

May 2, 2011

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
U. S. DEPARTMENT OF ENERGY	)	Docket No. 63-001-HLW
	)	
(High-Level Waste Repository)	)	ASLBP No. 09-892-HLW-CAB04
	)	

NRC STAFF ANSWER TO U.S. DEPARTMENT OF ENERGY'S MOTION FOR CLARIFICATION AND STATUS REPORT REGARDING THE APRIL 11, 2011 ORDER

Pursuant to 10 C.F.R. § 2.323(c), the U.S. Nuclear Regulatory Commission (NRC) staff (Staff) answers the U.S. Department of Energy's (DOE) motion (1) requesting clarification regarding technical criteria for submission of its Licensing Support Network (LSN) collection to the NRC Office of the Secretary (SECY) and (2) providing a status report on agreements between DOE, the LSN Administrator, and SECY for DOE's implementation of the Board's April 11, 2011 Order.<sup>1</sup> See U.S. Department of Energy's Motion for Clarification and Status Report Regarding the Board's Order Dated April 11, 2011, dated April 21, 2011, at 2, 4 (Motion). DOE seeks clarification regarding whether (1) DOE can submit its LSN document collection on high capacity external hard drives; (2) SECY can reasonably accommodate documents that meet the standard optical character recognition (OCR) exceptions; and (3) variations from the "Guidance for Electronic Submissions to the NRC," Revision 6, dated May 17, 2010 (Guidance for Electronic Submissions), identified in the Motion are acceptable. See *id.* at 4.

For the reasons set forth in the Staff's April 21, 2011 motions, the Staff objects to any requirement that DOE or any other LSN participant submit their LSN documents to SECY for

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<sup>1</sup> See Order (Concerning LSNA Memorandum and Parties' LSN Document Collections), dated April 11, 2011 (unpublished) (Order).

inclusion in a docket library in ADAMS prior to resolution of these motions. See NRC Staff Request for Leave to File Motion for Reconsideration and Motion for Reconsideration of the Board's April 11, 2011 Order, or Petition for Certification, dated April 21, 2011 (Motion for Reconsideration); NRC Staff Motion for Stay of April 11, 2011 Board Order, dated April 21, 2011 (Stay Request). Inasmuch as motions are pending before the Board, the Staff anticipates that, as a courtesy, DOE and other LSN participants would not submit their LSN documents to SECY.

However, provided the Order is upheld by the Commission, the Staff would not object to documents being provided to SECY in accordance with DOE's suggested technical criteria, provided that (1) the high capacity external hard drive connects to a Microsoft Windows computer using a universal serial bus (USB) interface; (2) the format and file system is compatible with Microsoft Windows; and (3) DOE's portable document format (PDF) files are enabled for Fast Web Viewing. The Staff expects that, except for the variations identified in the Motion, DOE will follow the Guidance for Electronic Submissions. The requested clarifications do not impact the grounds for the Staff's Stay Request. See Stay Request; Motion for Reconsideration, Attach., Affidavit of Thomas M. Boyce Regarding the April 21, 2011 Board Order, dated April 20, 2011.

Respectfully submitted,

**/Signed (electronically) by/**

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Dated at Rockville, Maryland  
this 2nd day of May, 2011

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NUCLEAR REGULATORY COMMISSION

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 )

CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC STAFF ANSWER TO U.S. DEPARTMENT OF ENERGY'S MOTION FOR CLARIFICATION AND STATUS REPORT REGARDING THE APRIL 11, 2011 ORDER" in the above-captioned proceeding have been served on the following persons this 2nd day of May, 2011, by Electronic Information Exchange.

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