



NRC NEWS

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NRC CONSIDERS IMPROVEMENTS RELATED TO THE AVAILABILITY AND SUBMISSION OF DOCUMENTS FOR A POTENTIAL HEARING ON YUCCA MOUNTAIN

The Nuclear Regulatory Commission is considering changing its regulations on how potential parties to any hearing on a high-level radioactive waste repository at Yucca Mountain, Nevada, should place their documents on their Internet web servers to make these materials accessible via the NRC's Licensing Support Network (LSN) and submit documents to the NRC adjudicatory docket.

The proposed changes, which are to Part 2, Subpart J, of the Commission's regulations in Title 10 of the Code of Federal Regulations, specify how large and complex documents should be submitted, clarify that LSN participants must continue to augment their original information but need not provide duplicates of documents provided by other participants, and add a category of material that may be excluded from the LSN.

The agency's current regulations require all potential participants in the license application hearing process for a potential high-level nuclear waste repository at Yucca Mountain to make their documents available to other potential participants and the public in electronic form through the Licensing Support Network (LSN) website, <http://www.lsnnet.gov>.

The proposed revisions to the regulations would specify that large documents (electronic files of more than 50 megabytes) submitted to the adjudicatory docket must be transmitted electronically in multiple transmissions of no more than 50 megabytes each. Complex documents (such as maps, databases, video files, and executable programs) that are not amenable to electronic transmission could be delivered on optical storage media. All electronic submissions would have to be free of author-imposed security restrictions.

Current regulations require participants to certify that the required documentary material has been identified and made electronically available through the LSN at the initial times specified in the rule. The Department of Energy (DOE) must make its material available no later than six months in advance of submitting its license application to the NRC to receive and possess high-level radioactive waste at the Yucca Mountain geologic operations area. The NRC must make its material available no later than 30 days after the DOE certification of compliance with the submittal requirement. And other potential parties must make their material available no later than 90 days after the DOE certification. The proposed revisions clarify that potential parties must continue to make available to other participants LSN documentary material created after the initial submittals.

The proposed changes specify that any general correspondence between a potential party and the Congress of the United States need not be submitted to the LSN. The Commission noted that much of this Congressional material either relates to budgetary issues or is merely a reiteration of an agency primary document. It would normally not be the source of material that a party would rely on for its case in the hearing. Other types of material not required to be submitted under the current regulations include text books and press releases.

The proposed amendments would also allow an LSN participant to exclude from its collection a document created by another LSN participant if that document has already been made available by the LSN participant who created it. If an LSN participant identifies a document that the creator of that document has not included on its LSN document collection server, the participant who identified the document should include it on its own LSN document collection server, in addition to notifying the creator of the document that such action is being taken.

The Commission noted that reports and studies relevant to issues addressed by the DOE's environmental impact statement on Yucca Mountain must be made available on the LSN. It further recommended that LSN participants use the NRC "Yucca Mountain Review Plan" (NUREG-1804, Rev. 2, July 2003) as a guide for identifying documentary material that should be submitted.

Further details of the proposed changes to the regulations are contained in a Federal Register notice to be published shortly. Interested persons are invited to submit comments, within 45 days after publication of the notice, to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, Attention: Rulemakings and Adjudications Staff. Alternatively, comments may be e-mailed to SECY@nrc.gov or hand-delivered to 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

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