

November 10, 1992

MEMORANDUM FOR: Stuart A. Treby, Assistant General Counsel for Rulemaking  
and Fuel Cycle, OGC

FROM: Lloyd J. Donnelly, LSS Administrator **Original Signed By**

SUBJECT: DRAFT CHANGES TO LSS RULE

As you know, the Commission has directed this office to analyze alternative ways to operate and maintain the Licensing Support System (LSS) and that these analyses include any rule changes needed to implement them.

The three alternatives being reviewed are listed on Enclosure 1. The corresponding draft rule changes we are proposing are shown in Enclosure 2. Some of the rule changes apply to more than one alternative, while others are unique to the particular alternative being examined. Those that apply to more than one alternative are so identified.

As agreed at the LSS Internal Steering Committee (LSSISC) meeting on November 3, 1992, I am first forwarding these proposed changes for your review and comment. I would appreciate receiving your comments by November 30, 1992. I will then send a revised draft to the other offices on the LSSISC for their review and comment.

Enclosures:  
As Stated

cc w/encl:  
F.X. Cameron, OGC

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DRAFT

## LSS Alternatives

1. DOE would design, develop, and install the LSS capture and LSS information storage and dissemination systems for the NRC in accordance with system requirements proposed by DOE and approved by NRC, using INFOTREAMS designs/technology. DOE would fully capture its own LSS material using INFOTREAMS. NRC would not accept DOE's license application until DOE had met specific obligations related to the system and the loading of the LSS database. To provide the highest assurance that the LSS would operate in an unbiased manner and that the integrity of the LSS database would be maintained, NRC would operate and maintain the LSS information storage and dissemination system, capture non-DOE LSS material, perform compliance evaluations (audits and quality assurance) of all LSS participants' document processing activities, provide user training and support, and provide hearing support. NRC would fund only the cost of operations and maintenance for the capture of non-DOE LSS material; DOE would fund all other system-related LSS activities.
2. DOE would design, develop, and install the LSS as an information storage and dissemination system for the NRC in accordance with system requirements proposed by DOE and approved by NRC, using INFOTREAMS designs/ technology; DOE would fully capture non-DOE LSS material as well as its own LSS material using INFOTREAMS. NRC would not accept DOE's license application until DOE had met specific obligations related to the system and the loading of the LSS database. To provide high assurance that the LSS would operate in an unbiased manner and that the integrity of the LSS database would be maintained, NRC would operate and maintain the LSS information storage and dissemination system and perform compliance evaluations of all LSS participants' document processing activities, with a higher level of quality assurance performed on non-DOE LSS material processed by DOE, provide user training and support, and provide hearing support. DOE would fund all system-related LSS activities.
3. DOE would design, develop, install, and operate and maintain the LSS information storage and dissemination capability within INFOTREAMS in accordance with system requirements proposed by DOE and approved by NRC, using INFOTREAMS designs/technology; DOE would fully capture non-DOE LSS material as well as its own LSS material using INFOTREAMS. NRC would not accept DOE's license application until DOE had met specific obligations related to the system and the loading of the LSS database. To provide assurance that the LSS would operate in an unbiased manner and that the integrity of the LSS database would be maintained, NRC would monitor and oversee DOE's operation of the LSS and perform compliance evaluations of all LSS participants' document processing activities, with a higher level of quality assurance performed on non-DOE LSS material processed by DOE, and provide hearing support. DOE would fund all system-related LSS activities.

### Changes Required to the LSS Rule Under Alternative 1

**Current Rule:** Timeframes for system availability and for database loading and availability are not very specific in the current rule. The Supplementary Information only states that the Commission anticipates that LSS participants will have access to the LSS well before the license application is submitted, and the rule (2.1003) only implies that the database must be fully loaded six months before the license application is submitted under Subpart J.

**Reason for Change:** To successfully support the license review and hearing process as envisioned in the LSS rule, the LSS must be substantially loaded and fully available for use by all LSS participants for a reasonable period of time before DOE submits its license application. To guarantee that this timeframe is met, DOE should be required to design, develop, and install the LSS, and process its material for loading into the LSS database on a schedule that is tied to NRC's acceptance of the license application. Likewise, NRC must make its LSS material available for processing in a timely manner. Also, NRC must have the capability to capture non-DOE LSS material for timely processing.

#### Change Required:

2.1002(\*) NRC will not accept DOE's license application for review for docketing until the LSS Administrator has certified that:

(1) The Licensing Support System has been available for large scale database loading for at least 48 months.

(2) The Licensing Support System capture capability has been fully available for use by the NRC for at least 48 months.

(3) The Licensing Support System storage and dissemination capability has been operated in a fully functional mode for at least 36 months.

(4) At least 50% of all DOE and NRC backlogged LSS material has been submitted and loaded for at least 36 months, 75% for at least 24 months, and 100% for at least 6 months. Reasonably contemporaneous material (submitted after the LSS is available) will be loaded promptly upon receipt.

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#### Current Rule: 2.1003(h)(3)

**Reason for Change:** Since DOE's application will not be accepted for review for docketing until the LSS has been available for use for 36 months and until the database is substantially loaded, Subpart G no longer applies.

