

Summary Highlights of NRC Training Session for Prospective Parties Who Plan to Submit Documents to the High-Level Waste Proceeding

July 22, 2005
Las Vegas, Nevada

Description of Meeting

This meeting was the first training session provided by the U.S. Nuclear Regulatory Commission (NRC) to potential parties on submitting documents electronically to the High-Level Waste (HLW) proceeding. The purpose of this meeting was to discuss:

- Document submittal requirements and the guidance attached to the last revision of 10 CFR, Part 2, Subpart J
- Desk reference guide prepared by NRC on converting files to Portable Document Format (PDF)
- The types of support that NRC will provide
- The types of problems encountered to date.

The NRC also discussed its requirements related to submitting documents with hyperlinks and the preferred options for electronic signatures. Action items are detailed in the last paragraph of this document. The agenda and attendance list are provided as Attachments 1 and 2, respectively. Copies of the presenters' handouts and related materials are provided as Attachment 3. Highlights of the training session are discussed below.

Meeting Summary

1) Introduction

The NRC provided an overview of the session and the information to be presented. The staff explained the training was geared to actual submitters and invited attendees to participate in testing, provide feedback, and ask questions. The training was conducted by the NRC's Office of Information Services staff and focused on the general process of submitting adjudicatory documents during the pre-hearing and hearing phases of the Department of Energy's (DOE) License Application (LA) review, should an application be submitted and accepted.

2) Overview of the Document Submission Process

The NRC staff provided a presentation consisting of background information and an overview of the submission process. The staff provided a high level graphic representation of the submission process entitled, "Electronic Submission Process". This graphic identifies the process as well as the Information Technology (IT) systems involved at each step. As part of the background presentation, NRC staff provided additional documentation that included 10 CFR Part 2, Subpart J and its revision.

3) Electronic Information Exchange (EIE) Submittal Process

The NRC staff provided a presentation on the EIE submittal process that allows the NRC to exchange material electronically with stakeholders and other Federal agencies via the

Internet. The staff discussed where potential parties can get instructions via the web site, how to request a digital ID Certificate, how to download the viewer for EIE forms, and how to submit documents. The staff presented examples of EIE forms, how to attach documents, how to check the service list, how to sign the document electronically, and how to submit the document. The staff then discussed receiving acknowledgement of service distribution messages and then how to retrieve documents using EIE.

The DOE asked a number of questions concerning EIE including:

- The number of messages being received from the Pre-Application Presiding Officer (PAPO)
- Who establishes the service list
- Access to Sensitive/Unclassified information
- Electronic signature
- Viewing a log of submitted documents
- The use of EIE for responses to request for additional information during the review of any potential license application.

The NRC staff stated that the Atomic Safety and Licensing Board Panel (ASLBP) order establishes the service list for submitted documents and then the judge will issue a specific order identifying individual access to Protective Order Files (POF). Staff also explained there was no log of who submitted which documents on EIE. All documents could be searched using the Electronic Hearing Docket (EHD). (See Action Items)

The State of Nevada and participating local governments had questions concerning:

- The deadline for submitting documents
- When all information would be available to the public
- Whether the NRC is using the same process involving submission of HLW adjudicatory documents via EIE
- Would the license application be placed on Licensing Support Network (LSN)
- Additional training.

The NRC staff stated that documentary material will be made available through the LSN, the NRC will be using the same process, and the (LA) will be submitted both on paper and Compact Disc (CD). (See Action Items)

The Las Vegas Paiute Tribe was concerned with compatibility of Macintosh computers to our systems for document access. (See Action Items)

Several participants questioned whether all documents submitted on EIE would also need to be submitted on the LSN. (See Action Items)

4) How to Submit Large and/or Complex Documents

The NRC staff provided a presentation on submission of large and complex documents. The staff provided a definition and also discussed file size limitations, multiple transmissions through EIE, courtesy copies of submissions and the content of large and complex documents. The NRC staff presented examples of transmittal letters and stepped through the process for submitting large and/or complex documents. The NRC provided copies of the rule and the accompanying guidance.

The State of Nevada and local governments had questions concerning public access to information on CD. The NRC staff stated that the public can request information through the NRC Public Document Room (PDR).

