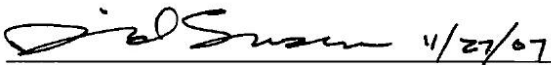
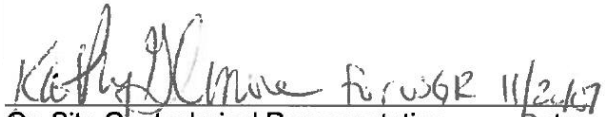
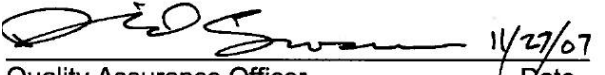




**NYE COUNTY NUCLEAR WASTE
REPOSITORY PROJECT OFFICE**

TECHNICAL PROCEDURE

TITLE: LICENSING SUPPORT NETWORK (LSN) PROCEDURES AND CERTIFICATIONS		REVISION: Original DATE: 11-16-07 PAGE: 1 of 7
PROCEDURE NUMBER: TP-17.1	SUPERSEDES: Original Issuance	
APPROVAL  Project Manager 11/27/07 Date	CONCURRENCE  On-Site Geotechnical Representative 11/24/07 Date  Quality Assurance Officer 11/27/07 Date	

1.0 BACKGROUND

In accordance with the Nuclear Waste Policy Act of 1982 (NWPA) as amended, and the site recommendation approvals by the President and Congress in 2002, the U.S. Department of Energy (DOE) is preparing an application to obtain a license from the U.S. Nuclear Regulatory Commission (NRC) to construct a high-level radioactive waste (HLW) repository at Yucca Mountain, in Nye County. Under the NWPA, the NRC is required to issue a final decision approving or disapproving issuance of the construction authorization for a geologic repository for HLW within 3 years of the submission of the DOE license application. The Licensing Support Network (LSN) is one of the principal tools NRC will use to meet this congressional time line.

The NRC regulations that govern the licensing proceeding for DOE's license application have been defined in 10 CFR Part 2, Subpart J, "Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository." To manage the document discovery process, NRC has directed the establishment of an LSN, an internet-based document discovery system that will

contain all of DOE's documents relevant to the licensing proceeding, as well as documents from the NRC and other parties to the proceeding. DOE is required to load the LSN with all of its documentary material, and certify that all relevant documents are included, no later than six months in advance of submission of the license application.

In order to participate in the license application proceedings, Nye County must make available its relevant document collection on the LSN and certify no later than 90 days after the DOE's certification (10 CFR 2.1003(a)).

2.0 **PURPOSE**

This purpose of this document is to establish the basis for the Nye County's initial certification. This technical procedure (TP) documents the Nye County Nuclear Waste Repository Project Office (NWRPO) process to implement the requirements in 10 CFR 2.1003 "Availability of Material," and 10 CFR 2.1009 "Procedures."

3.0 **SCOPE**

This procedure describes activities required to identify documents generated under the NWRPO program and archived in the NWRPO QA Records Center (QARC) for inclusion in the Nye County LSN; process the records into electronic format; prepare associated metadata; and transmit the documentary materials for posting to the Nye County LSN site.

This procedure also describes the process for initial certification of the Nye County LSN.

3.1 **Requirements**

3.1.1 10 CFR 2.1003 "Availability of Material"

Subject to 10 CFR 2.1005 "Exclusions" and 10 CFR 2.1006 "Privilege," Nye County will make available, no later than ninety (90) days after the DOE certification of compliance, the following documentary materials (10 CFR 2.1003(a)):

- (1) An electronic file including bibliographic header for all documentary material (including circulated drafts but excluding preliminary drafts) generated by, or at the direction of, or acquired by the NWRPO. Concurrent with the production of the electronic files will be an authentication statement for posting on the Nye County LSN Web site that indicates where an authenticated image copy of the documents can be obtained (10 CFR 2.1003 (a)(1)).
- (2) In electronic image format, subject to the claims of privilege, graphic-oriented documentary material that includes raw data, computer runs, computer programs and codes, field notes, laboratory notes, maps, diagrams and photographs, which have been printed, scripted, or hand written. Text embedded within these documents need not be separately entered in searchable full text. A bibliographic header must be provided for all graphic-oriented documentary material (10 CFR 2.1003 (a)(2)).