#### Change Required:

~~(i) In the event that the LSS Administrator does not certify substantial compliance under paragraph (h)(1) of this section, the proceeding on the application for a license to receive and possess high level radioactive~~

~~waste at a geologic repository operations area shall be governed by Subpart G of this part.~~

~~(ii) If, subsequent to the submission of such application under Subpart G of this part, the LSS Administrator issues the certification described in paragraph (h)(1) of this section, the Commission may, upon request by any party or interested governmental participant to the proceeding, specify the extent to which the provisions of Subpart J of this part may be used in the proceeding.~~

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**Current Rule: 2.1003(b)**

**Reason for Change:** This section addresses minimum material preparation requirements for all LSS participants. DOE will now be using its electronic information management system to prepare its LSS material to a much greater extent than currently required by the rule. The rule needs to reflect this distinction because it eliminates a substantial amount of workload from the LSS.

**Change Required:**

Subject to the exclusions in §2.1005 of this subpart, and subject to paragraphs (c) and (d) of this section, the ~~DOE and the NRC~~ shall submit to the LSS Administrator -

(1) an ASCII file, an image and a bibliographic header, reasonably contemporaneous with its creation or acquisition, for all documentary material (including circulated drafts but excluding preliminary drafts) generated by, or at the direction of, or acquired by, the ~~DOE or the NRC~~ after the date on which the Licensing Support System is available for access.

(2) An ASCII file, an image, and a bibliographic header no later than six months before the license application is submitted under §60.22 of this chapter for all documentary material (including circulated drafts but excluding preliminary drafts) generated by, or at the direction of, or acquired by, the ~~DOE or the NRC~~ on or before the date on which the Licensing Support System is available for access.

**2.1003(\*)** Subject to the exclusions in §2.1005 of this subpart, and subject to paragraphs (c) and (d) of this section, the DOE shall -

(1) Electronically capture (utilize, prepare a full electronic header for each unit, except for header fields that only the LSS Administrator can create, eliminate duplicates among DOE's collection of LSS material, set record pointers, maintain audit trails and create ASCII text and bit-mapped images to LSS standards) and forward to the LSS Administrator reasonably contemporaneous with its creation or acquisition, all documentary material (including circulated drafts but excluding preliminary drafts) generated by or at the direction of, or acquired by, the DOE after the date on which the Licensing Support System is available for access.

(2) Electronically capture (unitize, prepare a full electronic header for each unit, except for header fields that only the LSS Administrator can create, eliminate duplicates among DOE's collection of LSS material, set record pointers, maintain audit trails, create ASCII text and bit-mapped images to LSS standards) and forward to the LSS Administrator no later than six months before the license application is submitted under §60.22 of this chapter, all documentary material (including circulated drafts but excluding preliminary drafts) generated by, or at the direction of, or acquired by, the DOE on or before the date on which the Licensing Support System is available for access (the backlog).

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**Current Rule:** 2.1011(a)

**Reason for Change:** This requirement has been satisfied and is no longer required in the rule.

**Change Required:**

~~The Licensing Support System shall be administered by the LSS Administrator who will be designated within sixty days after the effective date of the rule.~~

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**Current Rule:** 2.1011(b)(1)

**Reason for Change:** The rule must be changed to show that DOE will design and develop the LSS according to specifications developed by DOE and approved by the LSS Administrator.

**Change Required:**

Consistent with the requirements in this subpart, and in consultation with the LSS Administrator, DOE shall be responsible for the design, and development and installation of the computer system, procedures and services necessary to implement the Licensing Support System. DOE will do the above in accordance with system requirements (functional, performance and operational) developed by DOE and approved by the LSS Administrator. In doing so, DOE will be responsible for the procurement of computer hardware and software, and, with the concurrence of the LSS Administrator, the follow-on redesign and procurement of equipment necessary to maintain the Licensing Support System.

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**Current Rule:** 2.1011(b)(2)

**Reason for Change:** LSSA should be represented on any of DOE's LSS-related procurements to help assure that the system will meet performance standards and database quality/integrity requirements. With LSS development being tied to DOE's electronic information management system, it is not clear how much new procurement activity would be undertaken by DOE.

**Change Required:**

With respect to the ~~any~~ procurement undertaken pursuant to paragraph (b)(1) of this section, a representative of the LSS Administrator shall participate as a member of the Source Evaluation Panel for such procurement.

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**Current Rule: 2.1011(d)(5)**

**Reason for Change:** The rule must be changed to show that DOE will design and develop the LSS according to specifications proposed by DOE and approved by the LSS Administrator.

