

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

3 ***

4 LSNARP MEETING

5
6
7 Alexis Park Resort
8 375 E. Harmon Avenue
9 Las Vegas, Nevada 89109

10
11 Wednesday, February 23, 2000

12
13 The above-entitled meeting commenced, pursuant to notice, at 8:45
14 a.m.

15
16 PARTICIPANTS:

17 JOHN C. HOYLE, NRC

18 DANIEL GRASER, NRC

19 GLEN FOSTER

20 CHIP CAMERON - NRC

21 ABIGAIL JOHNSON, Colorado

22 JUDY TREICHEL, Nevada

23 STEVE FRISHMAN, Nevada

24 ENGELBRECHT VON TIESENHAUSEN, Clark County

25 MALACHY MURPHY, Nye County

PARTICIPANTS: [Continued]

CLAUDIA NEWBURY, DOE

DENNIS BECHTEL, Clark County

JASON PITTS, Lincoln County

ADMIN
RECORDS
&
ASSOCIATE

P R O C E E D I N G S

[8:45 a.m.]

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3 MR. HOYLE: We'll try to get started. This is the second
4 meeting of the Licensing Support Network Advisory Review Panel. As you
5 know -- most of you know, this is really the continuation of a former
6 advisory panel which gives advice to the Nuclear Regulatory Commission
7 under the rules of the Federal Advisory Committee Act, and we're
8 operating under those rules today. This is an open meeting and it was
9 prenoticed more than 30 days ago.

10 My name is John Hoyle. I'm chairman of this panel, a
11 part-time NRC employee. And with me at the head table here or the front
12 of the head table are two other members of the Nuclear Regulator
13 Commission, and I'll let them introduce themselves and we'll go around
14 the table and introduce yourself please. Let me start with Dan.

15 MR. GRASER: I'm Dan Graser from the Nuclear Regulatory
16 Commission. I'm a Licensing Support Network administrator.

17 MR. HOYLE: Mal.

18 MR. MURPHY: Mal Murphy. I'm the Nye County regulatory and
19 licensing advisor.

20 MS. NEWBURY: Claudia Newbury, Department of Energy.

21 MR. BECHTEL: Dennis Bechtel, planning manger for Clark
22 County.

23 MR. FRISHMAN: Steve Frishman, the State of Nevada.

24 MS. TREICHEL: Judy Treichel, Nevada Nuclear Waste Task
25 Force.

MR. CAMERON: Chip Cameron, Office of General Counsel, NRC.

MR. HOYLE: Thank you very much. And thank you all for
coming, members certainly, those in the audience as well. I want to
emphasize the importance of the participation on this panel and the
advice that this panel is going to be giving the Nuclear Regulatory

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1 Commission. The Commission, of course, has had the potential of
2 licensing proceeding on the front of its plate for sometime and, as we
3 get closer and closer to that point, the Commission is going to listen
4 closely to what this panel has to say about the licensing support
5 network. So I consider your advice. Hopefully we will conclude today
6 by determining what alternative system we would like to recommend to the
7 Commission. It's going to be very important. Dan Graser has put
8 together an agenda which I think you all have. It should keep us pretty
9 busy for the rest of the day it looks like to me. I think, Claudia, if
10 you're ready to start, we'll hear from you first.

11 MS. NEWBURY: This is going to be pretty short.

12 MR. FRISHMAN: Claudia, before you do, do the rest of us get
13 some opening remarks, Mr. Chairman?

14 MR. HOYLE: Certainly, and I think maybe Steve was going to
15 say that as well, so, yes, let me open it up for opening remarks.

16 MR. FRISHMAN: Well, I guess there's something that's been
17 wearing on me for a long time and I've -- I'll say it as clean and blunt
18 as I can, and that's that I don't like calling this whole operation the
19 Licensing Support Network because we do not support licensing. I think
20 we need to call it a comprehensive database and I think we ought to keep
21 it really simple and have DOE put their data out, we'll put our data out
22 and we'll just go from there. We're not in the system of supporting
23 licensing. And it's become -- it's gotten to be, you know, just from my
24 having been gone for the last two weeks on business having to do with
25 this program, I get back and find my e-mail loaded with paper that is
almost incomprehensible anyway for something that is as simple as
somebody putting their data out on the net and letting it be and we all
use it. If you remember in the last meeting, I said that the reason
that we're even in this business at all is so the NRC can make its
three-year licensing deadline, and from that, the purpose was to speed

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1 up discovery. Well, discovery can be speeded up with what exists in the
2 electronic world right now without a whole bunch of paper on top of it.
3 If DOE would just put their data out there, that would be wonderful, and
4 we'll be glad to put our data out there. But to build a bureaucracy
5 around a database to me just seems to be an enormous waste of time,
6 money, and energy.

7 MR. HOYLE: All right, Steve. Thank you.

8 MR. FRISHMAN: And that's my opinion for today.

9 MR. HOYLE: All right. Thank you.

10 MR. MURPHY: Yeah, just very briefly. I've got some of the
11 same sort of concerns that State just expressed. In going over the
12 documents that Dan submitted and in some of the -- I must, you know,
13 confess that I didn't keep up with the technical working group meetings
14 minutes as quickly as I should have, but in going over them just in the
15 last couple of days, it's occurred to me that we -- that with some of
16 these alternatives, three and four particularly, we are in grave danger
17 of losing entirely the benefit of the LSN rule and going back to the old
18 LSS, and that is certainly not what I thought we were doing when we
19 amended the rule to take advantage of the worldwide web. I don't
20 remember now, but I -- why we did it, but I'm wondering why we so
21 cavalierly discarded alternatives one and two. It seems to me
22 alternative one and perhaps -- and maybe alternative two were more
23 clearly reflective of the intent at least of this body and hopefully of
24 the NRC when it adopted the LSN rule and made the strategic decision to
25 move from a centralized licensing support system to a worldwide
web-based licensing support network. So like Steve, I'm very disturbed
at the seemingly layer and layer -- layers and layers and layers of the
nonessential requirements that we're now discussing, and it seems to me
that they don't provide any real critical process or assistance to
potential participants in the licensing process, so I think we need to

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1 seriously consider going back to something akin to alternatives one and
2 two or at least -- at the very least focus on alternative five rather
3 than three and four.

4 Also, and it's -- we can discuss it when we get to it, it
5 seems to me, as I read both the rule and draft functional requirements,
6 Dan, there are proposed functional requirements which go well beyond the
7 requirements of the rule itself that I think, in my personal opinion,
8 have no basis in law whatsoever.

9 And finally, I am going to have to leave at 3:30 to go to
10 another meeting with my client, the project manager for Nye County. I
11 think we -- you know, that's not going to be a problem but I may want to
12 get my two bits' worth in early at 3:00 agenda item when we get done
13 talking about recommendations. Thanks.

14 MR. HOYLE: Thank you, Mal. Further comments from --

15 MS. TREICHEL: Yeah, I would just like to also I guess echo
16 the call for -- just an integrated database rather than something that
17 supports licensing. We've just come out of all of the hearings on the
18 EIS and one of the big problems was the lack of current data that was
19 included in that analysis, and people had submitted stuff and it didn't
20 get there or it wasn't considered. And so the bottom line for me and I
21 think for anyone that's a public advocate or a public representative is
22 just going to be that a lot of stuff gets in, that everything gets in
23 actually from all different directions and that you can get to it and it
24 does get very difficult when you start layering on stuff that -- because
25 people are at so many various levels of expertise and equipment and
money and all of that sort of thing. So that's it.

MR. HOYLE: Dennis?

