

a license application is submitted. In addition, the Commission believed that early access to these documents in an electronically searchable form would allow for a thorough and comprehensive technical review of the license application by all parties and potential parties to the HLW licensing proceeding, resulting in better focused contentions in the proceeding. The LSN would also facilitate agency responses to Freedom of Information Act (FOIA) requests by providing the public with electronic access to relevant documents.

The current requirements in 10 CFR 2.1003(a) require the DOE to make its documentary material available to other potential parties and the public in electronic form via the LSN no later than six months in advance of DOE's submission of its license application to the NRC. The NRC must make its documentary material available in electronic form via the LSN no later than thirty days after the DOE certification of compliance. All other participants must make their documents available in electronic form no later than ninety days after the DOE certification of compliance. Originally, the LSN was conceived of as a large, centralized information management system administered by what was then called the Licensing Support System Administrator (now the LSN Administrator). To take advantage of the advances in technology that occurred since the promulgation of the original rule, the Commission revised the rule to use the Internet to link geographically dispersed sites rather than relying on a complex and expensive centralized system (63 FR 71729; December 30, 1998).

The proposed amendments would address a number of aspects of the current rules:

- The requirements and standards for a party's submissions to the electronic docket for the HLW licensing proceeding;
- Those provisions that could result in the loading of duplicate documents on individual participant LSN document collection servers;
- The provisions related to the Secretary of the Commission's determination that the DOE license application is electronically accessible;
- Those provisions related to the continuing obligation of LSN participants to update their documentary material; and
- Those provisions on material that may be excluded from the LSN.

The Commission has consulted the LSN Advisory Review Panel (LSNARP) on the document format standards and the document duplication issues that

are the subject of these proposed revisions. The Commission, which appreciates the advice of the LSNARP on these items, anticipates additional interaction with the LSNARP on matters raised in the proposed rule, and will further evaluate any LSNARP advice in conjunction with its evaluation of the public comments received on these proposed revisions.

II. Submissions to the Electronic Docket for the Hearing

As noted, one of the objectives of the regulations in 10 CFR Part 2, Subpart J is to provide for electronic submission of filings by the parties, as well as the orders and decisions of the ASLBP, during the proceeding. The objective of this function is to reduce the time that it takes to serve filings by substituting electronic transmission for the physical mailing of filings that is typically used in NRC licensing proceedings. Shortening the amount of time for certain activities during the hearing process will support the NRC's efforts to meet the schedule in the NHPA. Section 2.1013(c)(1) requires that all filings in the HLW licensing proceeding be transmitted electronically (emphasis added) by the submitter to the Presiding Officer, the parties, and the Secretary of the Commission. The Commission believes that the majority of these filings will consist of simple documents that can be readily transmitted by EIE. However, after further considering the nature of some of the documents that may be submitted by the parties during the proceeding, the Commission believes that it is necessary to specify requirements for submitting large and/or complex documents.

Large documents consist of electronic files that, because of their size, create challenges for both the NRC staff, potential parties and the public when transmitting, viewing, or downloading the document (e.g., significant delays in transmission, uploading, or downloading times). The Commission anticipates that the potential license application and some filings in the HLW adjudicatory proceeding will be of a size that will create transmission, viewing, or downloading challenges. In electronic format, some of these files could be up to several hundreds of megabytes (MB) in size. Examples of potential large documents are:

- DOE Site Characterization Plan
- DOE License Application and supporting materials
- DOE Environmental Impact Statement
- Adjudicatory documents (e.g., motions, responses, transcripts, exhibits, and orders)

Additionally, any or all of these types of documents could contain embedded photographs, charts, tables, and other graphics.

Complex documents consist (entirely or in part) of electronic files having substantial portions that are neither textual nor image in nature. For example, these types of specialized documents may include:

- Executable files, which can be opened (run) to execute a programmed series of instructions on a computer or network;
- Runtime executable software, which generally is operational upon demand without being installed on a computer or network;
- Viewer or printer executable software that causes images to be displayed on the computer monitor or pages to print on an attached printer;
- Files from a dynamic link library (.dll), which are a collection of small, bundled executable programs that each provide one or more distinctive functions used by application programs and operating systems and are available when needed by applications or operating systems;
- Large data sets associated with an executable; and
- Actual software code for analytical programs that a party may intend to introduce into the proceeding.

As part of complex document submissions, the NRC anticipates receiving files that—

- (1) Due to their file size, may preclude easy transmission, retrieval, and use; or
- (2) May require specialized software and/or hardware for faithful display and subsequent use; and
- (3) May not be suitable for inclusion in a "generic" file format such as the Adobe® Acrobat Portable Document Format (PDF).

Examples of files that could be part of a complex document are:

- Maps.
- Databases.
- Simulations.
- Audio files.
- Video files.
- Executable programs.

Some of the problems posed by the electronic transmission of these large or complex documents are:

Electronic Submission Process

When submitted via the Internet, very large documents or files can cause "time-out" problems for computers at either end of the transfer, resulting in a failed or canceled transfer. Time-outs occur when a computer program terminates prematurely, sometimes because the computer notices a lapse in interaction with the user during the long