- (3) In an electronic file subject to the claims of privilege, only a bibliographic header for each item of documentary material that is not suitable for image or searchable full text (10 CFR 2.1003 (a)(3)).
- (4) An electronic bibliographic header for each documentary material (i) for which a claim of privilege is asserted; (ii) which constitutes confidential financial or commercial information; or (iii) which constitutes safeguards information under 10 CFR 73.21 “*Requirements for the Protection of Safeguards Information*” (10 CFR 2.1003 (a)(4)).
- (5) Nye County shall continue to supplement its documentary material made available to other participants via the LSN with any additional material created after the time of its initial certification in accordance with Section 3.1.1 until the discovery period in the proceeding has concluded (10 CFR 2.1003 (a)(4)).

3.1.2 10 CFR 2.1009 “Procedures”

- (a) Each potential party, interested governmental participant, or party shall—
 - (1) Designate an official who will be responsible for administration of its responsibility to provide electronic files of documentary material;
 - (2) Establish procedures to implement the requirements in § 2.1003;
 - (3) Provide training to its staff on the procedures for implementation of the responsibility to provide electronic files of documentary material;
 - (4) Ensure that all documents carry the submitter's unique identification number;
 - (5) Cooperate with the advisory review process established by the NRC under 10 CDR 2.1011(d)(b)

(b) The responsible official designated under paragraph (a)(1) of this section shall certify to the Pre-License Application Presiding Officer (PAPO) that the procedures specified in paragraph (a)(2) of this section have been implemented, and that to the best of his or her knowledge, the documentary material specified in 10 CFR 2.1003 has been identified and made electronically available. The initial certification must be made at the time the participant is required to comply with 10 CFR 2.1003.

3.2 Applicability

This procedure applies to individuals who generate, receive, identify, or maintain NWRPO records for inclusion in the Nye County LSN. These individuals will be referred to collectively as NWRPO personnel herein.

3.3 Training

NWRPO personnel shall be trained to this procedure and shall document that they have read and understood this procedure.

4.0 DEFINITIONS

4.1 *Circulated Draft* – a non-final document circulated for supervisory concurrence or signature in which the original author or others in the concurrence process have non-concurred. A “circulated draft” meeting the above criterion includes a draft of a document that eventually becomes a final document, and a draft of a document that does not become a final document due to either a decision not to finalize the document or the passage of a substantial period of time in which no action has been taken on the document.

4.2 *Document* – a written, printed, recorded, magnetic, graphic matter, or other documentary material, regardless of form or characteristic.

4.3 *Documentary Material* – Any record, regardless of form, that falls into one of the following three categories:

Category 1: The record contains information that Nye County intends to cite or rely on in support of its positions in the Yucca Mountain Repository license application proceedings.

Category 2: The record contains information that is adverse to, contradictory of, or inconsistent with the information in the first category.

Category 3: The record is a report or study prepared by or for NWRPO that is relevant to both the license application and the issues in the Topical Guidelines in the U.S. Nuclear Regulatory Commission’s Regulatory Guide 3.69 (including “circulated drafts” of such reports and studies).

4.4 *Licensing Support Network* - The Licensing Support Network (LSN) is a web-based information system intended to support the U.S. Nuclear Regulatory Commission’s (NRC) licensing process for a high-level radioactive waste repository at Yucca Mountain, Nevada. All potential parties to the NRC's licensing proceeding, including Nye County, are required to place electronically retrievable documentary material relevant to the DOE’s license application in the LSN. The NRC's regulations for the LSN are found in Title 10, Code of Federal Regulations, Part 2, Subpart J.

4.5 *Metadata*—information about the location, nature, use, and limitations of a data set.

4.6 *PAPO* - Pre-License Application Presiding Officer

4.7 *Record*—documentation generated from technical activity.

4.8 *Record index designator (RID)*—a unique, sequential identification number associated with an individual NWRPO QA record or records package.

4.9 *Records package*—two or more records concerning a single topic.

5.0 RESPONSIBILITIES

5.1 Project Manager

The Project Manager (PM) or designee is responsible for designating officials who will be responsible for providing electronic files of documentary materials to the Nye County LSN.