MR. BECHTEL: Maybe just a brief comment that, having gone
through the review of the viability assessment and more recently the
DEIS, I also am hopeful that the information is available in a timely

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1 way, and I look at this potentially this group as being, as kind of
2 serving an audit function to ensure that that happens. I don't have
3 time to -- for the complexity sake, I rely on, say, the NRC to ensure
4 that whatever system is -- that we select is -- we're able to do that.
5 But I don't want to go through the recent experience of getting into a
6 review period and not having documents to be able to review, so
7 hopefully, if we're able to do that, I think we'll accomplish something.

8 MR. HOYLE: Okay. Thank you. You want to comment on these
9 comments or --

10 MS. NEWBURY: Do a little comment on it then I'll just go
11 through my action item, if you will.

12 MALE VOICE: Well, I'd like to comment after your comment
13 anyway.

14 MS. NEWBURY: Okay. Bearing in mind that this is set up as
15 a discovery tool for licensing and that is the only reason the NRC is
16 sponsoring this, I'm not totally in concurrence with what Steve had to
17 say, but I do support a lot of what Mal says. I think that the system
18 has gotten more complex than it was intended to be and goes beyond --

19 MR. HOYLE: Pull your mike up just a little closer.

20 MS. NEWBURY: And goes beyond what we expected the rule to
21 accomplish when we changed it from a licensing support system to a
22 network, so I agree with Mal.

23 MR. HOYLE: Okay. Thanks. I guess I just wanted to comment
24 that one of the purposes for us today is to hear what the technical
25 working group did in the meetings since the last meeting of this panel,
and hopefully they will go through alternatives one and two again for
us, and if -- it was the technical working group that suggested that we
might not want to look much closer at those two, but this panel has not
& taken any action in that regard. So let's hear the presentations and
ASS decide, you know, as a group what advice we would like to give the
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1 Nuclear Regulatory Commission.

2 MR. GRASER: Yes.

3 MR. HOYLE: Dan? It's hard to hear in the back so we're
4 going to have to speak closely into the microphones please.

5 MR. GRASER: I would just like to echo what John just
6 brought up is that the technical working groups did examine alternatives
7 one and alternatives two and we have included analyses of those options
8 again and we can certainly go into those in more detail than what we had
9 planned on the agenda so that the AR -- the full ARP has the benefit of
10 going through those options and alternatives. So we can certainly do
11 that. We brought the materials along to support such a presentation and
12 such a discussion. The other thing that I would like to mention is that
13 the rule -- I view the rule -- the way I look at the rule is that it
14 establishes an overall framework within which we have a fairly wide
15 latitude for how we implement the system. And the rule does -- the
16 revised rule does not specifically call out a technological solution
17 and, in fact, it was left deliberately fairly wide open so that you
18 could have a wide range of technical solutions. And if the opinion of
19 the advisory review panel is to go for less rather than more and to
20 simplify rather than make it complex and to strip out layers of
21 bureaucracy rather than to have those mechanisms in there, the
22 opportunity toward the end of the day will be for the advisory review
23 panel to determine how it's going to present its recommendations back to
24 the Nuclear Regulatory Commission. And so, in that context, I think
25 what John will probably be asking for at the end of the day is for the
ARP to sit down and figure out, well, okay, exactly what do we want to
say to the Nuclear Regulatory Commission and who will lead the effort in
crafting exactly how the advisory panel expresses its desires and to get
that documented and to submit that back as an ARP statement back to the
Nuclear Regulatory Commission. And the object of having the ARP

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1 meetings is exactly to elicit that sort of input, so I'm really looking
2 forward to hearing what the best guidance is. And if a simplified
3 system is the system that the participants and the potential
4 participants feel will be adequate toward meeting their discovery ends,
5 then that's fine with me. I don't have any vested interest in building
6 an empire. I do have a vested interest in making sure we accomplish the
7 mission, and that's what I'm looking for is guidance in how far we have
8 to go to accomplish that mission. So thank you all very much for your
9 comments.

10 MR. FRISHMAN: Let me just ask one thing. Can you define
11 the mission?

12 MR. GRASER: I would harken back to a letter that Loretta
13 Metoxen submitted to the Nuclear Regulatory Commission back in the old
14 LSS rule days, back in I think it was about December of 1988 where
15 Loretta made an excellent plea that the playing field be leveled so that
16 everybody had equal access and equal opportunity to look at everybody
17 else's documents without the system introducing a technological leverage
18 that favored one of the participants versus others. And so my view of
19 the mission is to make a system available to all of the potential
20 parties with low enough thresholds of participation and low enough
21 levels of technical complexity that it can be used by everybody who's
22 going to be a potential participant to fulfill their needs in finding
23 documents that they perceive they want to use during the licensing
24 proceedings.

25 MR. FRISHMAN: That sounds good. Let's keep it in mind.

MR. HOYLE: Chip?

MR. CAMERON: Just to provide a little bit of perspective in
ANN terms of the possible intent of this new rule for purposes of our
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LSN is that the commission wanted to do away with the centralized system

1 that would have been created under the licensing support system. And
2 although there are a lot of references in the supplementary information
3 of the rule to websites, the supplementary information also speaks to
4 the fact that the mechanism to implement this requirement, in other
5 words, the electronic availability of documents, the mechanism is not
6 stated in the rule that the availability of the Internet to link
7 geographically-disbursed sites appears to have the potential to satisfy
8 the rules, so I think if you start out with a simple concept of
9 individual websites and you go on a spectrum along the spectrum to this
10 centralized system that we moved away from, there is a lot of latitude
11 about how you accomplish this and I think that the interests of the
12 individual participants on the panel in terms of how that is
13 accomplished is the most important element.

14 MR. HOYLE: All right. Any further comment? I apologize
15 for seeming to invite you not to make comments, so thank you for all
16 that. All right, Claudia.

17 MS. NEWBURY: Okay. I had an action item from the last
18 meeting. Dennis had asked a question on whether or not money that has
19 been appropriated from the Energy Water Development Preparations Act by
20 Congress could be used to fund the LSNARP activities and the LSN
21 activities. And I said I would check with my lawyers and get back to
22 you. And I checked with my lawyers and what they said was they think
23 this is great and this is exactly the intent of the law for oversight
24 and the counties are welcome to use the money in that manner. The
25 state, of course, has some other limitations on it and so cannot.

MR. FRISHMAN: And we so much appreciate that.

MR. CAMERON: Can you clarify what those other limitations
are? In other words, the -- it's okay for the department to provide
& to -- the monies that are provided to the affected unit of local
OCI governments can be used by those local governments to, for example,

1 establish the websites that make their documents available, but the
2 money that the state gets could not be used for that purpose? I'm just
3 trying to understand clearly what the bottom line is here.

4 MS. NEWBURY: Yes, and I think Steve can probably address it
5 in more detail than I can because he's more familiar with the
6 restrictions that were put on the state.

7 MR. FRISHMAN: I don't think this is the place to be
8 discussing it.

9 MR. MURPHY: Not that I disagree with you, Steve, but
10 Congress, in its inimitable wisdom has restricted the state in expending
11 its appropriations to the conduct of scientific studies, and whether or
12 not that's going to obtain in the future is anybody's guess, you know,
13 what language congress is going to use. It seems to me that, you know,
14 the invention and development of the worldwide web was an expression of
15 science and if the state was to study how it's to implement the
16 requirements of licensing support rule, I would certainly interpret that
17 as a scientific study, but --

18 MR. CAMERON: Perhaps to take another look at that, if this
19 system is supposed to provide for the communication of data, it would
20 seem that that would be a direct output of the conducting of scientific
21 studies. I mean, what is the sense of conducting scientific studies if
22 you can't communicate that data to people? And I guess, Claudia, you
23 haven't expressly stated that the conduct of scientific studies is the
24 limiting factor, but I guess we're all going to put our two cents in on
25 this.

