

LSS PARTICIPANT COMMITMENTS

May 12, 1995

NRC Contract No. NRC-40-30-346

**Labat-Anderson Incorporated
with
Price Waterhouse**

LSS PARTICIPANT COMMITMENTS

The proposed LSSA Compliance Assessment Program (CAP) is based on the commitments placed on participants by the LSS Rule (10 CFR Part 2, Subpart J) and derivative commitments that the LSSA believes are necessary for LSS program control and administration. This document contains all of these commitments. Those commitments that arise directly from the LSS Rule contain an appropriate citation.

The commitments on the following pages have been subdivided into three groups. The commitments in each of these groups are treated differently within the proposed CAP. These groupings are:

- GROUP 1:** These commitments address the proper identification of the document universe, the proper screening of this universe for relevant, non-duplicative LSS materials, and the timely submission of this material to the LSS. Specific compliance processing standards and non-compliance reporting thresholds have been established by the LSSA for each of these commitments. Participants exceeding established thresholds will be cited for non-compliance by the LSSA. If cited for non-compliance, sanctions may be imposed by the Presiding Officer (PO) or the Commission.
- GROUP 2:** These commitments address the physical condition of the material submitted to the LSS and its proper preparation. Specific processing standards and rejection/resubmission thresholds have been established by the LSSA for these commitments. Participants exceeding established thresholds will, in most cases, be required to correct and resubmit substandard material. The quality of submitted material will be evaluated at the LSSA's Quality Assurance (QA) Facility and during the LSSA's compliance audits. Performance related to these commitments will not be addressed in LSSA's periodic compliance evaluation reports to the Commission. However, failure to correct and resubmit returned material in a timely manner could result in reported non-compliance, if the submission volumes/rates addressed in Group 1 (above) are not met.
- GROUP 3:** These commitments do not have quantitative standards and rejection thresholds. They address participant program management requirements and describe conditions for gaining and retaining access to the LSS. Deviations from these commitments will become evident through specific actions taken (or not taken) by participants. The LSSA or the PO, as appropriate, will make judgements about the nature and seriousness of any non-compliance with these commitments. If considered serious enough, participants may be cited for non-compliance by the LSSA. If cited for non-compliance, sanctions may be considered and imposed by the PO or the Commission.

**GROUP 1 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARDS
AND NON-COMPLIANCE REPORTING THRESHOLDS**

1.A	Commitment -- Document Universe Identification
	<p>Each LSS participant will report in writing to the LSSA, concerning its holdings of potential LSS material, the location and content of each backlog repository and each generation/acquisition source (those that exist at the time the participant's Compliance Program Plan* is submitted and any that may arise thereafter). These will constitute all the sources of material to be screened against the Topical Guidelines and the exclusion criteria in the Rule (Section 2.1005).</p>
	Processing Standard
	<p>Standard: A DLO must report in writing all existing sources of potential LSS material at the time he submits the participant Compliance Program Plan, and subsequently report any new potential source within 10 working days of its identification.</p> <p>Rationale: To either not be aware of, or not disclose, even a single potential source could prevent relevant LSS material from being entered into the LSS.</p>
	Non-Compliance Reporting Threshold
	<p>Threshold: Non-compliance will be reported if, after the initial report of backlog and existing sources is finalized in the participant's Compliance Program Plan, any verified source of potential LSS material that should have been reported is identified by someone other than the responsible DLO.</p> <p>Rationale: Since it should not be difficult for a DLO to either identify existing sources or establish procedures to stay abreast of new potential sources of LSS material, non-compliance will be reported if any verified source of potential LSS material is overlooked or not disclosed by a DLO. This is consistent with the importance of full disclosure to the discovery objective of the LSS.</p>
	Compliance Assessment Method
	<p>After becoming aware of an undisclosed potential source of LSS material from someone other than the responsible DLO, the LSSA will ask the responsible DLO to investigate this potential source and certify to the LSSA as to whether or not it is a potential source of LSS material. The LSSA will perform on-site audits when deemed necessary to validate this certification. Also, as deemed appropriate, the LSSA audit staff may proactively sample other related participant document collections/sources for possible LSS materials.</p>

* See Commitment 3.C and *LSSA Guidance on the Format and Content of LSS Participant Compliance Program Plans*.

**GROUP 1 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARDS
AND NON-COMPLIANCE REPORTING THRESHOLDS**

1.B	Commitment -- Material Submission Plans
	<p>All LSS participants will develop and maintain accurate Material Submission Plans in accordance with the <i>LSSA Guidance on the Format and Content of LSS Participant Compliance Program Plans</i>. The first submission date for the Plans will be June 30, 1996, and the Plans will be updated annually until the conclusion of the licensing proceeding. The Plans will contain an analysis of the volume and type of documentary material currently in the possession of the participant (backlog) and an estimate of documentary material to be acquired or generated for each of the next two years. The Material Submission Plans will also contain a long range schedule for the submission of this material to the LSSA, broken down into six-month periods. That schedule will be evaluated by the LSSA to determine if it supports the timely and efficient loading of the LSS database. The LSSA will confer with a participant if adjustments to the offered schedule are necessary. The Material Submission Plan will be incorporated as an appendix to the participant's Compliance Program Plans.</p>

