

# **Licensing Support Network Advisory Review Panel Meeting**

**December 9, 2003**





# Agenda

- ***LSNARP Chairman's Opening Remarks***
- *LSN Administrator's Status on the LSN*
- *Recent Findings Related to the LSN System*
- *Proposed Changes to 10 CFR 2, Subpart J*
- *Guidance for Submission of Electronic Docket Materials*
- *Status of Revision 1 of Regulatory Guide 3.69,  
"Topical Guidelines for the Licensing Support Network"*
- *Discussion*
- *Electronic Information Exchange (EIE) Enhancements*
- *NRC's Program to Place Documents onto the Licensing Support  
Network (LSN)*
- *Progress of Potential Parties in Identifying and Making Their  
Documents Available to the LSN*

# LSNARP Chairman's Opening Remarks

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# LSN Administrator's Status on the LSN

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# Version 3 Redesign Progress

- *Improved spider – work completed*
- *Revised hardware architecture underway*
  - *Provides multiple query, text index engines, response handlers*
- *New version of Autonomy (version 4.0)*
- *XML Header Generator is still available via LSN*



# Spider

- *Part of combined system making documentary materials electronically available to the parties, potential parties, and interested governmental participants*
- *Multiple “threads” parse headers and content files*
  - *Builds indexes and pointers to make documents electronically accessible*
- *Constrained by communications, speed of servers, volume of transactions*
  - *Tuned to be in harmony with speed of LSN index build database*
- *Current capacity range increased to 30,000 documents per day (all parties)*
  - *Throughput varies according to collection and individual document attributes*
- *Capacity estimates for weekly LSN intake: 150,000 documents*



# Resizing Based on Reported Participant Collection Projections

- *NRC – 35,000 docs / 805,000 pages*
- *DOE –*
  - *Low end 3,000,000 docs / 27,500,000 pages*
  - *High end 4,000,000 docs / 36,500,000 pages*
- *Nevada – 0 docs / 0 pages*
- *Nye – 1,000 docs / 1,000 pages*
- *Other parties – 1,000 docs / 10,000 pages*

*Total range: 3,037,000 docs / 28,316,000 pages*

*4,037,000 docs / 37,316,000 pages*





# Planning and Resources for Growth

- *LSN version 4 will scale from 15 million to 40 million pages*
  - *Cushion is 2.7 million pages (14% greater than high end)*
- *Target operational: end of January '04*
- *Have received FY 03 and FY 04 funds to re-architect platform*



# LSN Operations

- *Lincoln, White Pine, NRC have successfully started populating collections*
- *Total documents as of 11/30/03 = 14,128*
  - *NRC = 14,104*
  - *Lincoln = 23*
  - *White Pine = 1*
- *We are monitoring active participant activities for:*
  - *DOE*
  - *NWTRB*
  - *Clark*
  - *Lander*
  - *Nye*
  - *NEI*
  - *Churchill*
  - *Eureka*
  - *Mineral*
  - *City of Las Vegas*



# Guidelines

- *XML header guideline*
  - *Being revised to allow pointer to only one object*
- *Update on NRC collection OCR quality*
  - *User feedback via LSN Webmaster e-mail*
  - *OCR product used for legacy collection*
  - *NRC Office of Chief Information Officer (OCIO) commenced using Prime Recognition*
  - *Will use on day forward conversions*



# Training

- *November 2003 workshop at meeting of Nevada state librarians in Lake Tahoe*
  - *Well-received*
  - *Some requests that the presentation be given to wider audience*
- *Similar training to be conducted for parties and participants*



# NRC Inspector General Audit

- *Audit scheduled for FY 04 commenced November 17, 2003*
- *Objectives:*
  - *Assess if system meets required operational capabilities*
  - *Determine if system provides for confidentiality, availability, and integrity of data*
- *Final report due May 17, 2004*



# Points of Contact

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# Recent Findings Related to the LSN System

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# Recent Findings Related to the LSN System

- *Connecting to the LSN*
- *Initial test of document publishing*
- *Quality assurance*
- *Experience loading NRC documents*