**Change Required:**

~~Consult with DOE on the design and development of the Licensing Support System Review and approve system functional, performance and operational requirements for the design, development, installation, redevelopment, operation and maintenance of the LSS under paragraph (b) of this section;~~

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**Current Rule: 2.1011(\*)**

**Reason for Change:** Standards, procedures, and instructions need to be developed and maintained for the coding of LSS materials in the LSS bibliographic header and in the additional fields for the full LSS header. Also, there are several potentially large header-field authority files that must be developed and maintained during the life of the LSS. The largest, most significant such file is the LSS Thesaurus of Subject Descriptors. The rule does not clearly state who is responsible for the initial development of the header coding requirements, including the authority files. However, the Supplemental Material on Section 2.1003 did state that: "the format criteria for the submission and acceptance of ASCII, images, and headers will be initially established by DOE in concert with the LSS Advisory Committee established pursuant to proposed section 2.1011(e)(2), to be later supplemented as necessary by the LSS Administrator in concert with the LSS Advisory Review Panel." Section 2.1011(d)(11) does state that the LSSA shall "maintain the thesaurus and authority tables for the Licensing Support System." The rule needs to be changed to clearly establish that DOE has the responsibility for initial development and for maintenance of the standards and associated materials related to the preparation, submission, and final processing of LSS materials. DOE should develop and maintain these materials because it has most of the material and because it will have to maintain its own manuals and authority files anyway. It is most cost and programmatically effective to have them as integrated as possible. The LSSA and the LSSARP will have a comment and consultative role.

**Change Required:**

~~DOE shall develop criteria for the submission and acceptance of ASCII, images, and headers, including standards, procedures and manuals for the coding of the bibliographic and full headers and all associated authority~~

files and thesauri. Initially, DOE shall provide draft standards and procedures to the LSSA and the LSSARP for their review and comment. Inasmuch as possible, the DOE shall incorporate comments and distribute the revised standards and procedures for use by LSS participants. The DOE shall maintain these materials, seeking input from LSS participants as appropriate.

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**Current Rule:** 2.1011(d):

**Reason for Change:** See reason given for 2.1011, above.

**Change Required:**

(11) ~~Maintain the thesaurus and authority tables for the Licensing Support System;~~ Provide comments to DOE on standards and procedures for the submission and acceptance of ASCII, images, and headers for the coding of the bibliographic and full headers and all associated authority files and thesauri.

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**Current Rule:** 2.1011(f)(1)

**Reason for Change:** The rule must be changed to show that the LSS Advisory Review Panel will advise DOE and the LSS Administrator on system requirements germane to the use of the LSS.

**Change Required:**

The LSS Advisory Review Panel shall provide advice to -- (i) DOE and the LSS Administrator on the fundamental issues of the design and development of the computer system necessary to implement system requirements germane to the use of the Licensing Support System to be developed and implemented under paragraph (b) of this section; and

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**Current Rule:** Not addressed in current rule.

**Reason for Change:** Budget responsibility is not discussed in the LSS rule and has been a problem among OMB, DOE, and NRC. This section assigns budget responsibilities for the LSS.

**Change Required:**

DOE will fully fund the design, development, installation, operation and maintenance of the Licensing Support System, except that NRC will fund the operation and maintenance costs associated with the capture of non-DOE LSS material.

### Changes Required to the LSS Rule Under Alternative 2

**Current Rule:** Timeframes for system availability and for database loading and availability are not very specific in the current rule. The Supplementary Information only states that the Commission anticipates that LSS participants will have access to the LSS well before the license application is submitted, and the rule (2.1003) only implies that the database must be loaded six months before the license application is submitted under Subpart J.

**Reason for Change:** To successfully support the license review and hearing process as envisioned in the LSS rule, the LSS must be substantially loaded and fully available for use by all LSS participants for a reasonable period of time before DOE submits its license application. To guarantee that this timeframe is met, DOE should be required to design, develop, and install the LSS, and process all material for loading into the LSS database on a schedule that is tied to NRC's acceptance of the license application. Likewise, NRC must make its LSS material available for processing in a timely manner.

#### Change Required:

2.1002(\*) NRC will not accept DOE's license application for review for docketing until the LSS Administrator has certified that:

(1) The Licensing Support System has been available for large scale database loading for at least 48 months.

(2) The Licensing Support System storage and dissemination capability has been operated in a fully functional mode for at least 36 months.

(3) At least 50% of all DOE and NRC backlogged LSS material has been submitted and loaded for at least 36 months, 75% for at least 24 months, and 100% for at least 6 months. Reasonably contemporaneous material (submitted after the LSS is available) will be loaded promptly upon receipt.

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**Current Rule:** 2.1003(h)(3)

**Reason for Change:** Since DOE's application will not be accepted for review for docketing until the LSS has been available for use for 36 months and until the database is substantially loaded, Subpart G no longer applies.

#### Change Required:

**NOTE:** Same as Alternative 1.

~~(i) In the event that the LSS Administrator does not certify substantial compliance under (h)(i) of this section, the proceeding on the application for a license to receive and possess high level radioactive waste at a geologic repository operations area shall be governed by Subpart G of this part.~~

~~(ii) If, subsequent to the submission of such application under Subpart G of this part, the LSS Administrator issues the certification described in paragraph (h)(1) of this section, the Commission may, upon request by any party or interested governmental participant to the proceeding, specify the extent to which the provisions of Subpart J of this part may be used in the proceeding.~~

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**Current Rule:** 2.1003(b)

**Reason for Change:** This section addresses minimum material preparation requirements for all LSS participants. DOE will now be using its electronic information management system to prepare its LSS material to a much greater extent than currently required by the rule. The rule needs to reflect this distinction because it eliminates a substantial amount of workload from the LSS.