5.2 Quality Assurance Officer

The QA Officer (QAO) is responsible for reviewing, monitoring, and auditing QA records to ensure that they meet the requirements specified in QAP 17.1 “Records Management.”

5.3 On-site Geotechnical Representative

The On-site Geotechnical Representative (OSGR) or designee, with the Principal Investigator, is responsible for determining whether a record qualifies as documentary material for inclusion to the LSN.

5.4 Principal Investigator

The PI, with the OSGR (or designee) is responsible for reviewing his or her documentary material and identifying potentially relevant documentation for the LSN. The PI is responsible for preparing the documentary material for submission to the NWRPO QARC, in accordance with QAP-17.1.

5.5 Nye County Responsible Official

The Nye County Responsible Official’s (or designated alternate) responsibilities include:

1. Certifying to the Pre-License Application Presiding Officer (PAPO) that this technical procedure implementing the requirements of 10 CFR 2.1003 “Availability of Material” has been applied,
2. Certifying to the PAPO that to the best of his or her knowledge, the documentary material specified in 10 CFR 2.1003 has been identified and made electronically available. The initial certification must be made no later than ninety days after the DOE initial certification.
3. Serving as the Point of Contact (POC) for requesting registration as an LSN priority user.
4. Submit a completed Notification and Memorandum of Agreement on LSN security (per NRC LSN Guideline 2.6 – Responsibilities)(Attachment 1).

5.6 Quality Assurance Records Specialist (QARS)

The QARS responsibilities include:

1. Serving as the primary POC for purposes of document requests
2. Coordinating the documentary material search, screening, and production effort.
3. Communicating with the LSN Technical POC.
4. Serving as the primary POC responsible for addressing requests for documents that have not been made electronically available on the LSN.

5.7 LSN Technical POC

The designated technical POC who will act as the webmaster for the LSN site, is responsible for processing LSN documents to the Nye County LSN site, and is the POC for problems using the on-line documents and loss of access to the LSN.

5.8 LSN Legal POC

The designated primary POC for purposes of document requests and the pre-motion consultations required under 10 CFR 2.323(b).

6.0 PROCESS FOR MAKING DOCUMENTS AVAILABLE TO THE LSN

6.1 Designate NWRPO LSN Points of Contact (10 CFR 2.1009(a)(1))

1. The PM shall designate the Nye County Responsible Official, LSN Document POC, LSN Technical POC, and LSN Legal POC.
2. The PM shall submit a letter to the NRC LSN Administrator with notification of the designated POCs, including name, mailing address, phone number, fax, and email address.

6.2 Identify LSN Documentary Material

The NWRPO QARC is the capture point for all records that document evidence of NWRPO technical activities and are managed under NWRPO Quality Assurance Procedure (QAP-17.1). Records are transmitted to the QARC and are assigned a Record Index Designator (RID), which is a unique, sequential identification number associated with an individual NWRPO QA record or records package. In most cases, records generated by NWRPO personnel consist of data and associated documentation specified in applicable QA plans and procedures.

A complete listing of NWRPO QARC records was reviewed for inclusion to the Nye County LSN using criteria for documentary material (10 CFR 2.1001). A list of NWRPO record types that meet the criteria for documentary material (10 CFR 2.1001) were identified (QAP-17.1, Attachment 1 - LSN Documentary Material Record Types).

A matrix of QARC RIDs record packages that need to be processed to the LSN was generated. The matrix identifies the documents, by document types, and is referred to as the “LSN traceability matrix.”

6.3 QARC Processing of LSN Documentary Material

6.3.1 Quality Assurance Records Specialist

This procedure assumes that the documentary material being processed for inclusion to the LSN has been received, validated, entered into the Quality Assurance Database (QADB), and verified in accordance with QAP-17.1. The QARS shall perform the following activities to prepare the documentary material, referred to as “document” hereafter, for posting to the NWRPO website and/or Nye County LSN website:

