POLICY ISSUE
INFORMATION

August 7, 2007 SECY-07-0130

FOR: The Commissioners

THRU: E. Roy Hawkens
Chief Administrative Judge

FROM: Daniel J. Graser
Licensing Support Network Administrator

SUBJECT: LICENSING SUPPORT NETWORK PROGRAM ADMINISTRATION - SEMIANNUAL REPORT

PURPOSE:

This is to inform the Commission, in accordance with 10 C.F.R. § 2.1011(c)(5), of the status of the Licensing Support Network (LSN) and the activities of the LSN Administrator (LSNA) for the six-month period ending June 30, 2007.

BACKGROUND:

The Commission's Staff Requirements Memorandum (SRM) dated January 31, 1992, directed the submission of a semiannual report on the activities of the LSNA (formerly the Licensing Support System (LSS) Administrator). The scope of this semiannual report includes LSN program activities from January 1, 2007 through June 30, 2007.

DISCUSSION:

I. Activities

A. Licensing Support Network Administrator (LSNA) and Staff

LSN Quality Assurance Auditor Roy Hardin, who had been on detail to the Office of New Reactors, Division of New Reactor Licensing (NRO/DNRL), accepted a lateral transfer to that office late last year. This transfer, in conjunction with the vacancy created in June 2006 when

CONTACT: Daniel J. Graser, LSNA/ASLBP
301-415-7401

another LSN employee took a supervisory position in the Office of Information Services (OIS), see SECY-06-165, at 2 (July 27, 2006), reduces the ASLBP technical team dedicated primarily to the LSN from three individuals to one. Unfortunately, a hiring freeze at the end of last year resulted in a delay both in NRO being able to finalize Mr. Hardin's transfer into that organization and in ASLBP's efforts to begin the process of obtaining a replacement. Mr. Hardin, at NRO's request, was detailed to NRO until his transfer became effective on March 4, 2007, but this effectively left no federal staff backup for LSN project management and technical operations in Rockville.

While completing the process for hiring a new LSN employee, ASLBP prevented a coverage gap for the LSN quality assurance and deputy project manager duties that were performed by the individuals in the two now-vacant positions by appointing Joseph Deucher, the Las Vegas Facility Manager and Deputy Project Manager for the Digital Data Management System (DDMS), to act as the LSN Deputy Project Manager. ASLBP anticipates selecting a new individual whose duties will be primarily LSN-related by early in the fourth quarter of Fiscal Year (FY) 2007.

B. Federal Advisory Committee Act (FACA)-Related Activities

Dr. Andrew Bates of the Office of the Secretary (SECY) continues to serve as the LSN Advisory Review Panel (LSNARP) Chair.

C. LSN Advisory Review Panel (LSNARP) Activities

No LSNARP meetings occurred during the reporting period. ASLBP personnel did meet with staff from the Office of Nuclear Materials Safety and Safeguards (NMSS) and SECY in April 2007 concerning a possible LSNARP meeting in conjunction with a planned June 2007 NRC workshop for the Affected Units of Local Government (AULG). At that time, it was decided that convening another LSNARP meeting in the near term was likely to be contingent on whether system performance problems were encountered when the second Department of Energy (DOE) LSN document collection was opened in May 2007. Ultimately, as is discussed in section I.H.2 below, there were no problems when that DOE collection was made publicly available, so no meeting was necessary.

While there are no plans for an LSNARP meeting in the immediate future, if a meeting does become necessary it likely will be held in conjunction with other NRC or DOE meetings to conserve travel resources.

D. LSN Administrator Guidelines

No LSNA Guidelines were revised, and no new Guidelines were promulgated, during the reporting period. The technical bases for LSN operations, including participant organization technologies, remain stable.

E. Interactions with Other NRC Offices and Entities

1. The Commission

The previous LSNA semiannual report was submitted to the Commission in January 2007.

2. Office of Information Services (OIS)

Interactions with the OIS staff on LSN matters dealt primarily with efforts to obtain a Federal Information Security Management Act (FISMA) Authority to Operate (ATO) certification, which is discussed below in section I.H.3 of this report.

On June 25, 2007, the OIS network operations staff changed the Internet Protocol (IP) number for the NRC LSN server. Because the NRC uses the IP number (rather than a domain name such as “nrc.gov”) as part of the URL, with this change the approximately 26,000 documents in the NRC staff’s LSN collection became unavailable via the LSN. The availability of other participants’ collections was not affected. At the request of the LSNA, OIS staff promptly restored access to the documents on their LSN server by restoring the original server IP number on June 27, 2007. LSN staff will work with OIS staff to avoid this problem in the future, and a followup “lessons learned” meeting with OIS has been scheduled.