**Change Required:**

**NOTE:** Same as Alternative 1 except for last paragraph.

Subject to the exclusions in §2.1005 of this subpart, and subject to paragraphs (c) and (d) of this section, the DOE and the NRC shall submit to the LSS Administrator -

(1) an ASCII file, an image and a bibliographic header, reasonably contemporaneous with its creation or acquisition, for all documentary material (including circulated drafts but excluding preliminary drafts) generated by, or at the direction of, or acquired by, the DOE or the NRC after the date on which the Licensing Support System is available for access.

(2) An ASCII file, an image, and a bibliographic header no later than six months before the license application is submitted under §60.22 of this chapter for all documentary material (including circulated drafts but excluding preliminary drafts) generated by, or at the direction of, or acquired by, the DOE or the NRC on or before the date on which the Licensing Support System is available for access.

2.1003(\*) Subject to the exclusions in §2.1005 of this subpart, and subject to paragraphs (c) and (d) of this section, the DOE shall -

(1) Electronically capture (unitize, prepare a full electronic header for each unit, except for header fields that only the LSS Administrator can create, eliminate duplicates among DOE's collection of LSS material, set record pointers, maintain audit trails and create ASCII text and bit-mapped images to LSS standards) and forward to the LSS Administrator reasonably contemporaneous with its creation or acquisition, all documentary material (including circulated drafts but excluding preliminary drafts) generated by or at the direction of, or acquired by, the DOE after the date on which the Licensing Support System is available for access.

(2) Electronically capture (unitize, prepare a full electronic header for each unit, except for header fields that only the LSS Administrator can create, eliminate duplicates among DOE's collection of LSS material, set record pointers, maintain audit trails, create ASCII text and bit-mapped images to LSS standards) and forward to the LSS Administrator no later than six months before the license application is submitted under 56D.22 of this chapter, all documentary material (including circulated drafts but excluding preliminary drafts) generated by, or at the direction of, or acquired by, the DOE on or before the date on which the Licensing Support System is available for access (the backlog).

(3) Electronically capture (complete a full electronic header for each unit, except for header fields that only the LSS Administrator can create, eliminate duplicates, set record pointers, maintain audit trails, create ASCII text and bit-mapped images) all non-DOE LSS participants' LSS material submitted to it by the LSS Administrator. This LSS material will be processed within specific timeframes and rates determined by the LSS Administrator.

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**Current Rule:** 2.1011(a)

**Reason for Change:** This requirement has been satisfied and is no longer required in the rule.

**Change Required:**

**NOTE:** Same as Alternative 1.

~~The Licensing Support System shall be administered by the LSS Administrator who will be designated within sixty days after the effective date of the rule.~~

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**Current Rule:** 2.1011(b)(1)

**Reason for Change:** The rule must be changed to show that DOE will design and develop the LSS according to specifications developed by DOE and approved by the LSS Administrator.

**Change Required:**

**NOTE:** Same as Alternative 1.

Consistent with the requirements in this subpart, and in consultation with the LSS Administrator, DOE shall be responsible for the design, and development and installation of the computer system, procedures and services necessary to implement the Licensing Support System. DOE will do the above in accordance with system requirements (functional, performance and operational) developed by DOE and approved by the LSS Administrator. In doing so, DOE will be responsible for the procurement of computer hardware and software, and, with the concurrence of the LSS Administrator, the follow-on redesign and procurement of equipment necessary to maintain the Licensing Support System.

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**Current Rule: 2.1011(b)(2)**

**Reason for Change:** LSSA should be represented on any of DOE's LSS-related procurements to help assure that the system will meet performance standards and database quality/integrity requirements. With LSS development being tied to DOE's electronic information management system, it is not clear how much new procurement activity would be undertaken by DOE.

**Change Required:**

**NOTE: Same as Alternative 1.**

With respect to the ~~any~~ procurement undertaken pursuant to paragraph (b)(1) of this section, a representative of the LSS Administrator shall participate as a member of the Source Evaluation Panel for such procurement.

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**Current Rule: 2.1011(d)(5)**

**Reason for Change:** The rule must be changed to show that DOE will design and develop the LSS according to specifications proposed by DOE and approved by the LSS Administrator.

**Change Required:**

**NOTE: Same as Alternative 1.**

~~Consult with DOE on the design and development of the Licensing Support System Review and approve system functional, performance and operational requirements for the design, development, installation, redevelopment, operation and maintenance of the LSS under paragraph (b) of this section;~~

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**Current Rule: 2.1011(\*)**

**Reason for Change:** Standards, procedures, and instructions need to be developed and maintained for the coding of LSS materials in the LSS bibliographic header and in the additional fields for the full LSS header. Also, there are several potentially large header-field authority files that must be developed and maintained during the life of the LSS. The largest, most significant such file is the LSS Thesaurus of Subject Descriptors. The rule does not clearly state who is responsible for the initial development of the header coding requirements, including the authority files. However, the Supplemental Material on Section 2.1003 did state that: "the format criteria for the submission and acceptance of ASCII, images, and headers will be initially established by DOE in concert with the LSS Advisory Committee established pursuant to proposed section 2.1011(e)(2), to be later supplemented as necessary by the LSS Administrator in concert with the LSS Advisory Review Panel." Section 2.1011(d)(11) does state that the LSSA shall "maintain the thesaurus and authority tables for the Licensing Support System." The rule needs to be changed to clearly establish that DOE has the responsibility for initial development and for maintenance of the standards and associated materials related to the preparation, submission, and final processing of LSS materials. DOE should develop and maintain these materials because it has

most of the material and because it will have to maintain its own manuals and authority files anyway. It is most cost and programmatically effective to have them as integrated as possible. The LSSA and the LSSARP will have a comment and consultative role.