MR. MURPHY: Well, we may have to hire this panel to be our
advocate.

MR. CAMERON: The point is that the state. for whatever
reasons, and Steve is absolutely correct, this panel can do absolutely
nothing whatsoever about the -- but for whatever reasons, congress has

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1 seen fit to impose restrictions on the state's expenditure of funds
2 which is hasn't imposed on any other parties. Whether or not those
3 restrictions will be -- will continue or be loosened or removed in the
4 future is anybody's guess, but right now they have problems that the
5 rest of us don't have.

6 MR. BECHTEL: So, Claudia, the review of deal your lawyers
7 undertook included the review of our annual appropriations restrictions,
8 that's part of the --

9 MS. NEWBURY: Yes.

10 MR. BECHTEL: Yeah.

11 MR. FRISHMAN: So the bottom line on the whole thing is, at
12 some point we will decide how we participate but we also know that we
13 are a party.

14 MS. TREICHEL: Well, there's also difficulties with public
15 advocacy groups who depend upon either donations or grant funding in
16 that that money is very often, you know, comes with the wishes of the
17 funder as to how it's used and I haven't sought money -- I haven't
18 looked for foundation money for this only because I know that it's not
19 what they call a sexy issue and probably would be very difficult. So
20 there are some of us that, you know, just keep up as we can.

21 MR. CAMERON: Yeah, I guess the bottom line is is that it's
22 within DOE's purview to make this call.

23 MS. NEWBURY: I'm sorry, I was talking to Dennis. I'm
24 sorry, I didn't hear. I was talking to Dennis.

25 MR. CAMERON: this is DOE's interpretation at this moment on
how those funds can be expended relative to the state and the LSN? I'm
just trying to get a sense for how firm it is.

MS. NEWBURY: It's DOE's interpretation of the language
that's in the appropriations bill from congress.

MR. CAMERON: Okay. All right. Thank you.

1 MR. MURPHY: It's not, you know, I ought to send you a bill
2 for this, Claudia. It's not DOE's call in this sense. DOE has
3 consistently recommended to congress that the state be, you know, fully
4 funded and operate under the same restrictions and -- as all of the
5 other oversight entities, so, you know, it seems to me if it were up to
6 DOE Steve would not have the problem in spending his oversight
7 appropriation as he has.

8 MR. FRISHMAN: It's DOE bowing to one congressman's
9 interpretation.

10 MR. MURPHY: Well, it's not DOE bowing to anybody. I mean,
11 it's one congressman imposing his will on the rest of the congress, you
12 might say.

13 MR. FRISHMAN: Which DOE may or may not deal with.

14 MR. MURPHY: That's true. But they have bigger fish to fry.

15 MR. HOYLE: Okay. Thank you, Claudia. Any further comment
16 on that? Thanks. The next item on the agenda we're going to call upon
17 Mr. Cameron to discuss 2.1004 of the rule, qualification on making
18 available in index of documents not placed on participant external
19 collection. Chip?

20 MR. CAMERON: Thanks, John. I don't -- I'm hoping this is
21 not going to be a long complicated discussion because if it is I really
22 missed the boat somewhere on this provision. But basically going back
23 to the beginning of the original LSS rule, there was a concern that
24 there might be documents that are discovered, so to speak, that were not
25 put on the LSN or the LSS electronically and that when those documents
were found that they should be made available to the parties as soon as
possible. And this provision deals with a five-day time frame now for
those documents to be made available. And it doesn't have anything to
& do, as far as I can see, with parties making lists of documents
OCI available to others lists of documents that were found not to be
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1 relevant. It's simply if a document's identified that's not on the
2 system, let's get it on the system, let's make it available within a
3 certain amount of time. And there is another provision back in 2.1019 I
4 believe that deals with depositions and a person who's going to be
5 deposited providing electronic index of documents that are relevant to
6 that deposition and indicating which ones of those are already on the
7 system and which ones aren't on the system, perhaps because it's a
8 document that that person annotated in handwriting with marginalia. And
9 I guess I would look to -- I guess I would ask now whether he has any
10 other view on this 2.1004 and also Dan, who I think knows more of what
11 the background is on this.

12 MR. MURPHY: Right.

13 MR. CAMERON: Maybe less. Go ahead.

14 MR. MURPHY: I think I agree with what you said, Chip, if I
15 understand your point. I don't see this as a huge issue personally.
16 Claudia perhaps does because -- documents is, by comparison to Nye's,
17 enormous. But as I read the rule, I see no requirement in there for us
18 to list or provide an index electronically of the documents that we have
19 through our own internal processes consistent with the requirements of
20 the rule concluded are not or and not likely to become relevant to the
21 licensing process. But in Nye County's case, and I'm assuming the other
22 smaller local governments' case, that's not a huge burden if you want us
23 to put an index of the documents in our Purim (phonetic) office and in
24 our contractors' offices on the worldwide web I guess we can do that. I
25 don't see any necessity for doing so. I mean, the documents that are
not under any circumstances going to become part of the licensing
process. You know, we can do that. That's not a big deal. I'm not
going to lose any sleep over that but Claudia might because that list
indeed -- and I would if I were running the NRC's documents, it seems to
me. But in Claudia's case, that's a gigantic list of documents, but I

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1 agree with your interpretation that it's not necessary under the rule.

2 MR. GRASER: I was just going to add that I seem to recall
3 that one of the discussions that went on when the revised rule was being
4 developed was the whole question of well how do you know what you don't
5 know, how do you know which documents haven't been placed -- haven't
6 been determined to be -- by the participant to be relevant and have not
7 been placed out on the web. Then how do you know which documents have
8 not been placed on the web unless you have some mechanism to look at
9 other potentially relevant materials and then come forward to the
10 presiding officer and make a case that some documents that, in your own
11 determination, may be potentially relevant you found on this index of
12 materials and would now like to come before the presiding officer and
13 make a case that those documents be placed by the other party out on
14 their site in full text with a bibliographic header. So I do recall
15 some of those discussions going on during the time of the process of
16 revising the rule. But again, that's -- it's more along the lines of a
17 question for the lawyers rather than for the techies. Our only concern
18 was to make sure we got a clarification of that because it did come up
19 during the course of technical working group discussions.

20 MR. MURPHY: I think the question is, you know, who's got
21 the burden to do a little work in preparation for their own licensing
22 case? We have to keep in mind and, you know, this discussion came up
23 even back in '86/'87 when we were negotiating the original LSS rule, but
24 all of these documents and all of these indexes, well, with the
25 exception of Judy and similar organizations, are public records. I
mean, anybody who wants to can today walk into our office in Purim and
follow the processes established under Nevada law and ask to look at our
records or an index of our records. So the only question is do we make
& that index available in the first instance on the first page of our
ASS website and does DOE, or is that list made available to the world
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1 including the attorneys on the other side of the licensing process in
2 some other fashion. It's not a question of are they going to be able to
3 find out what documents we have which aren't -- which we don't consider
4 relevant or are they not going to be able to find that out. The only
5 question is how and how quickly I suppose is a necessary subset of that
6 first question.