1. The QARS will identify if the document is “privileged.” If not, proceed to Step 2. If the document is privileged, the QARS will notify the LSN Technical POC and OSGR (or designee) via e-mail that a LSN bibliographic header file needs to be generated for a privileged document. The QARS will identify the RID number and will transfer a copy of the QADB to the LSN Technical POC, either via e-mail or posted to the NWRPO FTP site.
2. The QARS will determine the document form: “Hardcopy” or “Electronic.” If the document is in electronic format, proceed to Step 4.
3. If the document is a hardcopy, determine if the document is “graphic-oriented” material or text suitable for text-searchable format (e.g., report or correspondence). “Graphic-oriented” hardcopy material should be scanned as an image (10 CFR 2.1003(1)). Hardcopy “text” documents should be scanned using Optical Character Recognition (OCR) software. Scan the document to image or text-searchable Adobe Acrobat portable document format (PDF).
4. The QARS will notify the LSN Technical POC and OSGR (or designee) via e-mail that a document is ready for posting, and will identify if it is to be posted to the website and/or the LSN only. The QARS will also identify if the document supersedes another document that has already been posted to the website and/or LSN. The document will be transferred to the LSN Technical POC, along with a copy of the QADB, either via e-mail or posted to the NWRPO FTP site.
5. The QARS will update the status of the “LSN Traceability Matrix” to identify that the document has been submitted for processing to the LSN.

6.3.2 LSN Technical POC

The LSN Technical POC will process documents on the LSN in accordance with procedure TSG-03-01.0 *Processing Nye County Data to the NWRPO Website and LSN*.

7.0 CERTIFY NYE COUNTY LSN

7.1 Adoption of Nye County LSN Responsible Official

A recommendation for the Nye County LSN Responsible Official will be submitted to the Nye County Board of Commissioners for their approval. Attachment 2 provides an example resolution.

7.2 Basis for Certification

The NWRPO QARC document collection has been screened in accordance with the requirements outlined in 10 CFR 2.1003 and 10 CFR 2.1009 and the methods described in QAP-17.1, *Records Management* and this technical procedure. The LSN-Relevant documentary materials for inclusion to the LSN have been identified in the Nye County NWRPO LSN Implementation Plan. The required electronic versions of Nye County's documentary materials, and associated bibliographic headers, are generated consistent with the requirements of 10 CFR Part 2, Subpart J, and guidance provided under the NRC Licensing Support Network Guidelines.

Documentation of actions completed under these procedures provide the basis for the Nye County Responsible Official to certify that Nye County has implemented procedures required by 10 CFR 2.1009 (a)(2).

7.3 Certification of Compliance

Upon completing submittal of the documents identified in Appendix A – D of the Nye County LSN Implementation Plan, and no later than 90 days after the DOE certification of compliance, Nye County will issue a certification of compliance to fulfill the requirements under 10 CFR 2.1003(a). Certification will be documented on an "Initial LSN Certification by Nye County Responsible Official" form (Attachment 3).

7.4 File Notice of Certification and Designated Nye County Responsible Official

7.4.1 Notify NRC of Certification

The Nye County Responsible Official will certify to the Pre-License Application Presiding Officer (PAPO) that the procedures specified in 10 CFR 2.1009 have been implemented, and that to the best of his or her knowledge, the documentary material specified in 10 CFR 2.1003 has been identified and made electronically available. A package will be filed with the NRC that includes a cover letter (Attachment 4), an original and two copies of the "Initial LSN Certification by Nye County Responsible Official," and a compact disk with the initial certification with exhibits (e.g., the Nye County NWRPO LSN Implementation Plan, LSN implementing procedures, Nye County Resolution adopting procedures and designated Responsible Official, authentication statement for posting on the NRC LSN website that indicates where an authenticated image copy of the documents can be obtained.).

7.4.2 Notify PAPO of Primary Points of Contact.

Each potential party certifying an LSN document collection pursuant to 10 CFR 2.1009(b) shall file a notice to the PAPO identifying the person who will serve as the primary POC for purposes of document requests and the pre-motion consultations required under 10 CFR 2.323(b). Potential parties shall file such notice at the time they certify their document collection. The notice shall include the name, address, e-mail address, and office phone number of the POCs. All potential parties are encouraged to designate at least one alternate POC. The POCs, or alternate POC, should generally be available for consultation Monday – Friday, between the hours of 9:00 a.m. and 5:00 p.m. (Pacific time). The NRC LSN Administrator shall prominently post a list of the POCs on the LSN.