**Change Required:**

**NOTE:** Same as Alternative 1.

DOE shall develop criteria for the submission and acceptance of ASCII, images, and headers, including standards, procedures and manuals for the coding of the bibliographic and full headers and all associated authority files and thesauri. Initially, DOE shall provide draft standards and procedures to the LSSA and the LSSARP for their review and comment. Inasmuch as possible, the DOE shall incorporate comments and distribute the revised standards and procedures for use by LSS participants. The DOE shall maintain these materials, seeking input from LSS participants as appropriate.

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**Current Rule:** 2.1011(d):

**Reason for Change:** See reason given for 2.1011(\*), above.

**Change Required:**

**NOTE:** Same as Alternative 1.

(11) ~~Maintain the thesaurus and authority tables for the Licensing Support System;~~ Provide comments to DOE on standards and procedures for the submission and acceptance of ASCII, images, and headers for the coding of the bibliographic and full headers and all associated authority files and thesauri.

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**Current Rule:** 2.1011(f)(1)

**Reason for Change:** The rule must be changed to show that the LSS Advisory Review Panel will advise DOE and the LSS Administrator on system requirements germane to the use of the LSS.

**Change Required:**

The LSS Advisory Review Panel shall provide advice to -- (i) DOE and the LSS Administrator on the fundamental issues of the design and development of the computer system necessary to implement system requirements germane to the use of the Licensing Support System to be developed and implemented under paragraph (b) of this section; and

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**Current Rule:** Not addressed in current rule.

**Reason for Change:** Budget responsibility is not discussed in the LSS rule and has been a problem among OMB, DOE, and NRC. This section assigns budget responsibility for the LSS.

**Change Required:**

DOE will fully fund the design, development, installation, operation and maintenance of the Licensing Support System.

### Changes Required to the LSS Rule Under Alternative 3

**Current Rule:** Timeframes for system availability and for database loading and availability are not very specific in the current rule. The Supplementary Information only states that the Commission anticipates that LSS participants will have access to the LSS well before the license application is submitted, and the rule (2.1003) only implies that the database must be fully loaded six months before the license application is submitted under Subpart J.

**Reason for Change:** To successfully support the license review and hearing process as envisioned in the LSS rule, the LSS must be substantially loaded and fully available for use by all LSS participants for a reasonable period of time before DOE submits its license application. To guarantee that this timeframe is met, DOE should be required to design, develop, and install the LSS, and process and load all material into the LSS database on a schedule that is tied to NRC's acceptance of the license application. Likewise, NRC must make its LSS material available for processing in a timely manner.

**Change Required:**

**NOTE:** Same as Alternative 2.

2.1002(\*) NRC will not accept DOE's license application for review for docketing until the LSS Administrator has certified that:

(1) The Licensing Support System has been available for large scale database loading for at least 48 months.

(2) The Licensing Support System storage and dissemination capability has been operated in a fully functional mode for at least 36 months.

(3) At least 50% of all DOE and NRC backlogged LSS material has been submitted and loaded for at least 36 months, 75% for at least 24 months, and 100% for at least 6 months. Reasonably contemporaneous material (submitted after the LSS is available) will be loaded promptly upon receipt.

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**Current Rule:** 2.1003(h)(3)

**Reason for Change:** Since DOE's application will not be accepted for review for docketing until the LSS has been available for use for 36 months and until the database is substantially loaded, Subpart G no longer applies.

**Change Required:**

**NOTE:** Same as Alternatives 1 and 2.

~~(i) In the event that the LSS Administrator does not certify substantial compliance under paragraph (h)(1) of this section, the proceeding on the application for a license to receive and possess high level radioactive~~

~~waste at a geologic repository operations area shall be governed by Subpart G of this part.~~

~~(ii) If, subsequent to the submission of such application under Subpart G of this part, the LSS Administrator issues the certification described in paragraph (h)(1) of this section, the Commission may, upon request by any party or interested governmental participant to the proceeding, specify the extent to which the provisions of Subpart J of this part may be used in the proceeding.~~

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**Current Rule: 2.1001**

**Reason for Change:** Given that DOE will be operating the LSS, the definition for the LSS Administrator must be changed to delete responsibility for LSS operation. Standards setting and compliance evaluation are being added to more clearly articulate the LSSA responsibilities in these areas.