7 MR. CAMERON: And I -- there's two issues here and one is
8 perhaps legitimate issue of whether there should be such an index
9 provided and how. The second issue is whether to -- whether there's any
10 reflection of this in a rule at this point. And I can't find any
11 reflection of it in the rule, particularly in 2.1004, the Pedroter
12 (phonetic) issue of whether from a policy matter we need to have this
13 list of documents that were found to not be relevant would be an issue
14 for the panel and also if the panel found that that would be a
15 requirement, would the rule need to be amended to provide for it.

16 MR. HOYLE: In hopes of clarification and this might be the
17 cart behind the horse here, I'd like to read into the record the section
18 we're talking about. Section 2.1003 is entitled availability of
19 material and that talks about the material that you should -- that a
20 party or a potential party should be putting into the system. And it
21 lays out in some detail what that types of material should be. And then
22 2.1004 is entitled Amendments and Additions, and it reads, "Any document
23 that has not been provided to other parties in electronic form must be
24 identified in an electronic notice and made available for inspection and
25 copying by the potential party, interested government participant, or
party responsible for the submission of the document within five days
after it has been requested." And it goes on and lists other times been
allowed by the prelicense application presiding officer. So it doesn't
talk about a list. It talks about the possibility that another
participant or potential participant knows of a document that's not on a

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1 party's list and says, "Hey, how about this document?" And once that is
2 identified, then the party that owns that document needs to follow 1004
3 and get it up electronically.

4 Now, that's a very simple reading of that rule, but I just
5 wanted to put it in context here for those particularly who do not have
6 a copy of the rule before you. Any other comment then? Claudia?

7 MS. NEWBURY: Yeah. That section follows right after the
8 availability of materials section where it discussed documentary
9 material that is not provided in electronic format.

10 MR. HOYLE: Uh-huh.

11 MS. NEWBURY: There's a section there. And I -- doesn't
12 this follow from that that if you have information that you have
13 provided a header for that not an electronic format; isn't that what
14 they're requesting? This is not documents that we've decided are
15 irrelevant. I agree with Chip. This is stuff that's already listed in
16 our bibliographic headers that we did not provide the electronic
17 information for.

18 MALE VOICE: Well, that's --

19 MR. HOYLE: You talking about raw data?

20 MS. NEWBURY: There's a whole list of things here that are
21 not provided in electronic format.

22 MR. MURPHY: Uh-huh. But I think it also refers to
23 documents that people run into. I don't want to use the word discover
24 because that's a term of art in the law. It refers to, as I recall the
25 negotiations and the discussions of this language, refers to documents
that people might run into in the course of their own preparation for
the licensing process, particularly including taking depositions of
potential expert witnesses. If you're talking to some scientist and he
says, "Well, I remember I made some notes about work I did out on such
and such a field trip, but, you know, they're in my office somewhere,"

1 you can request them and you need to have them delivered within five
2 days. I've never interpreted that as meaning that we had to put our
3 entire index or that anybody had to put its entire index on the web.
4 But again, I mean, so I agree entirely with Chip that that -- that the
5 rule doesn't require that. It -- but, you know, for the smaller
6 participants like Nye, it's not an enormous burden for us to do that.
7 But, you know, it's a --

8 MS. NEWBURY: It would be burdensome for use.

9 MR. CAMERON: Dan, is this clarified for your need?

10 MR. GRASER: Absolutely. I -- you know, as long as
11 everybody has that what seems to me a fairly shared understanding. I
12 think that answers the question as far as I'm concerned.

13 MR. MURPHY: I don't think there's ever been any question of
14 our need to list electronically with a header or with some other
15 descriptive for the documents that we identify as potentially relevant
16 but which were, for some reason or other, we're not putting on the
17 website because they're raw data, because they're attorney/client
18 privilege, or whatever. I mean, clearly we need to identify them and
19 list them like that.

20 MR. GRASER: And then that's where 2.1004 would kick in and
21 say, if you have a document that was not previously made available in
22 text --

23 MS. NEWBURY: Correct.

24 MR. GRASER: -- then --

25 MR. MURPHY: Plus this other class of documents that people
stumble across in the course of --

MR. CAMERON: And keep in mind that 2.1003 already takes
into account documents for which there might be a claim of privilege.
2.1004 could apply to documents where there would -- that no privilege
would attach to. It's just a case of it was missed somehow. And if a

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1 party wants to -- who owns that wants to challenge whether that indeed
2 is relevant, a relevant document or is privileged, then that can all be
3 processed before the presiding officer. So it's broader than just
4 documents for which a claim of privilege exists or for so-called
5 graphic-oriented material that aren't subject to capture in electronic
6 form.

7 MR. FRISHMAN: Okay. Thank you. To close that off, I agree
8 with the outcome of this.

9 MR. HOYLE: We have a new member of the panel joining us.
10 Please introduce yourself.

11 MR. PITTS: Jason Pitts, Lincoln County.

12 MR. HOYLE: Okay. Jason, it's hard for people to hear us
13 without the mike, so why don't you pull that one up close for any
14 comments you would like to make. Thank you. All right. Moving along.
15 Unless there's any further discussion of that item. Dan, do you wish to
16 summarize the October and December technical working group meetings,
17 please?

18 MR. GRASER: Okay. Thank you very much, John. The
19 technical working group, for those of you who may not have been at any
20 of the previous licensing support system or licensing support network
21 meetings including the meeting last October, I'm just going to walk
22 through very quickly what the role and function of the technical working
23 groups for this advisory panel has been laid out. The technical working
24 group objectives is essentially to perform investigative or research or
25 analytical sorts of activities, and because this rule deals with a
computer system, this is focusing on computer technology specifically
design alternatives for implementing licensing support networks. So the
technical working group that met after the October advisory review panel
and later again in December was focused specifically on going off and
exploring technical options and alternatives. The technical working

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1 group then returns back to the advisory review panel with the results of
2 their findings and it's up to the voting members of the advisory review
3 panel to then determine what do we do with this information. And so
4 that's the charter of the technical working group. And as I mentioned,
5 we had meetings in October and December. The -- I apologize for
6 swamping people with e-mail but I've always been of the opinion that
7 more information is better than none, so I did send out copies of the
8 technical working group meetings and I believe I sent them out as the
9 technical working group meeting minutes became available, and then I
10 also sent a copy of them out as part of the background package for this
11 meeting.

12 The technical working group participants -- and this is a
13 compiled list from the entire October and December sets of meetings. We
14 had some individuals who attended all of the meetings. We had other
15 individuals who sat in on perhaps one of the sessions but not all of
16 them. And I just wanted to list the individuals who participated in
17 some or all of the technical working group meetings, and I wanted to
18 thank them very specifically for their participation, for the time and
19 effort that everybody put in. You can see we had some cross
20 representation from various different participants and potential
21 participants. Okay. That list of the TWG participants is included in
22 the handout set of the overheads that have been provided to everybody.

23 The first meeting we had actually commenced the day before
24 the October advisory review panel meeting and then subsequently met for
25 the two days following the ARP meeting. As described in much more
detail in the working group meeting minutes that were sent out, the
technical working group reviewed the initial three alternative solutions
that were presented at the October advisory review panel meeting. And
as was already mentioned this morning, although the technical working
group found them wanting in certain respects, according to our

1 understanding and so forth, we did as a group give those two
2 alternatives a fairly thorough walk-through and scrubbing, so we do have
3 presentation materials as a result of all of those discussions. And, as
4 I said, we've included them in the package so that they are available
5 later today for us to walk through in more detail. And if, in fact, the
6 advisory panel feels that the technical working group probably should
7 not have thrown those options out, that's fine. We can resurrect them
8 without any great degree of difficulty and certainly have a spirited
9 discussion on the merits of those technical solutions.