Processing Standard
<p>Standard: The original Material Submission Plans and each revision will show:</p> <ul style="list-style-type: none">- an estimate of current backlog documentary material (pages) and a two-year projection of the number of pages of documentary material expected to be generated or acquired;- that all backlog will be submitted to the LSS at least 12 months before DOE's planned license application submission date;- that LSS participants will begin to submit their backlog within 60 days of gaining access to the LSS (but no later than 36 months before DOE's planned license application submission date), and do so evenly over the remaining six-month periods; <p>[NOTE: This standard does not address the possible need to load the LSS database with highest priority backlog documents early in the loading process. A standard for highest priority backlog will be set later if priority loading becomes an LSS requirement.]</p>

GROUP 1 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARDS AND NON-COMPLIANCE REPORTING THRESHOLDS

Commitment 1.B, continued

Processing Standard (Continued)

Rationale: By the time the LSS is available, it is estimated that there will be about 14 million pages of backlog, with most of it belonging to DOE. It is also estimated that another 4 to 5 million pages of "contemporaneous" material will be created between the time the LSS is available and the time DOE will submit its license application. The LSSA's QA Facility and the LSS itself must be properly sized to accommodate this workload and a predictable input volume from LSS participants is needed to have reasonably stable and efficient LSS operations that will pose little risk to the timely loading of the LSS database. [There will be constraints on how much material can be loaded into a "pre-LSS" database, indexed, reviewed for compliance with standards, and, when available, loaded into the LSS by the QA Facility each day.] As currently envisioned, during the first 12 months of availability, the LSS will have only a limited number of users and will be dedicated almost exclusively to a high volume of backlog loading. Thereafter, the number of users will be significantly expanded, large volumes of new material will be loaded, and the capacity to load backlog will decline. It is prudent to plan for full loading of the backlog 12 months before the license application submission date to reduce the risk that unexpected loading difficulties/requirements would endanger full loading of the backlog by the point six months before the license application submission date (as required by the LSS Rule). Unless LSS participants develop Material Submission Plans that are consistent with LSSA plans/constraints, the quality assurance review and loading of material into the LSS could be on the critical path to DOE submitting its license application. LSSA will provide LSS participants with LSS loading plans and constraints as an input to the development of their Material Submission Plans.

Non-Compliance Reporting Threshold

Threshold: Non-compliance will be reported if an LSS participant does not provide a Material Submission Plan that is consistent with all prescribed standards.

Rationale: If an LSS participant will not commit to submit its LSS material in a way that can be accommodated by the LSS, will not endanger the timeliness of loading, and will not unnecessarily add to the cost of LSS operations, then the Commission will be informed.

Compliance Assessment Method

The LSSA will review each Material Submission Plan and compare it with the standards. LSSA may also audit backlog repositories and acquisition/generation sources to confirm the accuracy of projected material submission volumes.

**GROUP 1 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARDS
AND NON-COMPLIANCE REPORTING THRESHOLDS**

1.C	Commitment -- Document Universe Screening
<p>After eliminating authorized exclusions under the Rule (Section 2.1005), LSS participants will properly screen all their potential LSS material. Proper screening means making accurate relevancy decisions vis-a-vis the Topical Guidelines and accurate decisions as to what relevant materials are duplicative of previous submissions. If sufficient erroneous screening decisions are found during an LSSA audit, the LSS participant may be required to re-screen all material withheld from the LSS since the previous LSSA audit, identify all errors, and, when necessary submit incorrectly withheld material to the LSSA in accordance with Commitment 1.F (Timely Submission/Resubmission). LSS participant re-screening would be confined to the withholding category or categories (non-relevant or duplicative) in which the LSSA audit found errors. [§2.1003]</p>	

Processing Standard
<p>Standard: All relevant or potentially relevant material will be submitted to the LSS.</p> <p>Rationale: The Rule says LSS participants must submit any information that is relevant to or might lead to the discovery of information that is relevant to the licensing proceeding. This means that LSS participants must err on the side of submitting material to the LSS if there is any doubt about its relevancy. Screened material that is withheld from the LSS will be clearly non-relevant, or duplicative.</p>

Non-Compliance Reporting Threshold
<p>Threshold: Non-compliance will be reported if there is a deviation from the standard of more than 2% of the material screened during a six-month evaluation period.</p> <p>Rationale: With the large volume of LSS material to be screened, some mistakes will be made even with the best procedures and training. However, given the guidance to err on the side of submitting marginally relevant material, and the fact that relevancy and duplicate determinations are not difficult, there should be very few instances where material is incorrectly withheld from the LSS. Quantities exceeding the threshold would represent a level of incorrect withholding that will be reported as non-compliance.</p>

**GROUP 1 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARDS
AND NON-COMPLIANCE REPORTING THRESHOLDS**

Commitment 1.C, continued

Compliance Assessment Method
During on-site audits, the LSSA will examine a representative sample of materials from the evaluation period that are deemed by an LSS participant to be either non-relevant or duplicative. The number of errors found in these categories will be summed and divided by the total number of units inspected in these categories.

**GROUP 1 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARDS
AND NON-COMPLIANCE REPORTING THRESHOLDS**

1.D	Commitment -- Accountability for Screened Materials
	All LSS participants will maintain an accurate audit trail of their document processing activities. This audit trail will be capable of identifying the processing status and location of each unit or batch of material that a participant determines does not meet the exclusion criteria of Section 2.1005 of the Rule (and which therefore must be screened for relevancy). If, during an LSSA audit, any material is found to be missing or mis-designated as having already been submitted to the LSS, the participant may be required to perform a complete review of its audit trail documentation since the previous LSSA audit and, when necessary, submit missing or mis-designated material to the LSSA in accordance with Commitment 1.F (Timely Submission/ Resubmission).

