

**POLICY ISSUE
(Information)**

February 10, 2011

SECY-11-0020

FOR: The Commissioners

THRU: E. Roy Hawkens
Chief Administrative Judge

FROM: Daniel J. Graser
Licensing Support Network Administrator

SUBJECT: LICENSING SUPPORT NETWORK PROGRAM
ADMINISTRATION - ANNUAL 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 year ending December 31, 2010.

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). Per notification from Ken Hart on March 27, 2009, the Commission revised the frequency of this report by changing it to an annual report. The scope of this report now includes LSN program activities from January 1, 2010, through December 31, 2010.

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DISCUSSION:

I. Activities

A. Licensing Support Network Administrator (LSNA) and Staff

LSN staffing consists of the LSN Administrator (.5 FTE) and the LSN Project Manager (1.0 FTE), augmented by information technology (IT) security and local participant training support from the Las Vegas Facility Manager (.5 FTE), as needed.

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. The agency announced renewal of the charter for the LSNARP through December 3, 2012, in the Federal Register (75 Fed. Reg. 76,757) of December 9, 2010.

C. LSN Advisory Review Panel (LSNARP) Activities

No LSNARP meetings occurred during the reporting period.

D. LSN Administrator Guidelines

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

E. Interactions with Other NRC Offices and Entities

The LSNA met with the Records Officer of the Department of Energy (DOE) and representatives of the Office of Information Services, Information and Records Services Division (OIS/IRSD) and the National Archives and Records Administration (NARA) to clarify the status of collections of material associated with the HLW proceeding. As of the end of September, comments were provided to OIS/IRSD regarding revisions to the initial sections of the draft records retention schedule describing adjudicatory hearing support systems to have those sections more accurately reflect the business uses of the LSN (and digital recordings of hearings used by the Digital Data Management System (DDMS) application). Those comments are under consideration by OIS/IRSD for incorporation into the proposed records retention schedule that ultimately will require NARA approval.

1. The Commission

The previous LSNA semiannual report (SECY-10-0010) was submitted to the Commission on January 29, 2010.

On June 29, 2010, the LSNA responded to a question from Commissioner Magwood's office regarding the then-proposed FY 2012 budget for the LSN and what it would mean for knowledge retention. The LSNA explained that because the LSN contains no "content" other than indexes, funding under the FY 2012 budget would be for purely

technical operations, with any knowledge retention activities falling into the hands of the parties. The NRC's HLW document collection, which resides within the Agencywide Document Access Management System (ADAMS), is one such participant collection.

2. Office of Nuclear Material Safety and Safeguards (NMSS)

Interactions with the Office of Nuclear Material Safety and Safeguards (NMSS) regarding LSN technical coordination were routine. Beginning in April 2010, OIS, in conjunction with NMSS, tested and then implemented the upgraded NRC LSN document repository web site. Later in the summer, LSN program staff worked with OIS to support NMSS in upgrading the File Transfer Protocol (FTP) software (WS_FTP) used to effect the indexing of NRC staff documents submitted to the LSN.

3. Office of Administration/Division of Contracts (ADM/DC)

A new LSN operations and maintenance (O&M) contract was awarded in February 2010. The period of performance for the newly awarded contract is February 25, 2010, through February 24, 2011, but includes four 1-year options.

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

In March 2010, DOE notified the LSNA of its intent to shut down the continuity of operations servers formerly maintained at its contractors' Hillshire facility in Las Vegas. Its so-called "V-Cops" facility allowed DOE to switch from the Hillshire servers to servers in Ballston, Virginia, nearly instantaneously if something happened in Las Vegas. The LSNA advised that providing backup capability, in addition to being consensus guidance generated by the LSNARP technical working group is, from a technical perspective, a best-practice in operating a major information technology (IT) system. DOE was encouraged to continue to adhere to good IT practice, the consensus direction of the FACA-chartered LSNARP, and its commitment to maintain the LSN collection.

DOE subsequently closed its "V-Cops" facility, although DOE asserts that it still has back-up capability that may take a little longer to retrieve files if there is a problem with the main servers.

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

In the same time frame that DOE filed a March 3, 2010 motion to withdraw its pending license application for a permanent geologic repository at Yucca Mountain, Nevada, the State of South Carolina, the State of Washington, and Aiken County, South Carolina, filed petitions to intervene in the HLW proceeding. Thereafter, on March 15, the National Association of Regulatory Utility Commissioners and the Prairie Island Indian Community filed petitions to intervene. As a consequence, these five petitioners were added as new LSN participants.

By the end of May 2010, the LSN staff and contractors had completed integration efforts with the Prairie Island Indian Nation, making it the last of the five petitioners to

successfully establish LSN document collection servers in preparation for the oral argument sessions on the DOE motion to withdraw subsequently held in Las Vegas on June 3-4, 2010.

H. LSN Project Plan Implementation

1. Ongoing Upgrades and Expansion to the LSN

Consistent with the program plan, a number of technical activities were successfully completed during this reporting period.

On March 24, 2010, the LSNA and the LSN project manager, Matt Schmit, performed a contract deliverable walkthrough of a new computer room at AT&T's Tyson's Corner offices that now houses the LSN test and development suite. This effort marked the completion of the first phase of LSN modernization. Subsequently, we began the technology refresh activity for the production system. LSN contractor staff previously had acquired the hardware power cords, fiber cables, upgraded firewall/Intrusion Detection System (IDS) and switches, and other components necessary to implement this technology refresh of the LSN production configuration, which is housed at the AT&T facility in Ashburn, Virginia.