8.0 PROCEDURES FOR FUTURE SUBMITTALS TO THE LSN

In accordance with 10 CFR 2.1003(e), Nye County will continue to supplement its documentary material to the LSN with any additional material created after the time of its initial certification until the discovery period in the license application proceeding has concluded. Nye County will follow the same procedures for identification, collection, processing, and review of documentary materials.

9.0 ADDRESSING LSN DOCUMENT COLLECTION CHALLENGES

Any challenge to Nye County's LSN documentary materials (e.g., integrity, validity, or availability) shall be submitted in writing to the NWRPO Project Manager, Nye County Nuclear Waste Repository Project Office, 1210 E. Basin Road, STE 6, Pahrump, Nevada 89060. The Nye County Responsible Official shall respond to the challenging party within 20 working days of receipt via certified letter.

In accordance with 10 CFR 2.1004 *Amendments and Additions*, Nye County will make available (for inspection and copying) any document not provided in electronic form within five days after directed by the PAPO or the Presiding Officer.

10.0 RECORDS

Documents generated by this TP are QA records and shall be submitted to the QARC by the responsible individual. Prior to submittal, the QARS shall ensure that each document is complete, legible, and adequately identifiable, as specified in QAP-17.1, *Records Management*.

QA records generated by this TP include the following:

- Notification and Memorandum of Agreement on LSN Security
- Resolution Designating the Nye County Responsible Official.
- Certification by Nye County Responsible Official

- Nye County Notification to NRC of LSN Certification of Compliance.

11.0 REFERENCES

10 CFR Part 2, Subpart J, *Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository.*

U.S. Nuclear Regulatory Commission, 2006. Regulatory Guide 3.69, Rev. 1, *Topical Guidelines for the Licensing Support Network.*

QAP-17.1, Rev. 3, *Records Management.*

QAPP, *Nye County Nuclear Waste Repository Project Office Quality Assurance Program Plan.*

TerraSpectra Geomatics, 2007. *Nye County Nuclear Waste Repository Project Office Licensing Support Network (LSN) Implementation Plan*”

TSG-03-01.0, *Processing Nye County Data to the NWRPO Website and LSN.*

TSG-03-02.0, *Processing Nye County Data to the LSN Only.*

12.0 ATTACHMENTS

Attachment 1. Notification and Memorandum of Agreement on LSN Security

Attachment 2. Example Resolution Designating the Nye County Responsible Official.

Attachment 3. Initial Certification by Nye County Responsible Official

Attachment 4. Example Cover Letter Notifying NRC of LSN Certification of Compliance.

**ATTACHMENT 1
NOTIFICATION AND MEMORANDUM OF AGREEMENT (NMA)**

**NOTIFICATION
AND
MEMORANDUM OF AGREEMENT**

From: Licensing Support Network Administrator

To: *<insert name of each individual LSN participant>*

Subject: Licensing Support Network Security

The purpose of this Notification and Memorandum of Agreement (NMA) is to set forth the respective security understandings and obligations of all entities participating in the Licensing Support Network (LSN) established pursuant to the provisions of 10 CFR Part 2, Subpart J. This NMA is intended to comply with Office of Management and Budget regulations relating to federal government ownership and management of automated information resources. (See, OMB Circular No. A-130, Appendix III).

By this NMA, the Licensing Support Network Administrator and **the above named Participant** each acknowledges its understanding of, and agreement with, the following principles and obligations pertaining to the security of the LSN:

1. The information that a Participant places on its server and that is retrievable through the LSN will be available to the public.
2. The LSN Administrator is responsible for protecting the LSN and supporting **the above-named Participant** in its efforts to protect its respective server(s) from a denial of service attack.
3. **The above-named Participant** is responsible for protecting its respective server(s) from intrusion attacks launched directly against its server(s).
4. **The above-named Participant** and the LSN Administrator have read, understand and agree to comply with all applicable provisions of 10 C.F.R. Part 2, Subpart J that relate to the security of the LSN and **the above-named Participant's** server(s).