Processing Standard
Standard: Once material has been screened for relevancy, no material will be missing or mis-designated.
Rationale: Accurate accounting for units of LSS material by LSS participants is the only way the LSSA can have confidence that all material that is supposed to be entered into the LSS is actually being received for entry into the system. If material has entered an LSS participant's relevancy screening process, but cannot be accounted for, it is missing. If material is mis-designated as having been submitted to the LSS when it was not, then it is also "missing" from the perspective of the LSSA. Either situation threatens the integrity of the LSS as a discovery database.

Non-Compliance Reporting Threshold
Threshold: Non-compliance will be reported if there is a deviation from the standard of more than 0.1% of all materials screened for relevancy during a six-month evaluation period.
Rationale: With the large volume of LSS material to track, some mistakes will be made even with the best procedures and training. However, anything greater than a 0.1% error rate for missing or mis-designated documents will be an indication of inadequate quality assurance that could potentially delay significant amounts of material from being entered into the LSS in a timely manner. Quantities exceeding the threshold would represent sufficiently poor accounting to be reported as non-compliance.

**GROUP 1 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARDS
AND NON-COMPLIANCE REPORTING THRESHOLDS**

Commitment 1.D, continued

Compliance Assessment Method

<p>The LSSA will conduct periodic on-site audits which will, among other things, examine the integrity of each LSS participant's audit trail within its document processing system. A sample of screened materials will be tracked to ensure that the units within the sample have been fully accounted for in one of three categories -- relevant, non-relevant, or duplicative. In addition, a check will be made concerning whether any materials have been mis-designated as sent to the LSS by comparing the participant's tracking information with what should be corresponding data from the LSSA's QA Facility.</p>
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**GROUP 1 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARDS
AND NON-COMPLIANCE REPORTING THRESHOLDS**

1.E	Commitment -- Backlog Submission
<p>LSS participants will submit all their LSS material created prior to the availability of the LSS (for NRC and DOE) or the granting of LSS access (for all other participants) in accordance with their LSSA-approved Material Submission Plans. -All backlog materials will be submitted 12 months prior to DOE's planned license application submission date. [§2.1003]</p>	

Processing Standard
<p>Standard: LSS participants must submit all their backlog in accordance with their approved Material Submission Plans.</p> <p>Rationale: Backlog processing is a very large undertaking. By the time the LSS is available, it is estimated that there will be about 14 million pages of backlog, with most of it belonging to DOE. There are constraints on how much material can be indexed and loaded into the LSS, and reviewed for compliance with quality standards daily. If LSS participants, particularly DOE, do not closely adhere to their Material Submission Plans, the backlog might not be loaded six months before DOE's planned license application submission date, as required by the LSS Rule.</p>

Non-Compliance Reporting Threshold						
<p>Threshold: Non-compliance will be reported if a) the cumulative amount of backlog submitted by any LSS participant is behind its Material Submission Plan by more than:</p> <table border="0" style="margin-left: 40px;"> <tr> <td style="text-align: center;"><u>Variance</u></td> <td style="text-align: center;"><u>Years Before DOE's Planned License Submission Date</u></td> </tr> <tr> <td style="text-align: center;">10%</td> <td style="text-align: center;">3.0</td> </tr> <tr> <td style="text-align: center;">5%</td> <td style="text-align: center;">each six-month period beginning 2 years and ending 1 year before planned license application submission date; and</td> </tr> </table> <p>b) if any LSS participant has not submitted all its backlog by June 1, 2000.</p> <p>Rationale: Strict adherence to the standard is not necessary until the license application submission date is close. The Material Submission Plans are only estimates, and deviations can be expected due to estimate errors, a lack of experience early in the process, or other factors which might affect production rates over time. It is anticipated that the overall accuracy of the Material Submission Plans will increase with each revision. However, backlog submission volumes falling below these thresholds have a potential impact on the ability to have all the backlog processed and loaded into the LSS six months before DOE submits its license application.</p>	<u>Variance</u>	<u>Years Before DOE's Planned License Submission Date</u>	10%	3.0	5%	each six-month period beginning 2 years and ending 1 year before planned license application submission date; and
<u>Variance</u>	<u>Years Before DOE's Planned License Submission Date</u>					
10%	3.0					
5%	each six-month period beginning 2 years and ending 1 year before planned license application submission date; and					

**GROUP 1 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARDS
AND NON-COMPLIANCE REPORTING THRESHOLDS**

Commitment 1.E, continued

Compliance Assessment Method
The LSSA will compare actual pages submitted to the LSS for each six-month period, with each LSS participant's Material Submission Plan.

**GROUP 1 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARDS
AND NON-COMPLIANCE REPORTING THRESHOLDS**

1.F	Commitment -- Timely Submission/Resubmission
<p>Participants will submit all LSS documentary material created subsequent to the availability of the LSS (for NRC and DOE) or the granting of access (for all other participants), so it is available through the LSS in a timeframe "reasonably contemporaneous" with its creation or acquisition. Participants will promptly correct and resubmit any substandard materials. Participants will promptly prepare and submit any materials which were found to be incorrectly/inadvertently excluded. [§2.1003 & §2.1004]</p>	

Processing Standard			
Standard:			
FOR ALL LSS PARTICIPANTS:			
Type of Submissions	Workdays*	Clock Starts	Clock Stops
Initial submission of "Contemporaneous" materials	20	Date of the cover or primary document for material generated by LSS participant. For materials acquired by LSS participant, the date of acquisition as evidenced by a date stamp on the material or other evidence such as the date of a transmittal letter.	Date accepted by LSSA QA Facility.
Initial submission of any materials excluded incorrectly/inadvertently	20	Date submitter is made aware of such materials by LSSA	Date accepted by LSSA QA Facility.
Resubmission of any backlog materials rejected by LSSA QA Facility	20	Date participant notified of rejection by LSSA QA Facility	Date accepted by LSSA QA Facility.
* Not counting workdays in the LSSA QA Facility prior to acceptance.			

