

## **POLICY ISSUE INFORMATION**

January 25, 2008

SECY-08-0011

FOR: The Commissioners

THRU: E. Roy Hawkens  
Chief Administrative Judge

FROM: Daniel J. Graser  
Licensing Support Network Administrator

SUBJECT: LICENSING SUPPORT NETWORK PROGRAM ADMINISTRATION -  
SEMIANNUAL REPORT

PURPOSE:

This is to inform the Commission, in accordance with 10 C.F.R. § 2.1011(c)(5), of the status of the Licensing Support Network (LSN) and the activities of the LSN Administrator (LSNA) for the six-month period ending December 31, 2007.

BACKGROUND:

The Commission's Staff Requirements Memorandum (SRM) dated January 31, 1992 directed the submission of a semiannual report on the activities of the LSNA (formerly the Licensing Support System (LSS) Administrator). The scope of this semiannual report includes LSN program activities from July 1, 2007 through December 31, 2007.

DISCUSSION:

**I. Activities**

**A. Licensing Support Network Administrator (LSNA) and Staff**

Ms. Patricia Hall was hired as LSN Quality Assurance Auditor to replace Mr. Roy Hardin, who accepted a lateral transfer to the Office of New Reactors, Division of New Reactor Licensing (NRO/DNRL).

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**B. Federal Advisory Committee Act (FACA)-Related Activities**

Dr. Andrew Bates of the Office of the Secretary (SECY) continues to serve as the LSN Advisory Review Panel (LSNARP) Chair.

**C. LSN Advisory Review Panel (LSNARP) Activities**

No LSNARP meetings occurred during the reporting period.

**D. LSN Administrator Guidelines**

No LSNA Guidelines were revised, and no new Guidelines were promulgated, during the reporting period. The technical bases for LSN operations, including participant organization technologies, remain stable.

**E. Interactions with Other NRC Offices and Entities**

**1. The Commission**

The previous LSNA semiannual report (SECY-07-0130) was submitted to the Commission on August 7, 2007.

**2. Office of Information Services (OIS)**

Interactions with the Office of Information Services (OIS) staff on LSN matters dealt primarily with operations within the NRC information technology (IT) environment. In July 2007, LSN staff met with representatives of OIS to resolve issues caused by uncoordinated renaming of the agency's document collection server. That activity resulted in the LSN no longer being able to point to image and text files, because the link placed by NRC into the LSN indexes was an actual IP address rather than a "virtual" or "proxy" address.

On September 20, 2007, the LSN was granted a Federal Information Security Management Act (FISMA) Authority to Operate (ATO) certification, discussed in greater detail in section I.H.3, below.

In December 2007, the Atomic Safety and Licensing Board Panel (ASLBP) received the results of the review by the Office of Management and Budget (OMB) on the materials submitted by the OIS under annual reporting requirements in Part 7 of OMB Circular A-11 "Planning, Budgeting, Acquisition, and Management of Capital Assets," commonly referred to as the 300B report. The LSN and the Digital Data Management System (DDMS), also managed by ASLBP, tied for second place among agency IT systems with a score of 36 points out of a possible 50 points. Both systems continue to be carried on the OMB management watch list consistent with OMB's attention to overall agency performance.

### 3. Office of Nuclear Material Safety and Safeguards

Interactions with staff in the Office of Nuclear Materials Safety and Safeguards (NMSS) on LSN matters dealt exclusively with routine document collection maintenance issues and responding to requests for advanced training in the use of the LSN.

### 4. Office of the Inspector General

The NRC Office of the Inspector General was advised of a situation at the Department of Energy (DOE) that is being investigated by the DOE Inspector General regarding the discovery by the LSNA and project staff of prohibited access, non-official-business documents submitted by DOE to the LSN for indexing.

#### F. Interactions with DOE's Office of Civilian Radioactive Waste Management on Its Efforts and Readiness to Meet LSN Commitments

DOE certified its document collection on October 19, 2007. On December 12, 2007, the Pre-License Application Presiding Officer (PAPO) Board rejected a challenge to the certification brought by the State of Nevada and the Nevada Nuclear Waste Task Force (NNWTF).