# Audit Successes & Insights

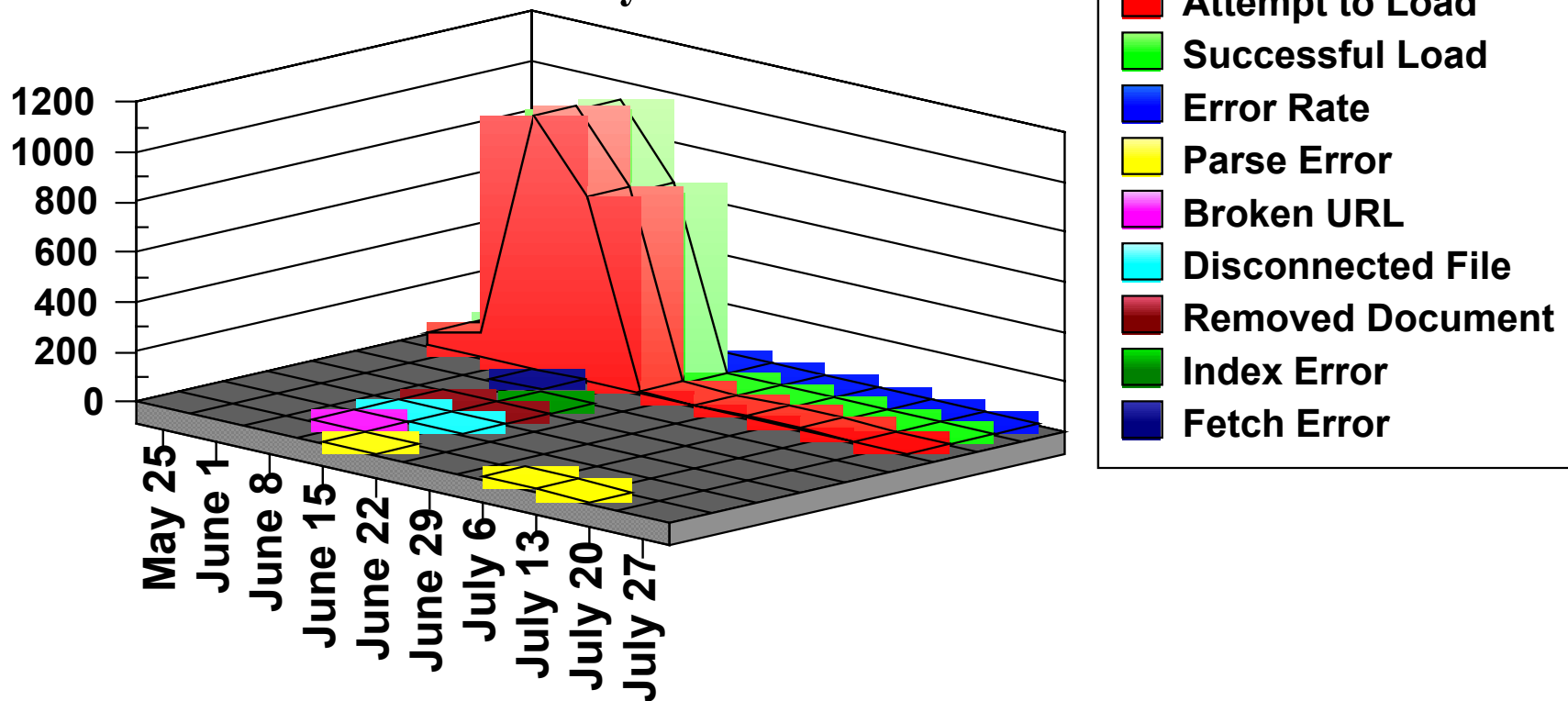
## ■ *NRC collection*

- *17,668 documents placed on NRC collection server*
  - *Includes all resubmits*
- *3,517 documents with anomalies causing them not to be accepted by LSN*
  - *Includes documents that failed repeatedly*
- *Most looked OK to NRC staff*
- *Entire load, or almost all, failed in some instances (typically resolved, rerun, and accepted next night)*
- *Audit process was only mechanism to identify that documents did not show up on LSN*
  - *Problems with PDFs having password protected text (full text indexing failed)*
  - *Broken links*



