MERRIFIELD
SUBJECT: **SECY-03-0180 - PROPOSED RULE TO AMEND 10 CFR
PART 2, SUBPART J, IN REGARD TO THE LICENSING
SUPPORT NETWORK**

Approved Disapproved Abstain

Not Participating

COMMENTS: *No additional comments.*


SIGNATURE

11/3/03
DATE

Entered on "STARS" Yes No