10 But during the process of the October meetings, as I said,
11 the technical working group essentially looked at the first two of the
12 alternatives and found from our perspective at that time what we felt
13 were made them non-starter issues. They had certain aspects of the
14 implementation that would not have made them especially user friendly or
15 have made them more difficult to get an under -- full understanding of
16 which responsive documents all of the parties had available out on the
17 web. We can go through those in more detail in the later presentations
18 today. For each of the alternatives that we reviewed, we walked through
19 technical description of each of those and looked at a number of
20 different attributes or aspects of those technical implementations and
21 I've listed them down at the bottom of this particular slide. For each
22 of the alternatives that we explored, we looked specifically at issues
23 such as how the system would be integrated, server performance, what
24 would be the impact of clean text versus dirty text, search engine
25 performance, web security which is certainly in everybody's
consciousness after the events of the last few weeks. We looked at
aspects that dealt with how you would be able to determine if the system
is adequately performing for the users, training, data, maintenance, and
& so forth. So it was a fairly exhaustive list of salient features for
each of the systems and the technical working groups had some very

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1 animated and lively discussions about all of those. There was very
2 active exchange of thoughts and ideas about all of the systems.

3 During the course of that October meeting, in addition to
4 looking at the initial three design approaches, representatives from the
5 Department of Energy proposed another technical solution. It was a
6 variant of one of the solutions that was originally presented in the
7 October ARP meeting. That variant became our alternative number four.
8 So when we left the October meeting, we had one of the original three
9 that we considered still to be viable and, in addition to that, we had a
10 variation of that. So we had two viable alternatives at that point in
11 time.

12 The October meeting also generated within the technical
13 working group a list of action items that various of the technical
14 working group members went off and did some additional research. One of
15 the things we recognized was that the original old LSS functional
16 requirements that described the mainframe-type system with lots of
17 functionality, being able to deliver print documents on request and
18 those sorts of things, did not apply to web-based approach to accessing
19 everybody's information. So -- I'm sorry. So we identified a task that
20 somebody needed to take an initial cut at developing a set of functional
21 requirements that would reflect the attributes of a web-based system.
22 We looked at the bibliographic headers and tried to identify whether the
23 old LSS bibliographic header structure would require any changes and as
24 a result of using a web-based technology. And generally speaking, the
25 structure data in the index as originally outlined by the licensing
support system, technical working groups with Field and Dickerson and a
number of other participants from DOE, we found that the bibliographic
headers were still generally good in terms of creating a format for
structured data. One of the observations we had was that there were
housekeeping fields of information back in the old LSS design that

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1 probably were no longer operative. Those housekeeping fields identified
2 who originally indexed the document and when the document was placed on
3 the participant's site or submitted by the participant to the LSS
4 administrator. And some of those housekeeping fields of information we
5 felt could be dispensed with. We also identified that we needed to come
6 up with at least some ballpark pricing for the viable alternatives, and
7 we recognized at that point in time that what we were trying to do was
8 to characterize the general costs associated with the alternatives. And
9 my interest was to look at that specifically and make sure that there
10 was nothing in the profile of any of those solutions that would make it
11 become cost prohibitive to the Nuclear Regulatory Commission because
12 that would certainly be an issue that needs to be raised to people's
13 attention. It's a perfectly good technical solution but it may not get
14 funded. And if that was going to be the case, we wanted to know. So we
15 did what we called a general cost characterization for each of the
16 systems.

17 We also looked at portal software to determine whether or
18 not these could be the hardware -- whether they could be operating in
19 multiple different operating systems and that assignment was tasked off
20 to Nuclear Regulatory Commission. We also explored the applicability of
21 data mining tools and went also back to look at implementations of other
22 portal sites that looked like good candidate, best practices sorts of
23 sites that we could look at and we did go back and talk with the folks
24 from DOE's Environmental Safety and Office of Environmental Safety and
25 Health and got a lot of good information about their experience with
developing their portal site for the Department of Energy. And finally
we also recognized that we needed to continue doing some work on the
issue of records packages and other issues that were associated with
that. So the October meeting was pretty busy. We had a lot of these
action items and a lot of the results of that are going -- are included

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1 in the packets that have been provided for you.

2 The technical working group convened again in December on
3 December 5th. And, at that point in time, we worked toward trying to
4 develop a better definition of the mission of the system and, Steve,
5 again -- I think -- no that's the right chart. Again, this kind of goes
6 back to Steve's question this morning, exactly how do you view the
7 mission of what the system is supposed to accomplish. And, in essence,
8 we honed it down to ensuring that there was a web-based system that
9 would provide all of the documents uniformly to all of the potential
10 parties. The rule still requires a certain amount of independent
11 validation that the participants are adhering to the rule and, in terms
12 of making sure that the system is available to assist in meeting the
13 three-year license proceeding, there's also the aspect that the
14 system -- we need to ensure that the system is up and operational and
15 available for the parties when it needs to be there.

16 At the December meeting, we also defined the key attributes
17 of the system, including elements dealing with how controllable the
18 system would be and control from this perspective means can we ensure
19 that when users come to that site, the users can get into the website,
20 that there's enough band width to the site and enough licenses for
21 concurrent users coming into the site so that we would not have people
22 being blocked out of having access simply because there were not enough
23 resources made available. And part of the LSN administrator's
24 responsibility is to ensure that the system is available when it needs
25 to be available.

We also identified that the key attribute of the system
would be to try to ensure the highest degree of performance and the
highest amount of availability at the most reasonable cost. And again,
that's why we went into the drill of doing cost characterizations on the
various scenarios. During the December meeting, a fifth solution was

1 proposed. Again, the technical folks from the Department of Energy were
2 particularly helpful in brainstorming sessions that we had. The fifth
3 solution that was proposed was again another architectural variation of
4 alternative three. So we ended up at the end of the December meeting
5 with now five technical solutions or architectures and the three that we
6 considered still to be viable all really had very similar aspects
7 because they were all just variations of that original alternative
8 number three. They add some architectural features intended to deal
9 with issues that we identified, performance issues, that all related to
10 band width and access and the ability to download fairly large
11 documents. So that is one of the issues also that really developed out
12 of the December meeting was to focus on the issue of band width and that
13 being the -- one of the primary technical challenges to making -- to
14 establishing the system and making it operational and reliable.

15 I have some additional things to report on. One of the
16 assignments that we had from the last advisory panel meeting was to go
17 out and establish some dialog with library organizations within the
18 state of Nevada. This all came up on the context of the discussion I
19 believe about the Nuclear Regulatory Commission was just in the process
20 of disestablishing its local public document rooms. And Judy did I
21 believe at the last ARP meeting raise the issue of -- I'm not sure if --
22 I can't remember -- in any event, somebody at the last ARP meeting
23 raised the issue of --

24 MR. HOYLE: Abbie I think.

25 MR. GRASER: Was it Abbie? Okay.

MR. HOYLE: Abbie Johnson.

MR. GRASER: Okay. Somebody raised the issue of whether or
not the public that was located in some of the areas outside of the
& metropolitan areas, for example, would have adequate and sufficient
computer resources to be able to access the system. And so one of the

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1 tasks that I took on was to go out and make contact with the state of
2 Nevada Library and Archives Organization and I'm sharing with you here
3 on this slide a communication from Bonnie Buckley. Basically she
4 indicates that all of the public library systems in the state right down
5 to the smallest local branches in all of the out county areas do
6 currently have Internet access, and the Internet access is one of the
7 big initiatives within their organization to make sure that that
8 Internet access is available through the library organization. So I
9 think the short answer on all this is that if there is a library close
10 by, members of the public will have a mechanism to get into the document
11 collections and I -- at their website, they have also included a list of
12 those libraries and the various branch offices of them. So if anybody
13 is interested in pursuing that, I'd be glad to share with you the
14 website for their organization. And just like to go on record as
15 thanking Ms. Buckley for her prompt response to that inquiry that I sent
16 out to her.