The DOE asked questions regarding the distribution of documents submitted to the NRC to those on DOE's "Courtesy Copy" list. The NRC staff stated that the submitter is responsible for ensuring copies were sent to anyone on its distribution list who are not NRC employees.

5) Guidance for Submission of Electronic Docket Materials

The NRC staff provided a presentation on its Guidance for Submission of Electronic Docket Materials. This presentation included the framework for information usability and the reference for electronic document preparation. The NRC staff presented referenced file specifications, PDF requirements, byte serving, PDF parameter settings, PDF output options, alternative file format, file linkages (i.e. hyperlinks), resolution and size.

The DOE had questions on whether:

- JPEG was an acceptable alternative compression method
- The NRC will guarantee the integrity of a submission containing Sensitive Unclassified Information
- It is acceptable for a submission to contain hyperlinks to other documents.

There was also discussion concerning electronic signature. The NRC staff stated that we did guarantee the integrity of documents submitted using the PDF format. The NRC staff explained that the submitter should clearly identify Sensitive Unclassified Information in the transmittal letter and mark the information accordingly. Furthermore, it bears noting that Safeguards Information (SGI), classified information, and Restricted Data may not be submitted via EIE. NRC staff explained that the person who signed the document had to be the submitter if "Electronically Signed By" was included as part of the document. If "Original Signed By" was included as part of the document, then the submitter had to keep the original signed document. (See Action Items)

The State of Nevada and local governments asked if the (PDF) settings were the same for the LSN as those for EIE. (See Action Items)

6) Conversion of Files to PDF and NRC Support

The NRC staff provided a presentation on the Desk Reference Guide to assist document submitters with converting documents to PDF in conformance with NRC's "Guidance for Submission of Electronic Docket Materials under 10 CFR Part 2, Subpart J". This guide provides correct configuration settings for different software applications used to generate a PDF file. The staff presented the software set up and configuration for Adobe Acrobat Distiller/PDFMaker and Adobe Preflight for Adobe Acrobat 7 Professional. The Desk Reference Guide also contains the configuration settings for Adobe Acrobat 5 and Adobe Acrobat 6 Professional. The NRC staff presented conversion information for Microsoft Word, searchable text (hidden text), and Preflight error tests. The final part of this presentation included Support and Contact Information.

7) Meeting Summary

The NRC staff reviewed the action items. The staff also encouraged potential parties to participate in testing the EIE submission process and thanked everyone for their feedback and participation. The staff informed meeting participants and members of the public that a follow-up to the action items and the meeting summary would be provided to attendees. The meeting summary also will be posted on the NRC Internet web site.

The DOE, the State of Nevada, and local governments thanked NRC for providing the training and stated they would like to test the submission process.

8) Action Items

1. Find out if JPEG compression is an acceptable alternative to ZIP compression.
2. Determine if navigational links between segmented files are acceptable to the NRC.
3. Confirm the NRC staff response that submitters are responsible for providing courtesy copies of submitted documents to individuals or agencies on submitter's distribution lists.
4. Additional training sessions:
 - Schedule an additional training session for potential document submitters in the Washington, D.C. area, and invite staff from the Nuclear Information Resource Services, Public Citizens, and the Natural Resources Defense Council.
 - Coordinate with the Lincoln and other Nevada counties to schedule additional training sessions for potential document submitters
 - Coordinate with the Local Paiute and Shoshone Indian Tribes to determine if there is a need for additional training.
5. Provide a response to DOE regarding the use of EIE for responses to requests for additional information during the review of any license application.
6. Check to see why parties on a service list were receiving dual emails with an attached PDF during the recent PAPO proceeding.
7. Check Macintosh compatibility for viewing documents from our web site.
8. Create a change history for the US Nuclear Regulatory Commission Desk Reference Guide for PDF Document Generation and a procedure to inform parties and potential parties of the changes.
9. Post Adobe and Pre Flight job options file on NRC's web site.
10. Provide additional information on the extent to which documents submitted via EIE may also need to be submitted to the LSN and provide further guidance on electronic signature process.