**Change Required:**

"LSS Administrator" means the person within the U.S. Nuclear Regulatory Commission responsible for ~~administration, management and operation of the Licensing Support System~~ approving LSS system requirements (functional and performance), reviewing DOE-developed standards for the identification, preparation and submission of LSS material, assuring the quality of the LSS database, and evaluating compliance of DOE and other LSS participants with the requirements of this subpart. \* \* \*

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**Current Rule: 2.1003(b)**

**Reason for Change:** This section addresses minimum material preparation requirements for all LSS participants. DOE will now be using its electronic information management system to prepare all LSS material. The rule needs to reflect this distinction.

**Change Required:**

Subject to the exclusions in §2.1005 of this subpart, and subject to paragraphs (c) and (d) of this section, the ~~DOE and the~~ NRC shall submit to the LSS Administrator -

(1) an ASCII file, an image and a bibliographic header, reasonably contemporaneous with its creation or acquisition, for all documentary material (including circulated drafts but excluding preliminary drafts) generated by, or at the direction of, or acquired by, the ~~DOE or the~~ NRC after the date on which the Licensing Support System is available for access.

(2) An ASCII file, an image, and a bibliographic header no later than six months before the license application is submitted under §60.22 of this chapter for all documentary material (including circulated drafts but

excluding preliminary drafts) generated by, or at the direction of, or acquired by, the DOE ~~or the~~ NRC on or before the date on which the Licensing Support System is available for access.

2.1003(\*) Subject to the exclusions in §2.1005 of this subpart, and subject to paragraphs (c) and (d) of this section, the DOE shall -

(1) Electronically capture (unitize, prepare a full electronic header for each unit, eliminate duplicates, set record pointers, maintain audit trails and create ASCII text and bit-mapped images to LSS standards) and forward to the LSS Administrator reasonably contemporaneous with its creation or acquisition, all documentary material (including circulated drafts but excluding preliminary drafts) generated by or at the direction of, or acquired by, the DOE after the date on which the Licensing Support System is available for access.

(2) Electronically capture (unitize, prepare a full electronic header for each unit, eliminate duplicates, set record pointers, maintain audit trails and create ASCII text and bit-mapped images to LSS standards) and forward to the LSS Administrator no later than six months before the license application is submitted under §60.22 of this chapter, all documentary material (including circulated drafts but excluding preliminary drafts) generated by, or at the direction of, or acquired by, the DOE on or before the date on which the Licensing Support System is available for access (the backlog).

(3) Electronically capture (complete a full electronic header for each unit, eliminate duplicates, set record pointers, maintain audit trails, create ASCII text and bit-mapped images) all non-DOE LSS participants' LSS material submitted to it by the LSS Administrator. This LSS material will be processed and loaded within specific timeframes and rates determined by the LSS Administrator.

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**Current Rule:** 2.1003(g)

**Reason for Change:** The rule must be changed because all documents will be loaded into the LSS by DOE, not the LSS Administrator, given that DOE will be operating and maintaining the LSS.

**Change Required:**

Basic licensing documents generated by DOE, such as the Site Characterization Plan, the Environmental Impact Statement, and the license application, or by NRC such as the Site Characterization Analysis, and the Safety Evaluation Report, shall be submitted ~~to the LSS Administrator~~ for loading into the LSS by the respective agency that generated the document.

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**Current Rule:** 2.1004(a)

**Reason for Change:** The rule must be changed to show that DOE will be operating and maintaining the LSS.

**Change Required:**

Within sixty days after a document has been entered into the Licensing Support System by the ~~LSS Administrator~~ DOE during the pre-license application phase, and within five days after a document has been entered into the Licensing Support System by the ~~LSS Administrator~~ DOE after the license application has been docketed, the submitter shall make reasonable efforts to verify that the document has been entered correctly, and shall notify DOE and the LSS Administrator of any errors in entry.

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**Current Rule:** 2.1007

**Reason for Change:** Given that DOE will be operating and maintaining the LSS, the rule must be changed to show that DOE will be responsible for providing public access to the LSS.

**Change Required:**

Public access to the searchable full text and images of all the documents in the Licensing Support System, not privileged under section 2.1006, shall be provided by the ~~LSS Administrator~~ DOE at all the locations specified in paragraphs (a)(1) and (a)(2) of this section after a notice of hearing has been issued pursuant to §2.101(f)(8) or §2.105(a)(5) on an application for a license to receive and possess high-level radioactive waste at a geologic repository operations area.

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**Current Rule:** 2.1010(a)(1)

**Reason for Change:** The rule must be changed to delete the LSS Administrator's responsibility for operation and maintenance of the LSS.

**Change Required:**

The Commission may designate one or more members of the Commission, or an atomic safety and licensing board, or a named officer who has been delegated final authority on the matter (Pre-License Application Presiding Officer) to rule on all ... disputes relating to the design, and development, ~~installation, operation and maintenance~~ of the Licensing Support System by DOE ~~or the operation of the Licensing Support System by the LSS Administrator~~ under §2.1011....

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**Current Rule:** 2.1011(a)

**Reason for Change:** This requirement has been satisfied and is no longer required

in the rule.

**Change Required:**

**NOTE:** Same as Alternatives 1 and 2.

~~The Licensing Support System shall be administered by the LSS Administrator who will be designated within sixty days after the effective date of the rule.~~

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**Current Rule:** 2.1011(b)(1)

**Reason for Change:** The rule must be changed to show that DOE will design and develop the LSS according to specifications developed by DOE and approved by the LSS Administrator.