**GROUP 1 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARDS
AND NON-COMPLIANCE REPORTING THRESHOLDS**

Commitment 1.F, continued

Processing Standard (Continued)			
Standard:			
ALL PARTICIPANTS:			
Type of Submissions	Workdays*	Clock Starts	Clock Stops
Resubmission of materials already in LSS found to be substandard by LSS participants or LSSA.	20	Date submitter is made aware of such errors by LSSA.	Date accepted by LSSA QA Facility.
* Not counting workdays in the LSSA QA Facility prior to acceptance.			
<p>[NOTE: This standard does not yet cover the timely submission of headers and images for adjudicatory filings during the hearing process. The standard for submission of these materials will be set later in coordination with ASLBP. This standard also does not cover the timely submission of Technical Data Package "segments". A standard for "segments" will be set later if the submission of "segments" becomes an LSS requirement. Additionally, this standard also does not cover the timely submission of highest priority backlog materials. A standard for highest priority backlog submissions will be set later if priority loading becomes an LSS requirement.]</p> <p>Rationale: For the LSS to be effective, it must be up-to-date and accurate. The "reasonably contemporaneous" requirement in the LSS Rule was established to ensure that LSS material is submitted promptly after it is created/acquired. Other categories of submissions/resubmissions, other than the initial submission of backlog materials which are covered under Commitment 1.E (Backlog Submission), will also be processed so that errors or omissions are corrected as soon as possible. There is no easy way to compute a "standard" time for processing and submitting material given the many variations in individual units (e.g., complexity of unitization/indexing and size/quality of images to be processed), individual processing operations/locations and other factors. Therefore, 20 working days is proposed as a readily achievable standard, in the belief that if the 20 day standard is met, LSS participants will be able to make full and effective use of the LSS.</p>			

GROUP 1 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARDS AND NON-COMPLIANCE REPORTING THRESHOLDS

Commitment 1.F, continued

Non-Compliance Reporting Threshold

Threshold: Non-compliance will be reported if too many of an LSS participant's submissions/resubmissions (addressed above) are not accepted by the LSSA's QA Facility within the 20 day standard. The following table defines the volume of material that can exceed the 20 day standard, and by how many days before non-compliance will be reported:

<u>Volume</u>	<u>Workdays* to acceptance</u>
up to 5%	21-30
up to 1%	31-40
0%	>40

Rationale: Given the large volume of material to be processed, some material will encounter processing problems and some will have to be reworked due to substandard quality. These situations should not occur frequently if good quality assurance is performed within LSS participants' processing operations. Quantities exceeding these thresholds would indicate poor QA and delay a significant quantity of material from entering the LSS database on a timely basis and will be reported as non-compliance.

* Not counting workdays in the LSSA QA Facility prior to acceptance.

Compliance Assessment Method

The LSSA will calculate elapsed workdays using LSS header data and the LSSA QA Facility's quality review and acceptance data. "Clock start" and "clock stop" points are those enumerated in the above standard with all workdays that the material is in the LSSA's QA Facility prior to acceptance subtracted. "Date accepted by LSSA QA Facility" is the date that the material passes final QA review. Individual submissions and their processing times will be cumulated over the evaluation period and compared to the standards in order to compute a percentage of deviation from the standards.

**GROUP 1 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARDS
AND NON-COMPLIANCE REPORTING THRESHOLDS**

1.G	Commitment -- Use of LSS Electronic Transmission Capability
	Parties to the high-level waste repository licensing proceeding shall transmit all their filings electronically to the PO, all other parties, the LSSA and SECY using the electronic transmission capability of the LSS. The electronic transmission will include, on a separate page, a textual representation of the header information for the filing. Note: This electronic filing does not negate LSS participants' responsibility to prepare and submit headers and images, as applicable, for these filings in accordance with the LSS Rule and to provide properly executed paper copies to SECY for docketing. [§2.1013]

Processing Standard
Standard: The LSS electronic transmission capability will be used for all filings.
Rationale: The use of the LSS electronic transmission capability will help expedite the hearing.

Non-Compliance Reporting Threshold
Threshold: Non-compliance will be reported any time the PO concludes that a participant's failure to use the LSS electronic transmission capability has interfered with the conduct of an efficient licensing process.
Rationale: If the electronic transmission capability is not used in a particular instance, the PO can require the party to refile using that capability. If the process of refiling does not cause any problems, there would be no purpose in reporting non-compliance. However, if the PO concludes that the licensing process is adversely affected in any way by the participant's failure to use the electronic transmission capability, then non-compliance will be reported.

Compliance Assessment Method
The PO will determine if the participant's failure to use the electronic transmission capability adversely impacts the licensing process and will notify the LSSA as appropriate.

**GROUP 1 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARDS
AND NON-COMPLIANCE REPORTING THRESHOLDS**

1.H	Commitment -- Hearing Exhibits
	All parties to the HLW repository licensing proceeding, absent good cause, will make timely submission of all exhibits to be tendered during a hearing, so that they may be entered into the LSS before the commencement of that portion of the hearing in which the exhibit will be offered. [§2.1013]

Processing Standard
Standard: All exhibits must be received by LSSA in accordance with the submission deadline established by the PO who, in setting such a deadline, will take into account the need to provide two workdays (or such lesser time as the LSSA specifies) for LSSA processing of the documents.
Rationale: In addition to the time provided by the PO to analyze exhibits before any hearing, the LSSA may need up to two workdays to process the exhibits and ensure that they are correctly entered/identified in the LSS.

