23 ACCESS CONTROL PRIOR TO INITIAL CERTIFICATION

23.1 Requesting Access Control

If a participant requests, documents loaded onto the participant's LSN website for the purpose of being indexed/loaded into the central LSN site need not be made available to the public or to any potential participant until the participant provides its initial certification of documentary material availability in accordance with 10 C.F.R. § 2.1003(a), or at any earlier date that the participant may specify.

The existing provisions of 10 C.F.R. Part 2, Subpart J regarding initiation of the HLW proceeding and attendant NRC procedural rules are not affected by a participant request for access control prior to section 2.1003(a) initial certification or by a participant providing documents for LSN indexing/loading in accord with such a request.

23.2 Estimate of Participant Document Collection Size

At the same time a participant provides its request for access control prior to section 2.1003(a) initial certification, it should also furnish a current estimate regarding 1) the existing size of the participant HLW document collection that will be loaded onto the participant's LSN site; and 2) a projected schedule for making those documents available for indexing. This information will be used to coordinate projected schedules for performing indexing operations. In formulating its response relative to an indexing schedule, the participant should anticipate that the current LSN indexing capacity is approximately 150,000 documents per week.

23.3 Ownership of Information

Participant documents provided for LSN indexing/loading are not considered to be records in the possession or control of the NRC such that the NRC would consider them responsive to a Freedom of Information Act (FOIA) request directed to the NRC (54 Fed. Reg. 14925, 14936 (Apr. 14, 1989)). Rather, any such FOIA request would be referred to the participant for its direct response to the requester.

23.4 Responsibilities for Access Control

The NRC and a participant have joint responsibility for preventing unauthorized access to participant documents provided for indexing/loading into the LSN pursuant to a participant's request for access control prior to section 2.1003(a) initial certification.

23.4.1 NRC Responsibilities for Access Control

Appropriate measures will be taken by the LSN staff to ensure that any documentary material made available for indexing/loading pursuant to a participant request for access control prior to section 2.1003(a) initial certification, including restricting access to the documents to only those LSN staff members directly involved with the maintenance of the LSN.

In preserving this information, the LSN staff will use the same standard of care it uses to secure and safeguard its own confidential information of similar importance, but in no event with less than reasonable care by means that will include, but are not limited to, the following: 1) because participant documentary material is captured only in index form in Autonomy's contextual constructs and resides only in the LSN electronic repository on servers, no hard copy versions of the documentary material can or will be made and no digital copy of the documentary material can or will be retained; 2) the facility hosting the LSN meets the Government Information Security Reform Act (GISRA) and NRC requirements for system security; and 3) remote access to system administration routines can be obtained only by use of a CD containing a software module key that is accessible only by LSN staff, thereby preventing unauthorized access.

Documentary materials provided for indexing/loading into the LSN pursuant to a request for access control prior to section 2.1003(a) initial certification will not be accessible to any user other than the LSN staff. Using administrative tools provided by the LSN's Autonomy COTS search engine package, any LSN repository of indexed documentary material that has been provided to the LSN pursuant to a participant request for access control prior to section 2.1003(a) initial certification will not be available to other system users, including the submitting organization, for searching via the LSN.

23.4.2 Participant Responsibilities for Access Control

As an additional coincident measure to prevent inadvertent early release, a participant requesting LSN access control prior to section 2.1003(a) initial certification should block access from its web server (HTTP) by disabling the normal access path for public users (e.g., Port 80). To ensure there are no technical issues, a participant should advise the LSNA in advance when this measure is implemented.

23.4.3 Mutual Testing

The technical staff of a participant that requests LSN access control prior to section 2.1003(a) initial certification will be provided access to the LSN system to verify via system testing that the joint actions of the LSN staff and the participant has resulted in its documents not being publicly accessible.

23.5 Deleting Documents Prior to Public Access

Prior to section 2.1003(a) initial certification, a participant can delete previously indexed information that it later determines is not relevant, but a register of LSN accession numbers initially assigned to each subsequently withdrawn item will be maintained on the LSN website consistent with Guideline 14. Likewise, a participant can change the manner in which information is disclosed if it decides the information is privileged or otherwise sensitive (i.e., substitute a header indicating a privilege claim for the header and the full-text of the document). In this regard, however, the participant is advised that the LSN spidering process is not instantaneous nor can it handle an unlimited volume of changes in any particular day (i.e., as the spider recrawls the existing collection checking for changes or deletions, any reindexing it

must do will not be reflected until it has completed all indexing for that load, including any new documents). Therefore, it is possible that some information that the participant intends should be withheld could be inadvertently released if the deletions/changes are not implemented sufficiently before the initial certification. To avoid this problem, the participant must plan for and make deletions/changes far enough in advance of its section 2.1003(a) initial certification to ensure those deletions/changes are reflected in the LSN material that is available when the collection is made accessible to the public.