11. Determine if the PDF settings for LSN are the same as those for EIE.

**Follow-up to the Action Items resulting from the July 22, NRC Training Session for
Prospective Parties Who Plan to Submit Documents to the High-Level Waste
Proceeding held in Las Vegas, NV**

1. *Find out if JPEG compression is an acceptable alternative to ZIP compression.*

Response: At this time JPEG compression is an unacceptable alternative to ZIP compression. The problem is that JPEG2000 is only supported in Adobe 6 & 7. 10 CFR, Part 2, Subpart J states, that we will support two versions back. Those using Adobe 5 will not be able to display JPEG compression properly.

2. *Determine if navigational links between segmented files are acceptable to the NRC.*

Response: 10 CFR, Part 2, Subpart J, § 2.1013, "Use of the electronic docket during the proceeding" states, "Electronic submissions must not rely on hyperlinks to other documents or Web sites for completeness or access **except for hyperlinks that link to material within the same single electronic PDF file**. If the submittal contains hyperlinks to other documents or Web sites, then it must include a disclaimer to the effect that the hyperlinks may be inoperable or are not essential to the use of the filing. Information contained in hyperlinks to a Web site on the Internet or to another PDF file, that is necessary for the completeness of a filing, must be submitted in its entirety in the filing or as an attachment to the filing.

It is not practicable for the NRC to accept links between electronic files because the relationships among links in multiple file submissions are lost when captured in ADAMS or other agency electronic record keeping systems."

3. *Confirm the NRC staff response that submitters are responsible for providing courtesy copies of submitted documents to individuals or agencies on submitter's distribution lists.*

Response: Submitters are responsible for service to anyone on the courtesy copy distribution list of a submitted document. This service includes mailing or distributing to each a copy of any CD submitted to the docket.

4. *Additional training sessions:*

- *Schedule an additional training session for potential document submitters in the Washington, D.C. area, and invite staff from the Nuclear Information Resource Services, Public Citizens, and the Natural Resources Defense Council.*
- *Coordinate with the Lincoln and other Nevada counties to schedule additional training sessions for potential document submitters*
- *Coordinate with the Local Paiute and Shoshone Indian Tribes to determine if there is a need for additional training.*

Response: NRC will conduct two additional training sessions in Rockville, Maryland on November 16 and 17, 2005. We are coordinating the training schedule for each session and will post a public meeting notice for this event. NRC is working with Lincoln County to coordinate future training of county governments in Nevada. NRC is in the

process of currently evaluating the most effective approach to provide additional training of local Indian tribe representatives.

5. Provide a response to DOE regarding the use of EIE for responses to requests for additional information during the review of any license application.

Response: Responses to request for additional information must be submitted as described in 10 CFR, Part 63.4, Communications and Records, except for the phone number listed in paragraph 3. When you need assistance with electronic submissions, you should call (301)415-4737 or toll free at (800)397-4209.

(a) Except as otherwise specified, in this part or in subpart J of part 2 of this chapter, all communications and reports concerning the regulations in this part and applications filed under them should be sent to the NRC as follows:

(1) By mail addressed: ATTN: Document Control Desk; Director, Office of Nuclear Material Safety and Safeguards; U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001;

(2) By hand delivery to the NRC's offices at 11545 Rockville Pike, Rockville, Maryland; ATTN: Document Control Desk: Director, Office of Nuclear Material Safety and Safeguards; or,

(3) Where practicable, by electronic submission, for example, via Electronic Information Exchange, or CD-ROM. Electronic submissions must be made in a manner that enables the NRC to receive, read, authenticate, distribute, and archive the submission, and process and retrieve it a single page at a time. Detailed guidance on making electronic submissions can be obtained by visiting the NRC's Web site at <http://www.nrc.gov/site-help/eie.html>, by calling (301) 415-6030, by e-mail to EIE@nrc.gov, or by writing the Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The guidance discusses, among other topics, the formats the NRC can accept, the use of electronic signatures, and the treatment of nonpublic information.