#### G. Interactions with Other Participants in Conjunction with Their Efforts to be Ready to Meet LSN Commitments

As of this date, the following organizations have submitted LSN certification/compliance statements to the high-level waste (HLW) repository licensing proceeding Electronic Hearing Docket (EHD): DOE; NRC staff; the Nevada counties of Esmeralda, Lincoln, Churchill, Lander, White Pine, Eureka, and Mineral; Inyo County, California; and the City of Las Vegas, Nevada. Potential parties not yet having certified their document collections include State of Nevada, the Nevada counties of Nye and Clark, the Nuclear Energy Institute, NNWTF, and the Timbisha Shoshone Tribe. Regarding the Timbisha Shoshone Tribe, on July 29, 2007, the Interior Department certified the Timbisha Shoshones as the first Native American Indian Tribe affected by the government's effort to put a nuclear waste repository at Yucca Mountain. On July 17, an attorney representing the Timbisha Shoshone Tribe contacted the LSNA requesting information on how to participate in the LSN and how to get added to the service list for the HLW EHD. No interaction has been initiated by the Timbisha Shoshones since then.

LSN training was provided to the following organizations:

NMSS-OR (Summerlin office) (Basic)	August 2, 2007
Clark County and City of Henderson, Nevada (Basic)	August 3, 2007
NMSS (Advanced)	September 24, 2007
NMSS (Advanced)	October 2, 2007
NMSS (Advanced)	October 9, 2007
Lincoln, Lander, White Pine, and Eureka Counties (Basic)	November 15, 2007

The LSNA met in Las Vegas with Mr. Steve Frishman of the State of Nevada and Ms. Judy Treichel of NNWTF on December 20, 2007 - - the same day Mr. Frishman and Ms. Treichel met with Chairman Klein - - to discuss their complaints about LSN usability. Neither Mr. Frishman nor Ms. Treichel was receptive to the LSNA's offer to conduct an advanced LSN training session for them.

**H. LSN Project Plan Implementation**

**1. Ongoing Upgrades and Expansion to the LSN**

There are no upgrades to or expansions of the LSN production system currently underway.

**2. Administration of the LSN**

Project management performance by the LSN staff continues to achieve planned system milestones for user access, participant support, and document loading timeliness. Project spending for FY 2007 was within one percent of the planned budget for the year, and all budgeted funds were committed well in advance of the end of the fiscal year.

The following table presents cumulative performance metrics for the LSN during the reporting period:

<b>Licensing Support Network System Performance Metrics for the Reporting Period</b>						
	July	August	September	October	November	December
Number of Participants	16 (1 hidden)*	16 (1 hidden)*	16 (1 hidden)*	16 (1 hidden)*	16 (1 hidden)*	16 (1 hidden)*
Number of Documents	3,500,296	3,534,559	3,577,440	3,599,151	3,610,124	3,620,866
System Availability (Against Schedule)	100%	100%	100%	100%	100%	100%
Number of Days with Outage More than Four Hours	0	0	0	0	0	0

\* Nye County LSN collection not publicly available throughout reporting period.

The following table presents the net document additions/deletions per month, by participant:

<b>Licensing Support Network Documents Added/Deleted by Participant</b>							
	Added July	Added August	Added September	Added October	Added November	Added December	Total Added 7/1/07 Through 12/31/07
Churchill Co.	0	0	0	31	0	0	31