Non-Compliance Reporting Threshold
Threshold: Non-compliance will be reported if there is any deviation from the deadline established by the PO, unless the PO has determined that there was "good cause" for a particular exhibit being late.
Rationale: Since the standard is set by the PO, no deviation is considered appropriate in the absence of a "good cause" finding by the PO.

Compliance Assessment Method
The LSSA will compare the LSSA QA Facility exhibit log-in date with the start date of that portion of the hearing for which the exhibit(s) are being tendered. If the log-in date is not in accordance with the PO's directive establishing a deadline for exhibit submission, the LSSA will contact the PO for a "good cause" ruling.

**GROUP 1 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARDS
AND NON-COMPLIANCE REPORTING THRESHOLDS**

1.I	Commitment -- Good Faith Discovery
	All LSS participants will comply with the scope and intent of the LSS Rule (10 CFR Part 2, Subpart J, §2.1000 and §2.1003) to provide for document discovery in the HLW repository licensing proceeding.

Processing Standard
Standard: There should be no instances where an LSS participant has willfully withheld or altered LSS documentary materials, has willfully provided inaccurate header data about its materials, or has willfully altered any LSS records for the purpose of denying or delaying access to relevant LSS documentary materials.
Rationale: Having relevant documentary material withheld from the LSS or having erroneous material in the LSS would seriously undermine the integrity of the system as a discovery database.

Non-Compliance Reporting Threshold
Threshold: Non-compliance will be reported if there is any deviation from the standard.
Rationale: Any willful acts to thwart the effective use of the LSS as a discovery database are sufficiently serious to be reported as non-compliance.

Compliance Assessment Method
If, through any means, the LSSA becomes aware of an apparent willful act to thwart the use of the LSS as an effective discovery database, an investigation will be conducted by an appropriate authority.

GROUP 2 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARD AND REJECTION/RESUBMISSION THRESHOLDS

2.A	Commitment -- Unitization
	All LSS participants will unitize their LSS material in accordance with guidance developed by the LSSARP Header Work Group and approved by the LSSA.

Processing Standard

Standard: All material in the LSS will be properly unitized.

Rationale: If LSS material is not properly unitized by the submitter, significant access points provided within the LSS header records will be lost to searchers, e.g., document types, authors and dates. LSS users would not find or learn about the existence of improperly unitized material when looking for them using these access points.

Rejection/Resubmission Threshold

Threshold: Material will be rejected if there is any deviation from the standard.

Rationale: The concept of unitization is a very important design feature of the LSS. Having any units "hidden" within others would create too much doubt about the completeness of search results. Moreover, incorrect unitization may mean a completely new header is required, which is an LSS participant's responsibility.

Compliance Assessment Method

The LSSA will examine submitted units at its QA Facility. Those that are incorrectly unitized will be rejected and the submitter will be required to correct unitization problems and resubmit the unit(s). Batches of submissions will be examined on a sampling basis. If any units within the sample are incorrectly unitized, the entire batch will be rejected and the participant will be required to review the entire batch, correct unitization problems throughout the batch and resubmit the batch.

**GROUP 2 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARD
AND REJECTION/RESUBMISSION THRESHOLDS**

2.B	Commitment -- Header Preparation
	All LSS participants will compose header fields for each unit of LSS documentary material, including privileged material and any material not suitable for entry into the LSS. LSS participants are only required to prepare bibliographic fields, but may do more, and are not required to submit their LSS material electronically, but they may opt to do so. DOE and NRC must prepare a full electronic header for its LSS material. The LSSA will augment the headers of non-DOE participants forwarded from the participants and ensure that these headers are converted into the proper electronic format. Whenever LSS material that is not suitable for entry into the LSS is transferred to a new media, a new header will be prepared by the original submitter and sent to the LSSA. [§2.1003]

Processing Standard
<p>Standard: All header fields will be correct and complete and all electronic links between header records, digital images or electronic text will be present and correct.</p> <p>Rationale: Coding and linkage errors can either prevent users from finding material when searching headers or prevent them from viewing material after locating it through a header search.</p>

Rejection/Resubmission Threshold
<p>Threshold: If any errors are found in headers during LSSA QA review, the associated unit(s) could be rejected. If rejected, the participant would be required to correct the errors and resubmit the complete header(s). However, the LSSA believes that it is more efficient/effective for LSSA to correct errors within the QA Facility if the participant's error rate is low. If the level of errors found by sampling submissions is considered to be too high for rework within the QA Facility, the LSSA will reject either individual units or entire batches and require the participant to review, correct and resubmit the headers. The LSSA will maintain performance data in this area and an LSS participant's track record will be taken into account when deciding whether to require the rework and resubmission of headers containing errors. Individual errors and cumulative error statistics will be reviewed with LSS participants so that they are cognizant of their performance and, therefore, the requirement for resubmission will not come as a surprise.</p> <p>Rationale: Setting standards and computing error rates in this area is complicated and burdensome. There are many fields/linkages involved, different fields vary widely in importance and some of the indexing is subjective, thereby precluding a clean "correct/incorrect" determination. Also, requiring resubmission for a few minor errors is more costly and time consuming than if they were simply fixed in LSSA's QA Facility. The submitter will be notified of any corrections made by the QA Facility.</p>

