

requirements in the Guidance present issues for the U.S. Department of Energy (DOE). Accordingly, DOE submits this motion requesting clarification with respect to certain of the technical criteria for submittal of DOE's LSN collection and providing a status report on the agreements for implementation reached by DOE and the LSNA and the technical staff of the Office of the Secretary (Secretary). DOE has conferred with the LSNA and the Secretary's technical staff about those issues.

Pursuant to the Board's Order, DOE will convert its documents that are currently in its LSN document collection in full text and image TIFF format into a "PDF/A" format. The PDF/A format means that the PDF images are capable of text searches and have embedded fonts. DOE will also provide the bibliographic header files in XML format for these documents and for those documents in DOE's LSN collection that are currently header only. These XML files will include the participant accession number and the LSN accession number. DOE believes it will be able to complete this process by August 31, 2011.

The Board's Order specifies that a party's LSN document collection should be submitted on OSM as specified in the Guidance.⁴ If DOE were to submit its large LSN document collection on OSM (*e.g.*, DVDs or CD-ROMs), DOE would have to submit hundreds of such OSM. Production on one or more high capacity external hard drives, however, would be considerably less expensive and less labor intensive. DOE understands that submission of DOE's LSN document collection on high capacity external hard drives would also be more efficient for the LSNA and the Secretary's technical staff. Accordingly, DOE requests that it be allowed to submit its documents on high capacity external hard drives.

⁴ *Id.* The Guidance lists examples of OSM, such as examples DVDs and CD-ROMs, that should be submitted to the NRC. Guidance at 4, § 1.2.

A relatively small number of the documents in the LSN document collection were scanned into electronic images from archival, low quality paper or microfilm, resulting in electronic images that may not produce optical character recognition (OCR) capable of successfully converting to PDF/A format. These documents, however, otherwise meet the OCR standard exceptions that the Commission established in 10 C.F.R. subpart J. 10 C.F.R. §§ 2.1011, 2.1013. When the Secretary receives these documents, the program it uses to ensure compliance with its Guidance may require it to “fail” them. DOE requests that the Secretary be permitted to reasonably accommodate these LSN documents that meet the OCR standard exceptions from subpart J. DOE understands that the LSNA and the Secretary’s technical staff agree with DOE on this issue.

DOE also provides the following status report on other technical issues that DOE, the LSNA, and the Secretary’s technical staff discussed with respect to the submission of DOE’s LSN document collection. Regarding DOE’s LSN document collection and due to its size, DOE understands that the LSNA and the Secretary’s technical staff agreed to implement the following variations from the Guidance:

- Each document’s file name will be its LSN participant accession number rather than the naming convention addressed in § 2.4 of the Guidance;
- If a DOE document is currently in color format on the LSN, DOE will preserve that format in its PDF submission. Guidance § 2.10 discourages the use of color.
- For those documents in DOE’s LSN document collection that exceed 50 megabytes, DOE will be allowed to submit them as a single document, without breaking them up, even though they exceed the file-size limitation of 50 megabytes from § 2.5 of the Guidance.
- In the transmittal to the NRC, DOE will list each storage media unit and the size of the collection on that unit, and the first and last document on that drive. DOE will be excused from the requirements of § 2.7, which provides that the transmittal letter forwarding electronic documents to the NRC should include a listing of certain information (*e.g.*, file name, size of each file). The sheer size of DOE’s LSN document collection makes including this information impractical and overly burdensome.

As it has done here, DOE will continue to discuss any technical issues with the LSNA and Secretary's information technology staff as those issues arise.

DOE requests that the Board enter an order, clarifying that: (1) DOE is permitted to submit its DOE LSN document collection on high capacity external hard drives; (2) the Secretary will accommodate those LSN documents that meet the standard OCR exceptions from subpart J; and (3) the variations to the Guidance agreed to by DOE, the LSNA, and the technical staff of the Secretary are acceptable.

10 C.F.R. § 2.323(b) Compliance

Pursuant to 10 C.F.R. § 2.323(b), DOE informed the parties of its intent to file this motion to seek clarification on these issues. The following parties indicated that they took no position on DOE's request, but reserved their right to respond once they had an opportunity to review DOE's motion: State of Nevada; NRC Staff; State of Washington; NCAC; State of California; State of South Carolina; White Pine County; and Nye County. The County of Inyo and Aiken County stated that they had no objection or opposition to DOE's motion.

Respectfully submitted,

U.S. DEPARTMENT OF ENERGY

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**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD**

Before Administrative Judges:

**Thomas S. Moore, Chairman
Paul S. Ryerson
Richard E. Wardwell**

In the Matter of)	Docket No. 63-001-HLW
)	
U.S. DEPARTMENT OF ENERGY)	ASLBP NO. 09-892-HLW-CAB04
)	
(High Level Waste Repository))	April 21, 2011
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the **U.S. DEPARTMENT OF ENERGY'S MOTION FOR CLARIFICATION AND STATUS REPORT REGARDING THE BOARD'S ORDER DATED APRIL 11, 2011** have been served on the following persons on this 21st day of April, 2011 through the Nuclear Regulatory Commission's Electronic Information Exchange.

CAB 04

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