# Load Trend Statistics

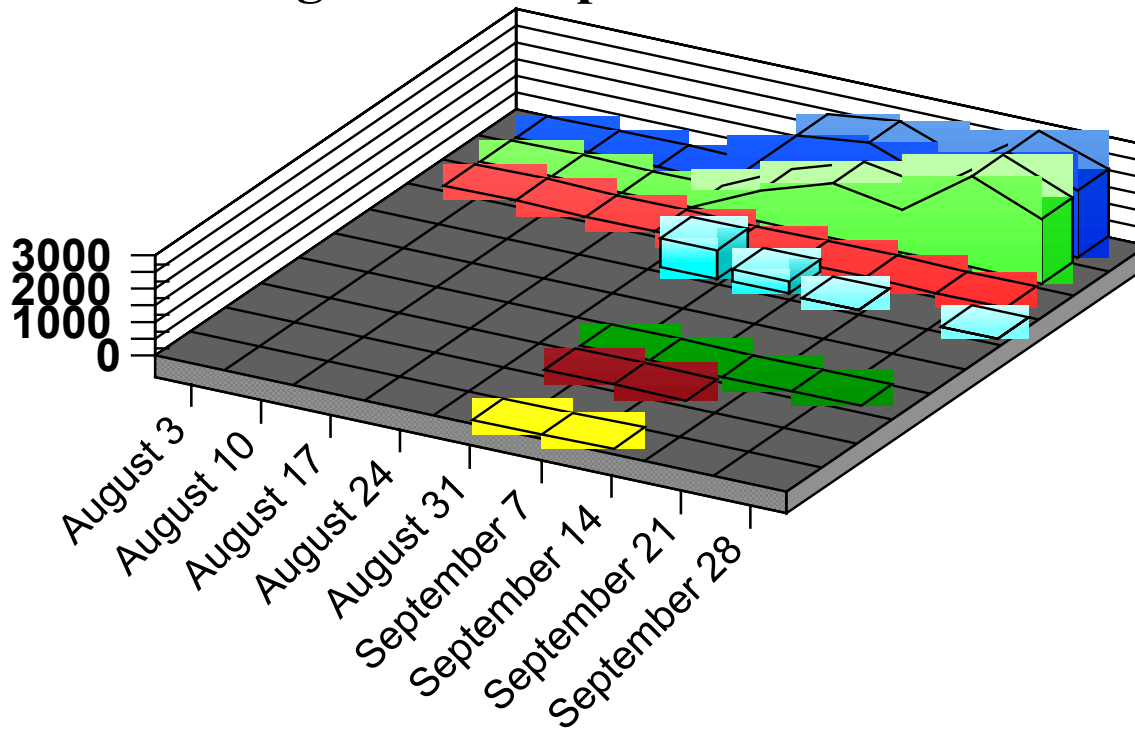
## Error Trend Report NRC Collection June and July 2003





# Load Trend Statistics (cont.)

## Error Trend Report NRC Collection August and September 2003



- Error Rate
- Successful Load
- Attempted Load
- Parse Error
- Broken URL
- Disconnected File
- Removed Document
- Index Error
- Fetch Error
- Scan Error



# What to Expect in Resolving Load Errors

- *Iterative process*
- *Requires good communications between LSN staff and participant IT support staff*
- *It takes about two weeks per category of error*
- *Frequently only LSN Spider that identifies there is an error*
- *Many errors are unpredictable and unexpected*
  - *May require research to resolve problem*



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# Proposed Changes to 10 CFR 2, Subpart J

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# Subpart J: Proposed Changes

- Proposed rule published November 26, 2003 (68 FR 66372). Comments period ends January 12, 2004. Proposed rule addresses five areas:
  - Filing requirements and format standards for a party's submissions to the electronic docket for the HLW licensing proceeding
  - Secretary of the Commission's determination that the DOE license application is electronically accessible
  - Loading of duplicate documents on individual Licensing Support Network (LSN) website servers
  - Continuing obligation of LSN participants to update their documentary material
  - Material that may be excluded from the LSN





# Subpart J: Proposed Changes Submissions to Electronic Docket

- 10 CFR § 2.1001: Definitions for three types of documents added:
  - Complex document -- consists "entirely or in part" of electronic files having substantial portions that are neither textural nor image in nature (e.g., runtime executable software, viewer or printer executables, dynamic link library (.dll) files, large data sets associated with an executable, actual software code for analytical programs)
  - Large document -- consists of electronic files that are larger than 50 megabytes
  - Simple document -- consists of electronic files that are 50 megabytes or less