17 MR. MURPHY: That's pretty much true around the country
18 today, isn't it, Dan? I know we have in our local library back home,
19 and I think throughout the state of Washington, they all have Internet
20 access. There's a question of, you know, how many counsels are
21 available, et cetera, but --

22 MR. GRASER: I believe that's a fair characterization of it.
23 It's just not the sort of thing that I would like to shrug off and leave
24 to a presumption it was an easy thing to check out and easy thing to
25 document that yes indeed the availability is there. There was some
concern I believe that Abbie raised regarding the availability, for
example, of fast telecommunication lines, dedicated telecommunication
lines which could also affect performance. So it's just as easy to ask
those questions and to find out and to get it onto the record that yes
indeed those resources are available.

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1 MR. MURPHY: Well, you know, the reason I raised the point
2 is that there are people elsewhere in the country who are going to be
3 just as interested in this process as -- it's not just the folks in
4 Nevada or in Nye County who might want to access those sites and
5 participate.

6 MR. GRASER: Oh, absolutely. And I think you could probably
7 make the case that if an individual has a local community college,
8 library, or university library, or some other place where they can get
9 access without having to have a computer terminal of their own at home,
10 that information is going to be generally available, and I agree with
11 you, Mal, that when you look at it from the scientific point of view,
12 for example, there are lots of people who are very much interested in
13 the science that's going on. Geologist who are interested in the
14 geology aspect simply because this is the most geologically studied
15 site, so you may have academic organizations who are going to be
16 following what's going on here simply because their discipline is
17 getting a much more intensive body of knowledge made available to them.
18 So, yeah, I think the general public and some academic disciplines will
19 be following this with great interest.

20 MR. HOYLE: Jason?

21 MR. PITTS: Yeah, Dan. The only thing I'm concerned about
22 is that the public libraries in the north that I'm aware of have dial-up
23 access.

24 MR. GRASER: Okay.

25 MR. PITTS: I think there could be some concerns about speed
and feasibility of the system, you know, with large documents and stuff
like that.

MR. GRASER: Yes.

MR. PITTS: We've had some issues with the -- some of the
things we had to deal with -- a lot of it and it takes some time with

1 dial-up speeds.

2 MR. GRASER: That's an excellent point, and I think if you
3 go to the web page that they have listed here, the dmla.clan.live.nv.us
4 website, if I recall, there was a section in there on dealing with their
5 overall policy and their overall initiatives for fiscal year 2000 and
6 2001 and they do mention, if I recall correctly, they do mention the
7 fact that they want to increase the capability to get people beyond the
8 dial-up mode. So that is on their horizon as some of the things that
9 they're looking toward.

10 MR. PITTS: I think one of the things that the portal site
11 might be able to do is -- and I've seen it in some of the other
12 government sites, is displaying times -- look at these documents, expect
13 these documents -- idea of what they're dealing with when they're going
14 in to research these topics.

15 MR. GRASER: Yes.

16 MR. HOYLE: Chip?

17 MR. CAMERON: Dan, one of the things that I hope that you
18 could address when we go through the alternatives is what are the
19 implications of the different alternatives for the public access
20 functionality? In other words, are -- do some of them make public
21 access easier or are they all neutral? This sort of follows on Jason's
22 comment and on something that John reminded me of which was when we were
23 going to have the centralized system, we were going to do training for
24 people in terms of using the system and I would hope that under this new
25 configuration that it would be as user friendly as possible. And that's
something that I guess you guys were considering when you looked at the
alternatives.

MR. GRASER: Yes. I think for all five of the alternatives
we did the -- we did a fairly thorough job of trying to characterize how
a user would connect to that system and what the user interface would

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1 look like. And, in fact, the two of the early alternatives that the
2 technical working group looked at and we were not particularly enamored
3 with, but the characterization of them was, in the first case, going to
4 a site like Yahoo and being able to simply enter a search term and have
5 the world disgorged in front of you where the use interface is a lot
6 like what everybody's little sixth grader at home is currently able to
7 use. And, you know, I don't mean that in a negative way. I mean, it's
8 really the current state of technology.

9 The second user interface that we looked at again had a
10 relatively simplistic user interface where you type in key words or
11 terms that you're searching for, and essentially what that one did was
12 launch against multiple collections and did a better job of interleaving
13 the results that you would get back from the search. So instead of
14 having them all displayed in one huge page such as you would with Yahoo,
15 if there were 10 different participant databases, you would get 10 sets
16 of results brought back and interleaved or perhaps aggregated into
17 here's the DOE collection or the NRC collection. But when we go through
18 the discussion this afternoon we will get into that in more detail
19 because we did do those characterizations.

20 But in general, the user interface for all of the scenarios
21 that we examined, you know, one of the primary things that we were
22 looking at was how can we keep it simple yet powerful enough to find
23 specific materials in a fairly large collection. And that's where the
24 Yahoo approach could fall apart. If you have only one or two search
25 terms, you will consistently get back the entire collection on every
search.

MR. HOYLE: Dan, let me stop you there for a second. We
have another panel member who has joined us. Abbie, would you introduce
& yourself please.

MS. JOHNSON: My name is Abbie Johnson and I represent

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1 Eureka County, Nevada.

2 MR. HOYLE: All right. Thank you. You came in at a good
3 time. Dan was just talking about the information he had gotten about
4 libraries. And I was thinking about people that -- of the type that you
5 talked about who don't perhaps have telephones at this point who do have
6 a library to go to, but new users of new technology like computers are
7 very, very tentative users, and seems to me, if they are interested in
8 these collections, they are going to need some help from the librarians
9 and hopefully they themselves are well trained on how to assist a new
10 user on the machine.

11 Dan, are you going to continue on your -- some other charts?

12 MR. GRASER: Yes, I had --

13 MR. BECHTEL: Just one other --

14 MR. GRASER: Okay, go ahead, Dennis.

15 MR. BECHTEL: See the public access, I would echo Chip's
16 request to maybe dig into a little more detail on the practicality of
17 public access because I know -- I mean, Internet is available on most
18 libraries, but libraries have different types of computers. Sometimes
19 they put time restrictions on the availability of use. You have to sign
20 up for it. One of the libraries even in Clark County, there are 386s
21 that, you know, you put the request in and go have lunch and then come
22 back and, you know, you may get a response. But there's a lot of other,
23 you know, practical things that need to be considered about, you know,
24 the public, you know, access even something that's available, so --

25 MR. HOYLE: Okay. I'm trying to put that in the context of
some of the comments that were -- the introductory comments that were
made this morning. And trying to frame that for myself a little bit
better. If you're suggesting that we go out and try to do a little more
& background investigation on the capabilities that are currently out
there, whether the libraries have relatively, as you say, relatively

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1 slow machines with dial-up access and so forth, if I find out that the
2 answer is yes indeed in some of the outlying counties that, in fact, is
3 the case, then the follow-on question becomes now what do we do about it
4 and what would the strategy be and is that something that the advisory
5 panel would like the LSN administrator to pursue or is that something
6 where again we go back to perhaps the Nevada State Library and Archives
7 people and engage in a deeper dialog with them. So my -- the thing I'm
8 looking for, Dennis, is to try to characterize, if we find out that
9 that -- that the public still have adequate but not really outstanding
10 access, then what do we do about it, and that's what I would need to
11 know, what direction should I go in with that.