**Change Required:**

Consistent with the requirements in this subpart, and in consultation with the LSS Administrator, DOE shall be responsible for the design, and development, installation, operation and maintenance of the computer system, procedures and services necessary to implement the Licensing Support System. DOE will do the above in accordance with system requirements (functional and performance) developed by DOE and approved by the LSS Administrator. In doing so, DOE will be responsible for the procurement of computer hardware and software, and, with the concurrence of the LSS Administrator, the follow-on redesign and procurement of equipment necessary to maintain the Licensing Support System.

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**Current Rule:** 2.1011(b)(2)

**Reason for Change:** LSSA should be represented on any of DOE's LSS-related procurements to help assure that the system will meet performance standards and database quality/integrity requirements. With LSS development being tied to DOE's electronic information management system, it is not clear how much new procurement activity would be undertaken by DOE.

**Change Required:**

**NOTE:** Same as Alternatives 1 and 2.

With respect to the any procurement undertaken pursuant to paragraph (b)(1) of this section, a representative of the LSS Administrator shall participate as a member of the Source Evaluation Panel for such procurement.

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**Current Rule:** 2.1011(c)(1)

**Reason for Change:** The rule currently prohibits the LSS from being part of a computer system controlled by any party to the proceeding. This change would

delete that prohibition so that DOE's electronic information management system could be used.

**Change Required:**

~~The Licensing Support System, described in §2.1002, shall not be part of any computer system that is controlled by any party, interested governmental participant, or potential party, including DOE and its contractors, or that is physically located on the premises of any party, interested governmental participant, or potential party, including DOE and that of its contractors.~~

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**Current Rule:** 2.1011(d)

**Reason for Change:** The rule must be changed to delete the LSS Administrator's responsibility for operating and maintaining the LSS and increase his oversight responsibility.

**Change Required:**

The LSS Administrator shall be responsible for the management and administration of the Licensing Support System, including the ~~have the~~ responsibility to -

(1) Implement the consensus advice of the LSS Advisory Review Panel under paragraph (f) of this section that is consistent with the requirements of this subpart;

~~(2) Provide the necessary personnel, materials, and services for operation and maintenance of the Licensing Support System.~~

(3) Identify and recommend to DOE any redesign or procurement actions necessary to ensure that the design and operation of the Licensing Support System meets the objectives of this subpart;

(4) Make a concurrence decision within thirty days of a request from DOE, on any redesign and related procurement performed by DOE under paragraph (b) of this section;

~~(5) Consult with DOE on the design and development of the Licensing Support System~~ Review and approve system functional and performance requirements developed by DOE for the design, development, installation, redevelopment, operation and maintenance of the LSS under paragraph (b) of this section;

(6) Evaluate and certify compliance with the requirements of this subpart under §2.1003(h);

~~(7) Ensure LSS availability and the integrity of the LSS data base.~~

(8) Receive and enter ~~Assure the quality of~~ the documentary material

specified in §2.1003 of this subpart into the Licensing Support System in the appropriate format as it is entered into the LSS database;

(9) ~~Maintain security for the Licensing Support System data base, including assigning Control DOE's issuance/withdrawal of user password security codes;~~

(10) Establish access protocols for raw data, field notes, and other items covered by §2.1003(c) of this subpart;

(11) ~~Maintain the thesaurus and authority tables for the Licensing Support System;~~ Provide comments to DOE on standards and procedures for the submission and acceptance of ASCII, images, and headers for the coding of the bibliographic and full headers and all associated authority files and thesauri.

(12) ~~Establish and implement a~~ Monitor DOE's training program for Licensing Support System users;

(13) Provide Monitor DOE's user support staff services that are provided to users of the Licensing Support System.

(14) Perform other duties as specified in this subpart or necessary for Licensing Support System operation and maintenance oversight.

(15) ~~Oversee DOE's operation and maintenance of the LSS.~~

(16) Control the LSS adjudicatory record file and control access to the LSS electronic mail service.

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Current Rule: 2.1011

**Reason for Change:** Standards, procedures, and instructions need to be developed and maintained for the coding of LSS materials in the LSS bibliographic header and in the additional fields for the full LSS header. Also, there are several potentially large header-field authority files that must be developed and maintained during the life of the LSS. The largest, most significant such file is the LSS Thesaurus of Subject Descriptors. The rule does not clearly state who is responsible for the initial development of the header coding requirements, including the authority files. However, the Supplemental Material on Section 2.1003 did state that: "the format criteria for the submission and acceptance of ASCII, images, and headers will be initially established by DOE in concert with the LSS Advisory Committee established pursuant to proposed section 2.1011(e)(2), to be later supplemented as necessary by the LSS Administrator in concert with the LSS Advisory Review Panel." Section 2.1011(d)(11) does state that the LSSA shall "maintain the thesaurus and authority tables for the Licensing Support System." The rule needs to be changed to clearly establish that DOE has the responsibility for initial development and for maintenance of the standards and associated materials related to the preparation, submission, and final processing of LSS materials. DOE should develop and maintain these materials because it has most of the material and because it will have to maintain its own manuals and

authority files anyway. It is most cost and programmatically effective to have them as integrated as possible. The LSSA and the LSSARP will have a comment and consultative role.