## Subpart J: Proposed Changes Submissions to Electronic Docket (cont.)

- Proposed 10 CFR § 2.1013(c)(1) requires all filings be transmitted as follows:
  - “Simple documents” must be transmitted electronically via the NRC Electronic Information Exchange (EIE) [§2.1013(c)(1)(i)]
  - “Large documents” must be transmitted electronically via EIE in multiple transmissions of 50 megabytes each [§2.1013(c)(1)(ii)]



## Subpart J: Proposed Changes Submissions to Electronic Docket (cont.)

- Portions of “Complex documents” amenable to electronic submission must be transmitted electronically. Portions not amenable to electronic transmission must be delivered on optical storage media which includes the complete document (including portions transmitted electronically via EIE) [§2.1013(c)(1)(iii)]
- Electronic submission must have 300 dots per inch (dpi) as the minimum resolution for bi-tonal, color resolution, and grayscale resolution [§2.1013(c)(1)(iv)]



## Subpart J: Proposed Changes Submissions to Electronic Docket (cont.)

- Electronic submissions must be generated in appropriate PDF output format by using [§2.1013(c)(1)(iv)]:
  - PDF-Formatted Text and Graphics for textual documents converted from native applications
  - PDF-Searchable Image (Exact) for textual documents converted from scanned documents
  - PDF-Image Only for graphic, image, and forms-oriented documents. Tagged Image File (TIF) images and the results spreadsheet applications must be converted to PDF, except in those rare instances where PDF conversion is not practicable



## Subpart J: Proposed Changes Submissions to Electronic Docket (cont.)

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- Electronic submissions must be free of hyperlinks to other documents or websites, but electronic submissions to the hearing docket may contain hyperlinks within a single PDF file, if those links are created using PDF authoring software [§2.1013(c)(1)(vi)]
- Electronic submissions must be free of author imposed security restrictions [§2.1013(c)(1)(vii)]



## Subpart J: Proposed Changes Determination of Electronic Accessibility

- 10 CFR § 2.1012(a) revised to specify that the Secretary's determination of electronic accessibility would be based on whether the DOE license application could be effectively accessed through the Commission's Agencywide Documents Access and Management System (ADAMS), rather than the electronic hearing docket
- 10 CFR § 2.1013(a)(2) revised to delete the reference to the electronic docketing of the license application and the Secretary's determination that the license application can be accessed via the Commission's electronic docket rules



## Subpart J: Proposed Changes LSN Responsibilities: Documentary Material

- 10 CFR § 2.1003(a)(1) revised to allow LSN participants to forego loading a document already made available by the LSN participant who created the document (or on whose behalf a document was created)
- Note:
  - Full scope of “reliance” information may be apparent only after contention admission. With few exceptions, disputes would await that time
  - Commission expects LSN participants to exercise good faith efforts to make such documents available via LSN before their initial certification date



## Subpart J: Proposed Changes LSN Responsibilities: Doc. Material (cont.)

- 10 CFR § 2.1003 - added requirement that an LSN participant supplement documentary material made available under § 2.1003(a) in its initial certification with documentary material produced after that event
- 10 CFR § 2.1005, “Exclusions” - added another category for material excluded from the requirement to provide electronic access, either pursuant to §2.1003, or through derivative discovery pursuant to §2.1019(i):
  - “(i) Correspondence between a potential party, interested governmental participant, or party and the Congress of the United States”





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# Guidance for Submission of Electronic Docket Materials

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# Guidance for Submission of Electronic Docket Materials

- *LSNARP comments on the draft guidance*
- *NRC response to comments*
  - *Opportunity to improve understanding*
  - *Attachment B updated to include definition of “courtesy copy”*
- *Guidance updates*
  - *Publicly available in conjunction with proposed changes to 10 CFR 2*
  - *Updates to Section 3 for clarity and presentation*
  - *Includes content for Accessibility (Sec. 3.12) and Sensitive or Classified Information (Sec. 3.13)*
  - *Updates to Sections 4 and 5 content concerning oath and affirmation*



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# **Status of Revision 1 of Regulatory Guide 3.69, “Topical Guidelines for the Licensing Support Network”**