12 MR. BECHTEL: I think prior to the finalization of rule, I
13 think we agreed it should be an open system. And merely I'm pointing
14 out is that, you know, in order to -- it's an item we need to discuss
15 but there are practical things that may make that difficult for the
16 public to participate.

17 MR. HOYLE: Uh-huh.

18 MR. BECHTEL: It's an issue that needs to be --

19 MS. NEWBURY: It's Claudia. I wonder where the line is
20 drawn between making things accessible and going beyond the concept of
21 what an LSN is. Is this -- is your response time so critical for the
22 general public that you need to consider that in how it is you're
23 developing your system. Because I can see you ending up with the --
24 back where we were with an LSS and you provide a terminal and a
25 high-speed line, and I don't know that that's where you want to go.

MR. HOYLE: Uh-huh.

MS. NEWBURY: So you as the NRC need to decide where you
want your system to be and how it is you want it to act.

MR. PITTS: And the question has to be is it adequate? I
mean, that's what I'm saying -- is it going to take 30 minutes to

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1 download -- you know, is that too long to wait to do real research? I
2 don't know. That's really the question.

3 MR. HOYLE: Jason, for a member of the public as opposed to
4 a participant?

5 MR. PITTS: Yeah.

6 MR. HOYLE: Okay. I think that's a good point and, you
7 know, we're moving here from a paper system where members of the public
8 would have to, you know, take large documents and physically off a shelf
9 and page through them and read them and find what they want versus
10 trying to do that very tentatively perhaps at first on a computer. I
11 think the Nuclear Regulatory Commission would be interested in your
12 comments, your thoughts on this subject. I don't think that we as a
13 panel need to develop a position to advise the LSS administrator on how
14 he should go about handling this matter. But as far as an item of
15 interest to the commission, I think this is clearly one of those items.
16 Is there any other comment? All right, Dan.

17 MR. GRASER: Okay. I would like to finish off this last
18 topic here before we take a break, and that is to report back on the
19 functional requirements and the work that's being done in that regard.
20 Mentioned earlier that the technical working group looked at the
21 original licensing support system level one and level two functional
22 requirements that had been developed, oh, I think back in the 1996 time
23 frame. And those, in fact, were iterations on a set of functional
24 requirements that were developed even earlier back in the 1990 through
25 1992 time frame. And I mentioned that the functional requirements for
the old licensing support system had everybody's wish list included in
them. And those wish list items included calling out functionality for
being able to submit a request to the licensing support system
& administrator for print jobs to be run on very large paper -- very large
numbers of documents, very large number of pages where an individual

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1 would be able to submit a request and a high-speed printer would
2 duplicate the documents and ship them out to the requesting party. And
3 it had other aspects of mainframe-type functionality, mainframe
4 administrative aspects to the system. And all those functional
5 requirements when we looked at them we realized, well, this has
6 certainly a different flavor when you look at the -- at making this a
7 web of underlying collections of other people's materials that they are
8 still maintaining under their own systems, under their own possession.
9 So the functional requirements, we took it upon an NRC task to go back
10 and we -- instead of trying to resort all of those old functional
11 requirements which we tried to do initially and it turned out to be very
12 cumbersome, we just went back to the drawing board and tried to
13 characterize a core group of functional requirements for the system.
14 Those 48 functional requirements were then augmented by all sorts of
15 discussion factors and attributes that had been verbally expressed or
16 expressed in some of the earlier LSS functional requirements. And we
17 put all of that commentary with the functional requirement that
18 described a web-based system.

19 The function requirements went out to the technical working
20 group for their review rather late in my calendar here and we did have
21 some opportunity for feedback and some opportunity for comment. Those
22 have been incorporated in a version of the functional requirements that
23 are included with your handout packets here. I want to be clear that
24 the technical working group has not sat down and expressed any sort of
25 consensus opinion that these are the functional requirements or should
be the functional requirements or that they cannot be improved upon or
that they should not be worked on additionally to include things like
performance characteristics of the system, how quickly does it need to
respond to user requests and how quickly should it be capable of being
recovered and so forth. So I want to make sure you all understand that

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1 this is still a work in process -- in progress and does not represent
2 any sort of a consensus recommendation of the technical working groups,
3 but we did want to bring it forward at this meeting in order to let the
4 ARP know that there's still a fair amount of work that would need to be
5 done on the functional requirements in order to correctly characterize
6 what the web-based solution is intended to do. And if, in fact, we go
7 back and look at alternatives one and alternatives two and say maybe we
8 should be going back to having a simpler world and a simpler system,
9 those functional requirements may get scrubbed back down to a much
10 shorter list because those two alternatives that the technical working
11 group did not pursue would result in a simpler system, okay. So all I'm
12 saying is if the ARP does come back and say, "Well, we like scenario
13 two, alternative two much better," the functional requirements may
14 contract even further to reflect what the ARP opinion is, okay.

15 But we did want to show that some progress had been made on
16 the functional requirements and we did want to represent to you that,
17 when the ARP comes back and gives NRC its sense of direction, that the
18 functional requirements will probably need to be revisited again. The
19 technical working group may not need to meet face to face on these but
20 we would certainly, at a minimum, be doing a lot more e-mail exchanging
21 back and forth to get closure on the functional requirements. But I
22 think, as I said, I did want to report on the status of that to the ARP
23 and just let you know we had been working on it.

24 At this point, John, unless anybody has any additional
25 questions on any of the activities of the technical working group or
also if any of the members of the technical working group who are
sitting in the audience right now, if any of you would like to add
anything to my report on the October or December minutes, feel free to
& come up and grab a microphone and make any clarifications or expansions
ASS or corrections. But if nobody has any additional comments at this
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1 point, we can go ahead and move toward taking a break.

2 MS. NEWBURY: Dan, I've got a couple question on one of your
3 slides.

4 MR. GRASER: Okay. Go ahead, Claudia.

5 MS. NEWBURY: On your slide seven.

6 MR. GRASER: Okay.

7 MS. NEWBURY: What do you mean by providing all documents
8 uniformly, what does uniformly mean?

9 MR. GRASER: Well, providing documents in a uniform way
10 implies that the significant attribute of the licensing support network
11 software portal interface would be that any user can come to one site
12 and use one interface, learn one set of commands, follow one set of
13 instructions to run a query against any participant's database without
14 having to learn the underlying search and retrieval software or the
15 underlying organization of a document that may vary from one
16 participant's site to another participant's site to another
17 participant's site. So the aspect of providing the documents in a
18 uniform manner is that there's one search interface where you enter your
19 search and there's one display interface where the documents come back
20 and are presented to the user, okay. So that's what we were talking
21 about there.

22 MS. NEWBURY: So it's -- basically you've already decided
23 that you want a portal-type single --

24 MR. GRASER: It doesn't -- it does not necessarily need to
25 be portal. The concept was that there would be a single place to go to
be able to execute your searches.

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MS. NEWBURY: I just wanted to clarify -- so this is what
your perception is, that -- it's kind of in contrast with our
discussions earlier that said that all five options were open for
discussion because it presupposes that you're going to use not one or

1 two but three, four, or five.

2 MR. GRASER: No, you --

3 MS. NEWBURY: Actually that wasn't my original question. My
4 original question was leading to do you expect all of the documents to
5 look the same? And I guess the answer to that part is no.