This NMA shall be effective as of **DATE**

LSN Administrator

LSN Participant (entity name)

Daniel J. Graser

By: **(person name)**

ATTACHMENT 2
EXAMPLE RESOLUTION TO DESIGNATE THE NYE COUNTY RESPONSIBLE
OFFICIAL

RESOLUTION XXXXXX

A RESOLUTION OF THE NYE COUNTY BOARD OF COMMISSIONERS DESIGNATING
XXXXXX XXXXXX AS THE RESPONSIBLE OFFICIAL FOR THE SUBMITTAL OF
DOCUMENTS TO THE LICENSING SUPPORT NETWORK ON BEHALF OF NYE
COUNTY

WHEREAS, the County of Nye, Nevada, is an “Affected Unit of Local Government” under the Nuclear Waste Policy Act of 1987, as amended; and

WHEREAS, such designation allows the County to submit documents to the Licensing Support Network (LSN) which the County will rely on as evidence in any proceeding between the U.S. Department of Energy and the U.S. Nuclear Regulatory Commission regarding the construction of a nuclear repository at Yucca Mountain, Nevada; and

WHEREAS, under 10 CFR §2.1009 (Procedures), Nye County is required to establish procedures to implement the requirements of 10 CFR §2.1003 (Availability of Material); and

WHEREAS, under 10 CFR §2.1009, Nye County must designate a Responsible Official before submittal of any documents to the LSN may occur; and

WHEREAS, the purpose of the Responsible Official is to certify that the proper procedures are in place to identify, collect, and submit documents to the LSN; and

WHEREAS, the Responsible Official must ensure that submittal documents are relevant to any proceeding concerning Yucca Mountain, and

WHEREAS, the Responsible Official must also ensure that all submitted documents are electronically available for review.

NOW, THEREFORE, BE IT RESOLVED, that the Nye County Board of Supervisors designates xxx xxxxxx, as the Responsible Official, as required by 10 CFR §2.1009, for submittal of documents to the LSN on behalf of the County of Nye.

**ATTACHMENT 3
EXAMPLE CERTIFICATION BY NYE COUNTY RESPONSIBLE OFFICIAL**

I certify that Nye County has implemented procedures as required by 10 CFR 2.1009 (a)(2) and to the best of my knowledge, the documentary material specified in 10 CFR 2.1003 has been identified, submitted, and made electronically available on the Licensing Support Network..

Pursuant to 10 CFR 2.1003(e), Nye County will continue to provide additional documentary material created after this initial certification until the discovery period in the proceeding has concluded.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

ATTACHMENT 4
EXAMPLE COVER LETTER TRANSMITTING NYE COUNTY INITIAL
CERTIFICATION OF COMPLIANCE

Ms. Annette L. Vietti-Cook, Secretary
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

SUBJECT: NYE COUNTY, NEVADA INITIAL CERTIFICATION OF
COMPLIANCE WITH LICENSING SUPPORT NETWORK (LSN)
REQUIREMENTS

Dear Ms. Vietti-Cook,

Enclosed are an original and two copies of the initial LSN certification by Nye County, with supporting exhibits, pursuant to 10 CFR 2.1009, that procedures have been implemented and documentary material is available relevant to the U.S. Department of Energy's license application for authorization to construct a nuclear repository at Yucca Mountain, Nevada. The documentary material that Nye County is making available can be publicly accessed at <http://www.nyelsn.org>.

Nye County hereby designates (NAME), as the Responsible Official for the LSN, in accordance with 10 CFR 2.1009(a)(1). He/She can be contacted at: address, e-mail address, and phone.

As per 10 CFR 2.1003(1), authenticated image copies of the Nye County documentary material can be obtained from the Nye County Nuclear Waste Repository Project Office, 1210 E. Basin Road, STE 6, Pahrump, Nevada, 89060.

Nye County will continue to add documentary material to the LSN in accordance with 10 CFR 21003. Thank you for your consideration. If you have any questions regarding the enclosed material, please contact me.

Respectfully,
(NAME) (signed by the Nye County LSN Responsible Official).

Enclosures:

1. Initial Certification by Nye County (3 copies)
2. Compact Disk (Initial Certification with Exhibits)

U.S. DOE
State of Nevada
Churchill County
Clark County
Esmeralda County
Eureka County

Inyo County
Lander County
Lincoln County
Mineral County
White Pine County