<b>Licensing Support Network Documents Added/Deleted by Participant</b>							
	Added July	Added August	Added September	Added October	Added November	Added December	Total Added 7/1/07 Through 12/31/07
City of Las Vegas	0	0	0	0	0	0	0
Clark Co.	0	0	0	0	0	33	33
DOE I	-54	3	-328	-160	15	2	-522
DOE II	8,412	34,260	48,258	21,818	10,566	10,415	133,729
Esmeralda Co.	0	0	0	0	0	0	0
Eureka Co.	0	3	1	0	0	1	5
Lander Co.	0	1	1	0	2	0	4
Lincoln Co.	0	0	0	0	0	0	0
Mineral Co.	0	0	11	0	0	0	11
State of Nevada	0	0	0	3,372	0	0	3,372
Nuclear Energy Institute (NEI)	0	0	0	2	61	271	334
NRC	124	0	0	0	271	19	414
Nye Co.*	0	0	0	0	13	0	13
White Pine Co.	0	0	0	0	0	0	0
Inyo Co., CA	1	0	0	0	0	1	2
Total	8,483	34,267	47,943	25,063	10,928	10,742	137,426

\* Nye County LSN collection not publicly available throughout reporting period.

### **3. Security Profile of the LSN**

No system downtime was experienced during the reporting period because of hacker attacks directed against the LSN. A one-half-hour period of non-availability was experienced in November 2007, but was quickly resolved by the LSN technical staff and contractors.

In January 2007, the LSN project team began the process of obtaining FISMA certification and accreditation (C&A) for the LSN. This process was completed on September 20, 2007. The LSN continues to be an extremely secure IT system, due in large part to its original design architecture, and the web hosting infrastructure and robust third-party security services included in the turnkey AT&T operations and management (O&M) contract.

## I. Issues

### A. Technology Refresh, Budget and Procurement Issues Affecting LSN Availability

A number of items requiring management action or significant investment decisions will emerge during the next six-month period when there is likely to be a high degree of uncertainty about DOE's ability to submit a license application and the NRC staff's decision about whether such an application will be acceptable for docketing. The key factors include:

- DOE may submit a license application between April and June 2008, and NMSS docketing review may take between 90 and 180 days. As a consequence, the initial prehearing conference to consider the admission of parties and contentions could begin as early as the first quarter of Fiscal Year (FY) 2009.
- The period of performance for the current LSN O&M contract expires in July 2009. The decision to begin the process of re-procuring O&M services must be made in approximately July 2008.
- The current hardware in the LSN production platform was purchased in 2004 and 2005. Technology refresh budgets originally included for FY 2008 were deferred until FY 2009; however, the technology refresh budget request for FY 2009 had to be stricken during the most recent round of FY 2008/FY 2009 HLW budget adjustments in response to reductions in HLW funding in the agency's FY 2008 appropriations measure and the currently anticipated HLW program funding level under the FY 2009 President's Budget.
- The LSN C&A will expire in September 2010.

The best management practice to optimize funding would be to craft a replacement O&M contract that includes tasks to implement a technology refresh, including acquiring new equipment in the fourth quarter of FY 2009, and then begin the triennial C&A activity for FY 2010 based on the new hardware configuration. This avoids having to reinstitute the C&A process when new equipment is eventually installed as part of a technology refresh. Although continuing uncertainty about the DOE license application and staff docketing makes effective planning difficult, key decision points regarding reprocurement of an O&M contract will be reached before the upcoming presidential election. Moreover, even with the closest management, it is likely (if not inevitable) that the LSN will be undergoing some sort of technology refresh activities, as well as possibly transitioning to a new O&M vendor and going through a C&A effort, while evidentiary hearings are ongoing.

## III. Future LSN-Related Activities

The Commissioners

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Continue to provide advanced LSN training to parties and potential parties at their request. Currently scheduled courses include advanced training for Affected Unit of Local Government (AULG) and DOE representatives in Las Vegas on January 24, 2008.

Stand ready to connect late-announcing participants who desire to certify document collections prior to January 17, 2008.

Closely monitor activities related to submission of a license application by DOE as an indicator of actions that need to be taken to place the LSN on solid operational footing for 2009-2010 hearing-related activities.

COORDINATION:

The Office of the General Counsel has no legal objection.

*/RA/*

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Atomic Safety and Licensing  
Board Panel

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