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# Outline

- *Background to development of topical guidelines*
- *Purpose of revising Regulatory Guide*
- *Public comments to proposed revision 1 of Regulatory Guide*
- *Next steps*



# Background to Development of the Topical Guidelines

- *August 1987: Formation of High-Level Waste Licensing Support Advisory Committee (i.e. “negotiating committee”)*
- *November 1988: Proposed rule, new Subpart J, and Topical Guidelines*
- *April 1989: Final rule; and interim Topical Guidelines for use until more precise set issued as a Regulatory Guide*
- *July 1993: Interim Topical DG-3009 for public comment*
- *September 1996: Regulatory Guide 3.69 Topical Guidelines for the Licensing Support System*
- *August 2001: Propose revising the Topical Guidelines at LSNARP*
- *July 2002: Issue draft Regulatory Guide DG-3022 (proposed revision 1 of Regulatory Guide 3.69) Topical Guidelines for the Licensing Support Network*
- *September 30, 2002: Close of DG-3022 public comment period*
- *July 2003: Yucca Mountain Review Plan published*



# Purpose of Revising Regulatory Guide 3.69

- *Ensure consistency with 10 CFR Part 2, Subpart J (Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository)*
- *Revise Topical Guidelines for consistency with 10 CFR Part 63 (Disposal of High-Level Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada), Section 63.21 (Content of Application)*
- *Revise Topical Guidelines for consistency with NUREG–1804 (Yucca Mountain Review Plan, Revision 2, July 2003)*
- *Incorporate refined guidelines for environmental assessment information*





# Commenters to Proposed Revision 1 of Regulatory Guide

- *A.S. Hunjan (5 comments)*
- *Board of County Commissioners, Lincoln County, Nevada (5 comments)*
  - *(submitted on behalf of Lincoln County and the City of Caliente)*
- *Eureka County, Nevada (3 comments)*
- *Exelon Generation (1 comment)*
- *Nuclear Energy Institute (7 comments)*
- *State of Nevada (6 comments)*
- *CP&L and Florida Power (3 comments)*
- *U.S. Department of Energy (10 comments)*



# Example of Public Comments

- *Expand and/or clarify definitions in the Reg Guide*
- *Expand the purpose of Reg Guide*  
*Expand/reduce the listing of Section C documentary material topics*
- *Expand the Appendix A type of documents*



# Example of Public Comments (continued)

- *Remove use of Reg Guide to evaluate petitions for access to the LSN*
- *Restructure the Reg Guide*
- *Recognize pending litigation may impact the Reg Guide*
- *Add guidance on the handling of potentially sensitive documents on the LSN*



# Public Comments

- *All public comments have been carefully reviewed and considered*
- *Expect only minor revisions to the draft regulatory guide, pending comments on the proposed rule*
- *Use the existing guidance in the interim until the final regulatory guide is published*



# Next Steps

- *Consider comments on the proposed rule*
- *Formally publish Revision 1 of Regulatory Guideline 3.69*
- *Issue Federal Register Notice with responses to public comments*



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# Electronic Information Exchange (EIE) Enhancements

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# EIE Update

- *Submittal capacity increased to 50 Mb*
- *Form changes to accommodate various types of submittals (bundling) and to make process more user friendly*
- *Hardware upgrade to increase submittal volume*
- *New system architecture will be implemented to enable NRC to quickly accommodate changes*



# Testing the Document Submission Process

- *Adjudicatory submission interface enhancement in progress*
- *Tentative testing schedule*
  - *March 8, 2004*
    - *Implementation of enhanced adjudicatory EIE interface*
    - *Apply for EIE account*
  - *March 15, 2004*
    - *Receive EIE account information and test instructions*
    - *Install secure viewer plug-in software*
    - *Submit documents in test mode*



# What You Need to Participate

- *Internet Explorer 5.0 (or later) or Netscape 4.6 (or later)*
- *Access to the Internet*
- *Windows 95 (or later)*
- *Recommended workstation configuration*



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# **NRC's Program to Place Documents onto the Licensing Support Network (LSN)**

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# Activities Underway

- *NRC taking steps to ensure compliance with LSN requirements*
  - *Using existing guidance and regulations to identify documents*
  - *Putting procedures in place*
  - *Training staff*
  - *Making documents electronically available on the Licensing Support Network*
  - *To date, published over 14,000 documents on the LSN*



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