3. Office of Nuclear Material Safety and Safeguards

Interactions with the NRC staff on LSN matters dealt primarily with routine document collection maintenance issues.

4. Office of the Inspector General

There were no interactions with the Office of the Inspector General.

5. Office of Administration/Division of Contracts

Routine contracting actions for acquiring annual software maintenance agreements for the LSN’s Autonomy™ search engine software are discussed in section I.H.2 of this report.

F. Interactions with DOE’s Office of Civilian Radioactive Waste Management on Its Efforts and Readiness to Meet LSN Commitments

The LSNA testified at a March 5, 2007 conference held by the Pre-License Application Presiding Officer (PAPO) Board regarding the status of loading activities by all participants over the past year. At that conference, DOE advised it intended to open up its then-unavailable DOE II collection of over 2.1 million documents within 60 days, i.e., before May 4, 2007. Public access to this collection was actually provided on April 30, 2007.

At that conference, DOE counsel also indicated the window for certifying the entire DOE LSN document collection had been narrowed to between October 1, 2007, and December 21, 2007. Subsequently, in a June 29, 2007 monthly report to the PAPO, DOE counsel indicated that its LSN certification could occur as early as September 21, 2007.

During the reporting period, LSN staff worked with DOE representatives and contractors on DOE's effort to correct erroneous or missing information from bibliographic information posted on both the DOE I and DOE II document collections. This effort was ongoing throughout the late spring and early summer and is eventually expected to result in 1.5 million DOE bibliographic records being revised. Also during this period, the LSNA routinely coordinated with and monitored DOE's compliance with PAPO Board orders regarding the timely removal of text and image materials (but not the associated bibliographic entries) for documents found to contain privileged, Privacy Act, or other sensitive information. These transactions resulted from DOE efforts during the reporting period to perform relevancy and privilege reviews of documents previously loaded on either the DOE I or DOE II document collections.

G. Interactions with Other Participants in Conjunction with Their Efforts to be Ready to Meet LSN Commitments

As of this date, the following organizations have submitted LSN certification/compliance statements to the high-level waste (HLW) repository licensing proceeding Electronic Hearing Docket (EHD): NRC Staff; the Nevada counties of Lincoln, Churchill, Lander, White Pine, Eureka, and Mineral; and Inyo County, California. Additionally, DOE submitted a certification in June 2004, the validity of which was challenged by the State of Nevada.

On May 23, 2007, LSN staff provided LSN training in the Panel's Rockville hearing room to State of Nevada representatives from the Washington, D.C. area.

On June 18, 2007, the LSNA met with two individuals from the Clark County, Nevada Comprehensive Planning Department, both of whom will be taking over responsibility for Clark County's LSN efforts, to provide them with background on the LSN program.

The LSNA participated in a June 19-20 workshop for the AULGs conducted in Las Vegas, Nevada by representatives from NMSS and the Office of the General Counsel (OGC). The LSNA presented an overview of the LSN and its role in the automation efforts associated with NRC's preparation for potential HLW repository licensing proceeding. As a result of the session, the LSNA received requests for additional training from Clark County and the Cities of Las Vegas and Henderson, Nevada. Additionally, the LSNA was notified by a Nye County, Nevada representative that a substantial number of documents will be added to the LSN by Nye County sometime after August 2007.

H. LSN Project Plan Implementation

1. Ongoing Upgrades and Expansion to the LSN

There are no upgrades to or expansions of the LSN production system currently underway. In February 2007 LSN staff completed a test system upgrade, which allows LSN staff to more effectively install upgrades and fixes (e.g., Microsoft program and security patches).

2. Administration of the LSN

Project management performance by the LSN staff continues to achieve planned system milestones for user access, participant support, and document loading timeliness. Project

spending for FY 2007 continues to be slightly under budget, and all budgeted funds are on schedule to be committed well in advance of the end of the fiscal year.

Autonomy™ is the text search and retrieval software used in the LSN. During May 2007, a request for proposals (RFP) for annual Autonomy™ software maintenance was issued, and bids were received by the Division of Contracts and forwarded for LSN staff evaluation. Subsequently, the new software maintenance contract was competed, awarded, and put in place without any interruption in software maintenance.

DOE opened a second collection of materials comprised of 2,130,340 documents (roughly 20 million pages) on April 30, 2007. As previously requested by DOE, that collection had not been available to potential parties or the public for searching to permit DOE staff to complete document QA activities. This second DOE document collection was successfully opened for search and retrieval without significant incident. On the first day this DOE II collection became publicly available, one search feature was found to be inoperative. The AT&T contractor staff providing LSN operations and maintenance (O&M) support were able to identify the problem and test and deploy a solution onto the operating system within six hours after the problem was reported. Throughout the process of opening the second DOE collection, usage statistics were closely monitored to ensure that all user response times remained satisfactory, and no adjustments to either the LSN hardware or software were required.