**GROUP 2 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARD
AND REJECTION/RESUBMISSION THRESHOLDS**

Commitment 2.B, continued

Compliance Assessment Method
<p><u>Format</u> -- The LSSA QA Facility will perform an automated validation of each submitted header.</p> <p><u>Critical Access Points</u> -- The LSSA QA Facility will examine each critical field for all submitted headers. Also, during periodic on-site audits, the LSSA will check the accuracy of critical header field entries for those materials that are referenced in the LSS by header only, such as privileged or non-imageable materials, by comparing a sample of these materials against the header entries.</p> <p><u>Non-critical Header Fields and Linkages</u> -- The LSSA QA Facility will examine header fields within representative samples drawn from batches of participant-processed material that has been loaded to the LSS.</p>

**GROUP 2 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARD
AND REJECTION/RESUBMISSION THRESHOLDS**

2.C	Commitment -- Image Preparation
<p>All LSS participants will prepare and submit legible (or best available) images of their LSS material for entry into the LSS. Non-DOE participants may submit a paper copy of their LSS material, but DOE and NRC must prepare a properly formatted digital image for all LSS material processed through their information management system. [§2.1003]</p>	
<p align="center">Processing Standard</p>	
<p>Standard: Format -- Digital images must meet the format standards established by the LSSA (with LSSARP review and comment) considered "state-of-the-art" at the time image submission commences, which may change over time based on technological advances in the field. The media on which electronic images will be submitted will be governed by the same requirements. Legibility -- all submitted images must be complete, readable representations of the originals, unless marked "best available copy".</p> <p>Rationale: If there are an unacceptable number of submitted images that do not meet legibility and/or digital image format standards prescribed, LSS users would either retrieve on-line images that could not be interpreted or the LSSA would encounter difficulties in loading the LSS database.</p>	
<p align="center">Rejection/Resubmission Threshold</p>	
<p>Threshold: Images will be rejected if there is any deviation from the digital image format standards or if there is a deviation from the legibility standard of more than 1% of the images in an individual unit or a sample drawn from a batch of participant-submitted material loaded to the LSS.</p> <p>Rationale: Format problems are simple to avoid and should rarely, if ever, occur. It would be very costly to have every image meet the established legibility standard. Accepting no more than 1% substandard images is a reasonable standard. Pages in the LSS with substandard images that cause problems for LSS users will be corrected to standard, where possible. As necessary, participants will be required to submit legible replacement images in the same format (electronic or hard-copy) as originally submitted, or certify that the image already submitted is "best available".</p>	
<p align="center">Compliance Assessment Method</p>	
<p>At its QA Facility, the LSSA will perform an automated validation of digital image formats. The LSSA will also examine representative samples of digital images drawn from batches of participant-processed material, as well as samples of any hardcopy images submitted by non-DOE participants.</p>	

**GROUP 2 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARD
AND REJECTION/RESUBMISSION THRESHOLDS**

2.D	Commitment -- Electronic Text Preparation
	DOE and NRC will produce electronic text for the textual portion of nearly all of its LSS material (privileged material and some text imbedded in graphics will not be converted to electronic text). [§2.1003] The LSSA will convert non-DOE participant material to electronic text where it has not already been so converted.

Processing Standard
<p>Standard: The electronic text for each page of submitted LSS material will have no more than two errors per thousand convertible characters (99.8% accurate) when compared to the text in the corresponding digital image.</p> <p>Rationale: If there are an unacceptable number of wrong or missing electronic text characters in the processed text, then LSS users could miss some material when performing word searches against the electronic text and thereby call into question the integrity/usefulness of the LSS. Also, errors could impact a user's ability to navigate through text and from text to images. At this time, it is anticipated that, while the best available commercial product will be utilized for text conversion, some re-keying will be necessary.</p>

Rejection/Resubmission Threshold
<p>Threshold: Electronic text will be rejected if more than 1% of the sampled pages either do not meet the standard or do not conform to LSSA's text conversion/format guidance, e.g., conversion of figure titles, and insertion of "see image" flags.</p> <p>Rationale: Given the tremendous volume of LSS material to be processed and the relatively high cost of editing converted electronic text to a high standard, it would be very costly to require that every page of electronic text meets the established standard. LSSA proposes to accept batches of material that have no more than 1% substandard pages. However, no page will be accepted if the text accuracy is below 90%. Pages in the LSS with substandard electronic text that cause problems for LSS users will be corrected to standard.</p>

Compliance Assessment Method
Text characters from representative samples drawn from batches of material loaded to the LSS will be compared to the corresponding digital image characters at the LSSA QA Facility.

**GROUP 2 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARD
AND REJECTION/RESUBMISSION THRESHOLDS**

2.E	Commitment -- Technical Data Package (Raw Data) Preparation
	All LSS participants will assemble and prepare their LSS documentary material qualifying as Technical Data Packages in accordance with established guidance. If necessary, DOE will "electronically assemble" Technical Data Packages for submission to the LSS in accordance with LSSA guidance. [§2.1003]

Processing Standard
<p>Standard: All participants -- all packages will have a proper Table of Contents and otherwise conform to LSSA guidance; DOE only -- any required electronic links from the package components to the Table of Contents will be present and correct.</p> <p>Rationale: If the material supporting a technical investigation is not properly submitted as a "package", then LSS users will be unable to identify and/or examine all material supporting a particular investigation.</p>

Rejection/Resubmission Threshold
<p>Threshold: Technical Data Packages will be rejected if there is any deviation from the standard.</p> <p>Rationale: Tables of Contents and linkages are critical LSS features that permit effective use of the system. Technical Data Package components that cannot be located or associated with a specific investigation would raise questions about the integrity of the LSS database.</p>

Compliance Assessment Method
The LSSA will examine all individual Technical Data Package submissions that have been loaded to the LSS at its QA Facility.