The technology refresh, which is comprised of 19 new production servers, should be completed by early February 2011.

2. Administration of the LSN

During the course of the year, a number of routine administrative tasks were completed. The LSN Control Phase Status Update was presented to the Information Technology Business Council (ITBC) on June 29, 2010. No action items resulted, although there were a number of questions about contingency plans should the HLW proceedings terminate. A comprehensive hardware inventory of all LSN computer resources was performed in July 2010. In August 2010, the LSNNET.GOV domain name was renewed with the General Services Administration (GSA).

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

Entering this reporting period, the LSN was comprised of twenty-one participant organizations' document collections and contained 3,685,786 documents.

During the year, five additional participant collections were connected and another 6,028 (net) documents were added.

System availability, against scheduled availability, was 100 per cent throughout the course of the year and there were no unscheduled outages.

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

	As of January 1, 2010	As of December 31, 2010	Change +
Total Number of Participants	21	26	5
Total Number of Documents	3685786	3691814	6028
City of Las Vegas	1	1	0
Churchill County	46	58	12
Clark County	86	90	4
Eureka County	58	60	2
Lander County	71	72	1
Lincoln County	61	61	0
Mineral County	51	52	1
Nye County	2267	2308	41
White Pine County	98	98	0
Esmeralda County	32	36	4
Inyo County, California	389	425	36
State of Nevada	5446	5450	4
Department of Energy I	1321931	1327013	5082
Department of Energy II	2324130	2324125*	(5)
Nuclear Energy Institute	795	797	2
Nuclear Regulatory Commission	29599	30413	814
California Energy Commission	611	611	0
City of Caliente	23	23	0
Joint Timbisha Shoshone**	11	11	0
Timbisha Shoshone Indian Tribe	43	43	0
Timbisha Shoshone Yucca Oversight Program	34	34	0
Native Community Action Council	3	3	0
Aiken County, SC	0	11	11

	As of January 1, 2010	As of December 31, 2010	Change +
National Association of Regulatory Utility Commissioners	0	1	1
State of South Carolina	0	5	5
State of Washington	0	10	10
Prairie Island Indian Community	0	3	3

* Five documents were removed from the DOE II web site. The documents did not make it into the search system as they contained invalid characters and subsequently were removed by DOE as it determined the documents did not constitute LSN "documentary material."

** The Timbisha Shoshone Indian Tribe and Timbisha Shoshone Yucca Oversight Program agreed in May 2009 to litigate as a single tribal entity.

3. Security Profile of the LSN

The LSN was successful in obtaining its security recertification and an Authority to Operate (ATO) was issued on October 12, 2010. The system, which was accredited without any significant security restrictions or limitations, has an ATO that is valid for three years, i.e., through October 2013. Pursuant to a condition of the re-certification of the system, priority users accounts were reviewed in November 2010 and, acting on a request from the LSNA, unused accounts were purged by all participant organizations except DOE, which finally responded in January 2011 (after the period covered in this report).

On November 3, 2010, ASLBP submitted a plan responding to another of the system-specific conditions of the renewed ATO that required the completion of a web application security assessment.

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

Routine IT security activities were performed during this reporting period and all milestone dates for products and deliverables were met. LSN staff completed the annual Security Controls and Contingency Plan Tests as required for compliance with the Federal Information Security Management Act (FISMA).

LSN staff including the Information System Security Officer (ISSO) had a 100 per cent completion rate for the required IT security training modules corresponding to staff roles and responsibilities.

II. Issues

Budget Issues

As of this time, FY 2011 budget resources are being used to sustain operations for the ongoing HLW adjudication, which continues in light of the June 29, 2010 decision by Construction Authorization Board (CAB)-4 rejecting DOE's motion to withdraw its

application. That decision remains pending before the Commission as it deliberates whether to grant review and, if review is granted, whether to affirm or reverse.

In the meantime, the December 20, 2010 Administration budget pass-back from the Office of Management and Budget eliminates all funding for the LSN effective October 1, 2011. Assuming the Administration's approach to funding is accepted by the Congress, the LSN faces a shutdown that must be completed as of October 1, 2011.

Because the LSN is essential to the agency's ability to comply with the adjudicative milestones in the Nuclear Waste Policy Act, the LSNA has long understood that this vital IT infrastructure would be maintained until the Commission directed the ASLBP to initiate shutdown procedures. In light of this situation, as well as the consequences of shutting down the LSN (addressed below), the ASLBP plans to send a memorandum to the Commission in February that discusses this matter more fully and includes key action points for an orderly shutdown.

Issues Associated with Restoration of the LSN

If subsequent events result in resumption of active HLW adjudication, the lack of funding and FTE allocation in FY 2012 and beyond for the LSN places the agency's ability to conduct a timely adjudication on the DOE application at significant risk.

The LSNA's assessment is that if the LSN system is discontinued, staff recruitment, budget cycle, procurement, and IT security certification timelines make it likely that it will take 2 to 3 years to resurrect the NRC-managed aspects of the system should it be needed in the future.

III. Future LSN-Related Activities

Absent congressional funding, the LSN will be shut down effective October 1, 2011.

LSN staff will work with the LSNARP Chairman to schedule a meeting with parties to the HLW proceeding to coordinate the timing of the LSN website shutdown and what actions the parties will need to take should they decide to continue their document collection availability independent of the LSN system.

The Commissioners

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COORDINATION:

The Office of the General Counsel has no legal objection.

This paper contains pre-decisional budget information as well as planning information relating to an adjudicatory matter currently before the Commission and should be withheld from public disclosure.

/RA/

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Board Panel

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* See Previous Concurrence

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