(b) Each record required by this part must be legible throughout the retention period specified by each Commission regulation. The record may be the original or a reproduced copy or a microform if the copy or microform is authenticated by authorized personnel and the microform is capable of producing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, and specifications must include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

[68 FR 58815, Oct. 10, 2003]

6. Check to see why parties on a service list were receiving dual e-mails with an attached PDF during the recent Pre-licensing Application Presiding Officer (PAPO) proceeding.

Response: On July 18th, the PAPO Board, in an order of that date, restricted service by the parties to EIE certificate holders. We followed the PAPO Board's requirement and served the PAPO order of the 18th only on the EIE service list. We were then notified that some of the stakeholders did not receive the order. Thus, on July 20th, we served the order on the entire service list, and followed with service of two additional orders on the entire service list. Subsequently, we structured our e-mail service list to include those who do not have EIE certificates. Thus, everyone is served. Some will get only the EIE notice and others only an e-mail notice. Ultimately, the Board will need to address this with respect to service conducted by the parties.

7. Check Macintosh compatibility for viewing documents from our web site.

Response: Currently our documents are compatible with Macintosh. Adobe 4.0 & 5.0 is compatible with the MAC OS 9.x. If your Adobe 5.0 or Adobe 6.0 isn't functioning on MAC OS X or below, you can download a freeware PDF Browser Plugin at <http://www.schubert-it.com/pluginpdf/>. Also Adobe 7 will install a Safari plugin that enables viewing PDF files directly in the Safari web browser window. If the MAC OS is upgraded to MAC OS X Tiger, the latest Safari RSS, enables PDF viewing with no other application required.

8. Create a change history for the US Nuclear Regulatory Commission Desk Reference Guide for PDF Document Generation and a procedure to inform parties and potential parties of the changes.

Response: Complete. This item can be located at <http://www.nrc.gov/site-help/eie.html>.

9. Post Adobe and Pre Flight job options file on NRC's web site.

Response: Completed. These files can be located at <http://www.nrc.gov/site-help/eie.html>

10. Provide additional information on the extent to which documents submitted via EIE may also need to be submitted to the LSN and provide further guidance on the electronic signature process.

Response #1: EIE is a secure transmission path that enables the NRC to electronically transfer into ADAMS and EHD. Documents submitted through EIE are not automatically entered on the LSN. EIE is not a document collection, and the LSN does not spider either the EIE or EHD. The requirements in Part 63, concerning documentary material that must be placed on the LSN are not satisfied or impacted by submission through EIE.

Response #2: (a) Documents requiring oath or affirmation may use EIE to digitally sign the affirmation on the document. Using this process, the document must conclude with a statement to this effect:

"I declare under penalty of perjury that the foregoing is true and correct.
Executed on, [date]"

The electronic document must be digitally signed by the person affirming this statement. This person may then transmit the document directly to the NRC using EIE or may forward the document to someone else for transmission to the NRC. In the latter

case, the transmitter must also sign the document to authorize the electronic transmission.

Except as set forth below, multiple documents requiring individual digital signatures by different persons cannot be sent in a single EIE transmission. The current EIE process only allows two persons to digitally sign a single transmission. Therefore, the NRC recommends that the method described below in item b.

Note: When digitally signing a document, the submitter is actually digitally signing the EIE transmission form, not the document. Signing the form is the equivalent of signing the document.

(b) Oath or affirmation affidavits may also be created in hard copy and physically signed. The original paper copy may then be scanned to create a PDF Searchable Image (Exact) file of the original signature page. This page, with the rest of the PDF file of the entire attachment, may then be submitted via EIE.

Note: Although there are other methods available to electronically sign documents using word processing and other software, these are not currently acceptable for use in signing documents for submission to the NRC because they do not provide the levels of authentication, certification, and non-repudiation that are present in the EIE process.

11. Determine if the PDF settings for LSN are the same as those for EIE.

Response: The PDF settings for the LSN differ from those in the NRC. The LSN is a separate system and is used to collect documents that may be relevant to the discovery process. The LSN settings are as described in 10 CFR, Part 2, Subpart J, § 2.1011 "Management of electronic information". The PDF settings for EIE are for the submission of electronic docket materials to NRC and are as described in the "Guidance for Submission of Electronic Docket Materials, under 10 CFR Part 2, Subpart J", dated June 2, 2004.