**GROUP 2 -- COMMITMENTS WITH SPECIFIC PROCESSING STANDARD
AND REJECTION/RESUBMISSION THRESHOLDS**

2.F	Commitment -- Amendments After Verification Period
	After the verification period in Commitment 3.L has expired, all LSS participants needing to amend a submission due to missing or incorrect pages will submit a complete new header and corrected images to the LSSA in accordance with Commitments 1.F, 2.B and 2.C. [\$2.1004]

Processing Standard
Standard: Same as for Commitments 1.F, 2.B and 2.C.
Rationale: If errors found by participants are not corrected and resubmitted in a proper and timely manner, users may either be relying on incorrect material or be unable to locate or know of the existence of certain material. Without the timely submission of new updated headers with the correct pages, LSS users will not be aware of the changes and updates to the LSS database. This will lead to a degradation in user confidence in the usefulness of the LSS as a discovery database.

Rejection/Resubmission Threshold
Threshold: Same as for Commitments 1.F, 2.B and 2.C.
Rationale: Same as for Commitments 1.F, 2.B and 2.C.

Compliance Assessment Method
See Compliance Assessment Methods for Commitments 1.F, 2.B and 2.C.

**GROUP 3 -- COMMITMENTS WITHOUT SPECIFIC PROCESSING
STANDARDS AND COMPLIANCE THRESHOLDS**

3.A	Commitment -- Designated LSS Official
	All potential LSS participants will identify a DLO who will be responsible for the administration of their LSS responsibilities under the LSS Rule. [§2.1009]

3.B	Commitment -- Petitions for Access
	All potential LSS participants will petition the PAPO for access to the LSS in accordance with the LSS Rule. [§2.1008]

3.C	Commitment -- Compliance Program Plan
	As a condition for gaining access to the LSS, all potential LSS participants will develop and submit to the LSSA for review and approval a Compliance Program Plan in accordance with the <i>LSSA Guidance on the Format and Content of LSS Participant Compliance Program Plans</i> .

3.D	Commitment -- Complying with Orders
	All LSS participants will comply with orders of either the PAPO, the PO, or the Commission as a condition to retaining access to the LSS. [§2.1012]

3.E	Commitment -- LSS Audits
	LSS participants will cooperate with LSSA's audits of their document processing activities and agree to LSSA observation of any audits the LSS participant may conduct.

**GROUP 3 -- COMMITMENTS WITHOUT SPECIFIC PROCESSING
STANDARDS AND COMPLIANCE THRESHOLDS**

3.F	Commitment -- Access to Material Not Suitable for Entry
	All LSS participants will provide access to their non-privileged LSS documentary material that is not suitable for entry into the LSS in accordance with required LSS access protocols or through entry upon land for inspection or for other purposes pursuant to §2.1020. [§2.1003]
3.G	Commitment -- DLO Certifications
	Participant DLOs will accurately certify compliance with all LSS commitments every six months in accordance with LSSA-established format and on a schedule specified by the LSSA. [§2.1009]
3.H	Commitment -- Participants' Written Procedures
	All LSS participants will establish written procedures to implement their responsibilities under the LSS Rule. [§2.1009]
3.I	Commitment -- Participants' Training
	All LSS participants will provide adequate training for their staff and their contractors' staff producing and/or processing LSS material. [§2.1009] Participants and their contractors who will use the LSS must receive LSSA-required training before using the system.
3.J	Commitment -- Reporting Requirements
	All LSS participants will submit to the LSSA: a) complete and accurate periodic reports/data pertaining to their document processing plans and activities in accordance with LSSA-established (and LSSARP-reviewed) formats; and, b) paper copies of any screened documentary material needed by LSSA for either quality assurance or other verification purposes.

**GROUP 3 -- COMMITMENTS WITHOUT SPECIFIC PROCESSING
STANDARDS AND COMPLIANCE THRESHOLDS**

3.K	Commitment -- Duplicate Elimination
	All LSS participants will make a reasonable effort to minimize the submission of duplicates of their LSS material previously submitted to the LSS. The LSSA, through the LSS, will also identify duplicates that will occur within and among various LSS participants' submissions.

3.L	Commitment -- Amendments Within Verification Period
	Within the LSS Rule's prescribed verification periods, all LSS participants will make a reasonable effort to verify the accuracy of their LSS documentary material entered into the LSS and notify LSSA of any errors. [§2.1004]

3.M	Commitment -- Contractor Compliance with LSS Rule
	All LSS participants will ensure that their contractors, consultants, grantees, or other agents, comply with the applicable requirements of the LSS Rule and derivative LSSA guidance.

3.N	Commitment -- LSS Access Privileges
	No LSS participant will abuse its LSS access privileges in ways that purposefully interfere with the ability of other users to have full and ready access to the LSS database or otherwise purposefully place unnecessary burden on the system.