The following table presents cumulative performance metrics for the LSN during the reporting period:

Licensing Support Network System Performance Metrics for the Reporting Period						
	January	February	March	April	May	June
Number of Participants	15 (2 hidden)	16 (2 hidden)	16 (2 hidden)	16 (1 hidden)	16 (1 hidden)	16 (1 hidden)
Number of Documents	3,465,685	3,448,999	3,430,593	3,430,995	3,467,815	3,491,813
System Availability (Against Schedule)	100%	100%	100%	100%	100%	100%
Number of Days with Outage More than Four Hours	0	0	0	0	0	0

The following table presents the net document additions/deletions per month, by participant:

Licensing Support Network Documents Added by Participant							
	Added January	Added February	Added March	Added April	Added May	Added June	Total Added 1/07 Through 6/30/07
Churchill Co.	0	0	7	0	0	0	7
City of Las Vegas	0	0	0	0	0	0	0
Clark Co.	0	0	0	0	0	0	0

Licensing Support Network Documents Added by Participant							
	Added January	Added February	Added March	Added April	Added May	Added June	Total Added 1/07 Through 6/30/07
DOE I	(18,986)	0	(1,132)	0	(1)	2	(20,117)
DOE II*	8,469	(16,699)	(17,356)	(160)	36,981	23,996	35,231
Esmeralda Co.	- -	13	0	0	0	0	13
Eureka Co.	0	0	18	0	0	0	18
Lander Co.	0	0	40	4	0	0	40
Lincoln Co.	0	0	0	0	0	0	0
Mineral Co.	0	0	0	0	0	0	0
State of Nevada	0	0	0	0	0	0	0
Nuclear Energy Institute (NEI)	0	0	0	0	0	0	0
NRC	1	0	0	398	0	0	399
Nye Co.**	0	0	0	0	0	0	0
White Pine Co.	0	0	0	0	0	0	0
Inyo Co., CA	0	0	17	0	0	0	17
Total	(10,516)	(16,686)	(18,406)	238	36,980	23,998	15,608

*DOE II - LSN collection not publically available January - April 2007.
** Nye Co. - LSN collection not publically available throughout reporting period.

3. Security Profile of the LSN

No system downtime was experienced during the reporting period because of hacker attacks directed against the LSN.

In January 2007, the LSN project team began the process of obtaining FISMA certification and accreditation (C&A) for the LSN. ASLBP committed to working with OIS to try to complete the C&A process for the LSN by March 2007 as part of the agency's effort to demonstrate progress in its overall information technology (IT) security program. On February 7, ASLBP was advised by the OIS project manager that MAR, Inc., the contractor supporting the agency's C&A efforts, had submitted a proposal that would escalate the cost of LSN C&A by 25 percent (an increase of approximately $37K from an initial estimate of $161.5K). Additionally, initial C&A efforts revealed that the LSN O&M contract with AT&T required a task modification and contract ceiling funding increase to add additional IT security specialist labor hours to obtain required information from the AT&T web hosting facility in Ashburn, Virginia. On March 9, based on Senior Information Technology Security Officer (SITSO)-identified C&A information requirements, the LSN staff submitted a statement of work and independent government cost

estimate for a $300k contract modification to allow the AT&T LSN contractors to assist in completing and maintaining the system's C&A. As a consequence, LSN C&A activities were put on hold as of the end of March. To facilitate contractor availability to work on this effort, the OIS Director and the SITSO recommended that the Office of Administration waive the Management Directive 12.3 requirement that AT&T contractor staff have an approved IT-1 or IT-2 security clearance before they can bill to this C&A contract. While contract arrangements were being made to facilitate AT&T support, an additional $200k was provided to the OIS MAR, Inc. contractors developing the LSN C&A products.

Work on achieving an LSN ATO resumed on April 26. Because the LSNA and the LSN staff take very seriously complying with IT security requirements so as to achieve a full ATO as part of the LSN's annual Office of Management and Budget (OMB) 300B submission, we are working to obtain an LSN ATO by September 30, 2007. Nonetheless, the LSN, which is currently operating under an Interim ATO (IATO) that is valid through October 31, 2007, continues to be an extremely secure IT system, due in large part to its original design architecture, the web hosting infrastructure provided by AT&T, and the robust third-party security services included in the turnkey AT&T O&M contract.

