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Tagged Image File Format (TIFF) images and the results of spreadsheet applications will need to be converted to PDF, except in those rare instances where PDF conversion is not practicable. Spreadsheets may be submitted using Microsoft® Excel, Corel® Quattro Pro, or Lotus® 123.

- Electronic submissions to the hearing docket cannot contain any hyperlinks to other documents or Web sites. Electronic submissions to the hearing docket, however, may contain hyperlinks within a single PDF file, if those links are created using PDF authoring software. Hyperlinks are electronic links that allow a user to automatically access a document or web site by clicking on the hyperlink. The existing NRC Document Management System used as the basis for the electronic hearing docket does not accept hyperlinks to other documents or websites. Even if the NRC Document Management System were changed in the future to include a hyperlink capability, questions about the integrity of the Commission's electronic hearing docket might arise if the hyperlink in a document did not function. This could happen because either a "hyperlinked" website is not operating or a "hyperlinked" document is not included in the electronic hearing docket. Furthermore, it is uncertain whether NARA will accept as an official record documents containing hyperlinks to other documents or web sites.

- Electronic submissions must be free of any security restrictions imposed by the author (proposed § 2.1013(c)(1)(vii)).

Additional information on the submission of these filings will be provided in a guidance document from the NRC. See "Guidance for Submission of Electronic Docket Materials Under 10 CFR Part 2, Subpart J", U.S. Nuclear Regulatory Commission, October, 2003. The Guidance document is available on the NRC Web site (<http://www.nrc.gov>). The NRC expects parties, interested governmental participants, and potential parties to use the detailed instructions in the Guidance document to ensure that their electronic filings are effectively submitted. Areas covered by the guidance document address the need for and format of the transmittal letter for electronic filings, file naming conventions, copyrighted information,

and instructions on sensitive or classified information.

The proposed revisions would also clarify the responsibility of the Secretary of the Commission, under §§ 2.1012(a) and 2.1013 (a)(2), to determine if the DOE license application for a HLW repository can be properly accessed under the Commission's "electronic docket rules". Under § 2.1012(a), the DOE license application cannot be docketed unless the Secretary of the Commission finds that it can be effectively accessed. The proposed revisions would not change this requirement. However, the Commission is clarifying that this compliance requirement refers to the accessibility of the DOE license application as part of the NRC staff licensing docket rather than the Commission's hearing docket (emphasis added). This is consistent with traditional NRC practice where a license application is part of the NRC staff licensing docket but is not added to the Commission's hearing docket unless a party offers all or part of the license application as evidence. Sections 2.1012(a) and 2.1013(a)(2) would be revised to specify that the Secretary's determination on electronic accessibility would be based on whether the DOE license application could be effectively accessed through the Commission's Agencywide Document Access and Management System (ADAMS) rather than the electronic hearing docket.

III. Documentary Material

Section 2.1003 of the current LSN rule requires a party, a potential party, or an interested governmental participant (hereinafter "participant") to make its documentary material available in electronic form. The definition of "documentary material" includes material prepared by an individual participant, for example, all reports or studies prepared by, or on behalf of, a participant. It also includes other material in the possession of the participant on which the participant intends to rely and/or cite in support of its position in the HLW licensing proceeding or that doesn't support its position. This provision can be read to obligate a party who possesses a document prepared by another participant to make that document available on its LSN document collection server even though it is already available on the LSN document collection server of the party who had prepared the document. For example, under this interpretation a document prepared by DOE would not only need to be available through the centralized

LSN Web site from the DOE LSN document collection server, but also from the LSN document collection server of other participants. Without compromising the objective of ensuring that all documentary material is available on the LSN, the Commission believes that it would be beneficial to eliminate or at least significantly reduce the loading of duplicate documents. Reducing duplication will not only alleviate burdens on the participants, but will also make search and retrieval of the LSN collection more efficient. Therefore, the proposed amendment to § 2.1003(a)(1) would allow a LSN participant to avoid loading a document created by another LSN participant if that document has already been made available by the LSN participant who created the document or on whose behalf the document was created.

If, in the process of eliminating duplicate documents, an LSN participant identifies a document which the creator of that document has not included on its LSN document collection server, as a practical matter, the participant who identified the document should include it on its LSN document collection server, as well as notifying the creator of the document that it is taking that action. Moreover, in such circumstances, it is not apparent what purpose would be served by raising the issue before the Pre-license application Presiding Officer (PAPO) unless the documentary material has some readily apparent significance as a Class 2 document (as delineated in the discussion below) or a significant number of "missing" documents were identified with regard to a particular LSN participant, so as to raise the issue of a concerted, deliberate effort not to comply with the regulations.

The Commission is also proposing to amend § 2.1003 by adding a new paragraph (e) to this section. Proposed § 2.1003(e) would require LSN participants to supplement the documentary material provided under § 2.1003(a) in its initial certification with documentary material produced after that event. While much of an LSN participant's documentary material will be made available early, it is reasonable to expect that additional material will be created after the initial compliance period specified in § 2.1003(a). In addition, the ongoing performance confirmation program required of DOE by § 63.131 of the Commission's regulations will generate additional documentary material after the license application is docketed. In addition, during the proceeding, the Atomic Safety and Licensing Board can always