3.O	Commitment -- Participants' Costs
	All LSS participants will pay for their own LSS computer facilities, to include workstations (hardware and software) and any local area networks. Participants will also pay for the telephone connect charges they incur to access the LSS database. Participants will also pay for paper copies ordered on line through the LSS, unless a fee waiver for the paper copies has been approved by the LSSA. [§2.1007]

GROUP 3 -- COMMITMENTS WITHOUT SPECIFIC PROCESSING STANDARDS AND COMPLIANCE THRESHOLDS

3.P	Commitment -- FOIA Responsibilities
	Federal Government LSS participants will respond to any FOIA requests for the LSS documentary material they have submitted to the LSS. [§2.1007]

3.Q	Commitment -- Public Access Terminals
	NRC and DOE will provide terminals for public access to the LSS. [§2.1007]

DEFINITION OF TERMS AND LISTING OF ACRONYMS

TERMS

backlog	LSS documentary material which was generated by, at the direction of, or acquired by an LSS participant prior to the availability of the LSS (for NRC and DOE) or the granting of LSS access (for all other participants). (§ 2.1003)
backlog repository	A collection of records or other information under the control of an LSS participant or its contractors which contains backlog. These collections must be identified to the LSSA by a participant's Designated LSS Official.
cited for noncompliance	<p>An action taken by the LSSA in response to a participant's failure to act in accordance with its responsibilities under the LSS Rule. This includes the violation of standards established by the LSSA based on LSSA responsibilities under the LSS Rule. A citation for non-compliance will be reported to the Pre-License Application Presiding Officer or the Presiding Officer, as appropriate, and is a last recourse after prior efforts to address the shortcomings have failed. (§ 2.1012)</p> <p>A participant may appeal a citation for non-compliance to the Pre-License Application Presiding Officer or Presiding Officer, as appropriate.</p>
Designated LSS Official (DLO)	An official designated by each LSS participant as the LSS point-of-contact, who will be responsible for administering its LSS responsibilities and for certifying compliance with the <i>LSS Participant Commitments</i> . (§ 2.1009)

documentary material	Any material or other information that is relevant to, or likely to lead to the discovery of information that is relevant to, the licensing of the likely candidate site for a geologic repository. The scope of documentary material shall be guided by the topical guidelines in the applicable NRC Regulatory Guide. (§ 2.1001)
documentary material not suitable for entry into the LSS	Any documentary material that is not available in either image or full-text format, e.g., a soil sample. Such material is to be described in the LSS by means of a sufficiently descriptive bibliographic header, which will contain information about how to access the material. (§ 2.1003)
generation/acquisition source	Any organizational unit of an LSS participant, e.g., offices, branches, departments, that has program responsibility to either create or acquire potentially relevant LSS material and any of its contractors that may produce or acquire potentially relevant LSS material.
granting of access to the LSS	Section 2.1008 of the LSS Rule sets forth the procedures for a potential party to petition for access to the LSS. The Pre-License Application Presiding Officer (PAPO) will rule on all such petitions for access. In order to gain access, the participant must agree to comply with all orders of the PAPO and all LSS regulations.
high-level radioactive waste (HLW)	The most radioactive category of nuclear waste, e.g., spent fuel from nuclear power plants and the waste from defense activities. HLW usually decays or loses radioactivity rapidly. However, HLW also contains elements that decay very slowly and remain radioactive for thousands of years. (See 10 CFR Part 60, Subpart A, Section 60.2).
image	A visual likeness of a document presented on a paper copy, microform, or a bit-map on optical or magnetic media. (§ 2.1001)

LSS Administrator (LSSA)	The person within the U.S. Nuclear Regulatory Commission responsible for administration, management, and operation of the LSS. The LSSA shall not be in any organizational unit that either represents the NRC staff as a party to the high-level waste licensing proceeding or is a part of the management chain reporting to the Director of the Office of Nuclear Material Safety and Safeguards. The organizational unit within the NRC selected to be the LSSA shall not be considered to be a party to the proceeding. (§ 2.1001)
LSS Advisory Review Panel (LSSARP)	The LSSA established the LSSARP, whose members are responsible for providing advice to DOE on the design and development of the computer system necessary to implement the LSS and to the LSSA on the operation and maintenance of the LSS, in addition to other duties specified in § 2.1011 of the LSS Rule.
LSS participant, or participant	A party, potential party, or interested governmental participant to the HLW geologic repository licensing proceeding, as those terms are defined in § 2.1001 of the LSS Rule.
non-privileged material	Documentary material that is not identified by a participant as confidential, proprietary, or classified, and which must be submitted to the LSS. (See also Section 2.1006 of the Supplementary Information to the LSS Rule for a description of types of privileged materials.)
Pre-License Application Presiding Officer	One or more members of the Commission, or an atomic safety and licensing board, or a named officer who has been delegated final authority in the pre-license application phase with jurisdiction specified at the time of designation. (§ 2.1001)
Presiding Officer (PO)	One or more members of the Commission, or an Atomic Safety and Licensing Board, or a named officer who has been delegated final authority in the HLW proceeding after DOE's license application has been docketed. (§ 2.1001)

public

Any non-participants interested in the DOE licensing proceedings. Public access to the LSS will be provided by the LSSA at all locations specified in paragraphs (a)(1) and (a)(2) of Section 2.1007 of the LSS Rule, after a notice of hearing has been issued.

sanction

A penalty that the PAPO, the PO, or the Commission may impose on an LSS participant for misconduct, noncompliance, or failure to fulfill its obligations under the Rule. One such penalty, as stated in Section 2.1012 of the LSS Rule, is suspension or termination of access to the LSS.

ACRONYMS

ASCII	American Standard Code for Information Interchange
Commission	Nuclear Regulatory Commission
DLO	Designated LSS Official
DOE	Department of Energy
HLW	High-Level Radioactive Waste
LSS	Licensing Support System
LSSA	Licensing Support System Administrator
LSSARP	Licensing Support System Advisory Review Panel
NRC	Nuclear Regulatory Commission
O&M	Operations and Maintenance
PAPO	Pre-license Application Presiding Officer
PO	Presiding Officer
QA	Quality Assurance
QC	Quality Control