On March 27, during a routine weekly technical discussion with DOE contractors, a potential safeguards information (SGI) spill was identified by the LSNA. The matter was referred to an OIS IT security specialist, who determined that a DOE employee appeared to have mis-spoken in the conference call by using the wrong term to describe sensitive files residing on the NRC LSN server. Because the three documents at issue are not sensitive material and were part of a batch of non-sensitive files that were removed from the LSN server for administrative reasons, this incident was closed out.

During February 2007, badged LSN contractor staff successfully completed mandatory IT security training via OIS-provided DVDs.

I. LSN Communication Plan Implementation

LSN Communication Plan activities during the period were those associated with the participant interactions noted in section I.G above.

II. Issues

A. LSN Impact of DOE Document Collection Certification Under a Continuing Resolution

DOE has indicated it intends to certify its LSN document collection sometime between September 21 and December 21, 2007. This certification will trigger a number of activities, some planned and others that can be anticipated, that will result in an increased tempo of sustained activity for the LSN project staff. The activities we will support during the next reporting period include:

- Submission of sensitive Protective Order File (POF) materials concurrent with each participant's certification. These will be delivered to the LSNA for subsequent processing into the DDMS.

- Submission of Employee Concerns Program (ECP) materials. These will be delivered to the LSNA for subsequent specialized handling as directed by the PAPO Board.

- Certification of LSN document collections by other potential parties. We expect significant last-minute pre-certification efforts by potential parties, in particular Nye County and the State of Nevada, to load large numbers of additional materials and must be prepared to support them in resolving any problems encountered.

- Requests for additional LSN user training sessions for many of the potential parties.

- Potential challenges to certifications and disputes over the release of POF and ECP materials. We must be prepared to support the PAPO Board in any hearings conducted to resolve certification or access issues.

The above noted activities could occur during a period when the agency is operating under a continuing resolution (CR). In the past, the Office of the Chief Financial Officer (OCFO) has required offices to submit estimates of monthly budget requirements covering the first quarter of the fiscal year, and funds for contract activities such as the LSN O&M contract are typically made available on a monthly or even bi-weekly basis. This funding management practice, if applied to the LSN operations during this period of intense activity, potentially will seriously interfere with our ability to provide focused support to the adjudicatory activities that will be under way.

In response to an LSNA recommendation, ASLBP management intends to engage OCFO to explore the possibility that, in the event of a CR, the entire block (or a substantial portion) of contractor support funding for ASLBP HLW-related IT systems -- both the LSN and the DDMS -- for the first half of FY 2008 be made available so as to minimize the number and frequency of financial activities needed to provide ongoing and uninterrupted contract funds.

III. Future LSN-Related Activities

LSN Project Manager Matt Schmit will aggressively seek full ATO status for the LSN in accordance with FISMA C&A procedures.

Prepare and submit the LSN 300B report to OMB.

Exercise the first of two option years for the LSN O&M contract.

Provide LSN training to NRC on-site representatives in Las Vegas on August 2, 2007, per their request.

Provide LSN training to representatives of Clark County and the Cities of Las Vegas and Henderson on August 3, 2007, per their request.

Provide LSN training to AULG representatives in Reno/Carson City, Nevada, in late September 2007.

Provide LSN training to Center for Nuclear Waste Regulatory Analysis (CNWRA) and NMSS staff in multiple sessions currently being scheduled throughout October 2007.

Meet with Nye County technical representatives to coordinate the loading of a substantial number of its documents sometime after mid-August 2007.

COORDINATION:

The Office of the General Counsel has no legal objection.

/RA/

Daniel J. Graser
Licensing Support Network Administrator
Atomic Safety and Licensing
Board Panel

Provide LSN training to representatives of Clark County and the Cities of Las Vegas and Henderson on August 3, 2007, per their request.

Provide LSN training to AULG representatives in Reno/Carson City, Nevada, in late September 2007.

Provide LSN training to Center for Nuclear Waste Regulatory Analysis (CNWRA) and NMSS staff in multiple sessions currently being scheduled throughout October 2007.

Meet with Nye County technical representatives to coordinate the loading of a substantial number of its documents sometime after mid-August 2007.

COORDINATION:

The Office of the General Counsel has no legal objection.

/RA/

Daniel J. Graser
Licensing Support Network Administrator
Atomic Safety and Licensing
Board Panel

Distribution:
Commissioners
OGC
ASLBP
CFO
EDO
SECY
OPA
OCA

ADAMS: ML071930440 *See Previous Concurrence

ASLBP	ASLBP/Editor	ASLBP/OD	OGC	SECY
*D. Graser:DG	*P. Bollwerk:GPB	*E. Hawkens:ERH	*M. Zobler for K. Cyr	A.Vietti-Cook
07/12/07	07/12/07	07/12/07	07/24/07	07/ /07

OFFICIAL RECORD COPY