**Change Required:**

**NOTE:** Same as Alternatives 1 and 2.

DOE shall develop criteria for the submission and acceptance of ASCII, images, and headers, including standards, procedures and manuals for the coding of the bibliographic and full headers and all associated authority files and thesauri. Initially, DOE shall provide draft standards and procedures to the LSSA and the LSSARP for their review and comment. Inasmuch as possible, the DOE shall incorporate comments and distribute the revised standards and procedures for use by LSS participants. The DOE shall maintain these materials, seeking input from LSS participants as appropriate.

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**Current Rule:** 2.1011(f)(1)

**Reason for Change:** The rule must be changed to show that the LSS Advisory Review Panel will advise DOE and the LSS Administrator on system requirements germane to the use of the LSS.

**Change Required:**

The LSS Advisory Review Panel shall provide advice to (i) DOE and the LSS Administrator on the fundamental issues of the design and development of the computer system necessary to implement system requirements germane to the use of the Licensing Support System to be developed and implemented under paragraph (b) of this section; and (ii) The LSS Administrator on the operation and maintenance of the Licensing Support System under paragraph (d) of this section.

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**Current Rule:** Not addressed in current rule.

**Reason for Change:** The rule must be changed to add DOE's responsibility for operation and maintenance of the LSS.

**Change Required:**

2.1011(\*) The DOE shall designate an individual to be responsible for the operation and maintenance of the Licensing Support System, including the responsibility to -

(1) Make the Licensing Support System available to all users at least 36 months before submitting its license application to NRC;

(2) Provide the necessary personnel, materials, and services for operation and maintenance of the Licensing Support System;

- (3) Ensure LSS availability and the integrity of the LSS database;
  - (4) Receive and enter the documentary material specified in §2.1003 of this subpart into the Licensing Support System in the appropriate format;
  - (5) Maintain security for the Licensing Support System database;
  - (6) Maintain the thesaurus and authority tables for the Licensing Support System;
  - (7) Establish and implement a training program for Licensing Support System users;
  - (8) Provide support staff to assist users of the Licensing Support System;
  - (9) Provide the LSS Administrator with sufficient access to DOE's activities and facilities related to the Licensing Support System so that he can exercise his oversight responsibilities;
  - (10) Perform other duties as specified in this subpart or necessary for Licensing Support System operation and maintenance.
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**Current Rule:** 2.1013(a)

**Reason for Change:** The adjudicatory records of the HLW repository licensing proceeding are the basis for the NRC licensing decision. Any action that compromises, or has the potential to compromise, the integrity of the proceeding or the decision could form the basis of an appellate review of the integrity and/or fairness of the hearing. The strict integrity of this subset of the LSS database should be the responsibility of an independent arm of the licensing agency, therefore the controls over this file must be placed in the LSS Administrator's hands and must, for all practical purposes, be equivalent to the NRC LSS Administrator actually maintaining and operating this hearing support service. This change strengthens the LSS Administrator's authorities to be commensurate with his responsibilities.

**Change Required:**

(2) Commencing with the docketing of the license application to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to Part 60 of this chapter, ~~the LSS Administrator~~ the DOE shall establish a file within the Licensing Support System database to contain the official record materials of the high-level radioactive waste licensing proceeding and any other materials deemed critical to the management of the adjudicatory proceeding. The scope and content of this file shall be determined by the Presiding Officer at the first Prehearing Conference. Materials in this adjudicatory support file shall be in searchable full text, header and image; or for material that is not suitable for entry in searchable full text, by header and image, as appropriate. This file shall be under the control of the LSS

Administrator, who will be responsible for all additions and changes to it. The integrity of this file shall be maintained by password control and other security controls as deemed necessary by the LSS Administrator.

(b) Absent good cause, all exhibits tendered during the hearing must have been entered into the Licensing Support System before the commencement of that portion of the hearing in which the exhibit will be offered. The official record file in the Licensing Support System will contain a list of all exhibits, showing where in the transcript each was marked for identification and where it was received into evidence or rejected. Transcripts will be entered into the Licensing Support System by the LSS Administrator [no change here?] on a daily basis in order to provide next-day availability at the hearing.

(c)(1) All filings in the adjudicatory proceeding on the license application to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to Part 60 of this chapter shall be transmitted electronically by the submitter to the Presiding Officer, parties, the Secretary, and the LSS Administrator for entry into the LSS adjudicatory file, and the Secretary according to established format requirements. Parties and interested governmental participants will be required to use a password security code provided by the LSS Administrator for the electronic transmission of these documents.

(6) All Presiding Officer and Commission issuances and orders will be transmitted electronically to the parties, interested governmental participants, and the LSS Administration or.

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**Current Rule:** Not addressed in current rule.

**Reason for Change:** Budget responsibility is not discussed in the LSS rule and has been a problem among OMB, DOE and NRC. This section assigns budget responsibility.

**Change Required:**

**NOTE:** Same as alternative 2.

DOE will fully fund the design, development, installation, operation and maintenance of the Licensing Support System.

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