6 MR. GRASER: No, no, no. Well, only insofar as if we have
7 all already agreed that we're going to use, you know, TIFF image or PDF
8 image as a standard. But in terms of the documents looking the same,
9 the answer is no.

10 MS. NEWBURY: So you are telling us what kind of formats
11 we're going to have to use?

12 MR. GRASER: Yeah.

13 MS. NEWBURY: You said TIFF or PDF?

14 MR. GRASER: Yes.

15 MS. NEWBURY: Okay. I'm not sure that I'm -- I have to talk
16 to my technical people and see what that's going to cost us.

17 Also, you said focus on bandwidth as an important
18 consideration. We had that conversation before. It's on the same
19 slide. Bandwidth on your end, or bandwidth on the --

20 MR. GRASER: Well, okay, before you move to bandwidth, I
21 just -- I lost my train of thought.

22 MS. NEWBURY: TIFF and PDF.

23 MR. GRASER: It'll come back to me.

24 MS. NEWBURY: We were on TIFF and PDF.

25 MR. GRASER: No, no, no. It'll come back to me. I'm sorry,
go ahead, move forward.

MS. NEWBURY: Okay. The bandwidth.

MR. GRASER: -- on the bandwidth issue.

MS. NEWBURY: Is the bandwidth your concern on the user side
or on the provider side, on your end?

1 MR. GRASER: The bandwidth issue that we are looking at is
2 essentially the bandwidth as it would be viewed by a user coming into a
3 central location. Ah, that was my point. I remembered it now.
4 Actually, all five of the scenarios, even the first two that we looked
5 at, all five of those scenarios provide what you could characterize as a
6 uniform interface.

7 The distinction simply being that you don't have to learn a
8 search and retrieval software package at the DOE site and then learn a
9 separate search and retrieval package at the NRC site, and then another
10 one at somebody else's site, and another one at another participant's
11 site. So all five of those alternatives meet that requirement that
12 would allow the user to come to a single place, execute a search, and
13 have it go out to collections and returning results.

14 In terms of the bandwidth, getting back to the second
15 question. The focus I think that we were all looking at is how do --
16 how does bandwidth affect the user. So it is really not so much a
17 question of bandwidth from a site to the portal. It deals much more
18 with bandwidth from where the document text or image file is stored back
19 to the user.

20 Because in the portal solutions, the underlying store, for
21 example, in alternative four, if everybody had a collection of their
22 materials in a local area network environment and a user came in to the
23 portal site, it really is an issue of bandwidth from the portal site
24 back to the user. Because it's in a local area network, fetching the
25 underlying files is not a band -- not necessarily a bandwidth issue.

In alternative three, for example, bandwidth from a user to
the portal is relatively low. But because the underlying documents are
still reposing on a participant's machine, when the portal sends a
request out to deliver that file back to the requester, that's when the
size of the bandwidth from a participant site back out through the

1 Internet. That's where that could become a significant issue in terms
2 of the ability to deliver out a large number of files, very large file
3 and image files.

4 So depending on the architecture, where the bandwidth
5 becomes an issue is different in each of the scenarios. And I think
6 when Glen gives the technical presentations later today he'll get into
7 that in much more detail.

8 MS. NEWBURY: Okay. Thanks.

9 MR. HOYLE: Jason.

10 MR. PITTS: Is your -- are your graphics stored in TIFF
11 format?

12 MR. MURPHY: I can't hear you again.

13 MR. PITTS: Are your graphics stored in TIFF format?

14 MR. GRASER: Are DOE's graphics?

15 MR. PITTS: Yeah.

16 MR. GRASER: Yeah.

17 MS. NEWBURY: It depends on the graphic, yes. Some of them
18 are in TIFF format.

19 MR. PITTS: Right. But are any of them that are available
20 on the web, are any --

21 MS. NEWBURY: Yes.

22 MR. PITTS: -- of those?

23 MS. NEWBURY: Yes.

24 MR. PITTS: Really.

25 MS. NEWBURY: Yes.

MR. PITTS: And so the user has to have another software
package to look at them; is that correct? I mean my understanding is
that Netscape and Internet Explorer can display JPEG's or GIF's, couple
& other formats, PDF being one of them.

MS. NEWBURY: I can look at my TIFF images at home and it's

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1 because I installed the free shareware --

2 MR. PITTS: Okay.

3 MS. NEWBURY: -- thing called ACDC.

4 MR. PITTS: Okay. So just my ignorance, did the technical
5 working group look at the other formats, like GIF and JPEG versus TIFF
6 for graphic display?

7 MR. GRASER: Yes. And as a matter of fact, the whole issue
8 of standards did come up during the course of the discussions on the
9 functional requirements. And I'm drawing a blank right now. My mind is
10 focusing on a break, but --

11 MR. PITTS: Okay. I can wait till later on.

12 MR. GRASER: We did address that issue, especially in terms
13 of trying to be a little forward looking and anticipate what would be
14 happening if participants had full motion video files, for example, or
15 audio type files, and the potential for having to deal with them in the
16 system. And from the portal's point of view, those are just object
17 files that are sitting out there. They can be delivered back to a
18 user's desktop.

19 Now if you send a file back out through the Internet and it
20 comes to my desktop and I pull the file up, I may not have a sound card.
21 And that's my own shortcoming. I can't listen to the sounds associated
22 with that file. And so that's where it comes back to the issue of
23 depends on the participant, depends on what kind of computer they have.

24 And in terms of identifying the standard formats, NRC's
25 internal document management system, again, will accept just about any
sort of object file, and has viewers and plug-ins that will allow its
internal system to pull up all sorts of files. Even though NRC says
well, we would prefer PDF file, we would also take a TIFF image, because
& we have plug-ins and viewers that can view a TIFF image right now.

TIFF images happen to cause a little bit of a different

1 problem in bibliographic cataloging because of the way the NRC document
2 system treats them right now, is it TIFF single or TIFF multi. There
3 are some issues associated with that that they're trying to work out
4 right now. But generally, I mean back, even back since the early days
5 of the LSS, people have been saying TIFF is a format that you can be
6 reasonably sure that systems in the future will be able to use that.
7 And, you know, a lot of people already have their documents in TIFF
8 image.

9 MR. HOYLE: All right. Unless there's further comment, I
10 will call for a break. But before I do that, I would like to thank the
11 20 or so representatives who participated and assisted the technical
12 working group in its activities. I know many of you are in the
13 audience, and I just wanted to thank you for myself and for the members
14 of the panel. So let's take a 15 minute break.

15 [Recess.]

16 MR. HOYLE: Okay. We're back in session.

17 Dan, how about you picking up where you left off please.

18 MR. GRASER: Okay. I had just a couple of things that we
19 should have dealt with in housekeeping when we started the meeting this
20 morning.

21 For the panel members, we handed out three-ring binders at
22 the last ARP meeting. And you're probably wondering about the tabbing
23 that was used on the current set of handouts. The current set of
24 handouts are tabbed such that you can take the materials from today's
25 meeting and add them right into the three-ring binder behind the
materials for the previous meeting. And you'll notice that the cover
pages, we've provided a new cover page for the three-ring binders, a
nice piece of cardboard that indicates that the binder now contains
& materials from both the October and the February ARP meetings.

We also have, for the ARP members who may not have been at

1 the previous meetings, we have still five or six of the three-ring
2 binders from the previous meeting. So that if you would like to have a
3 bindered set, we still have some additional copies available.

4 The -- before we move into the next session on the
5 discussion of the alternatives, I'd just like to bring in to your
6 attention that the overheads that we prepared really focused on
7 alternatives three, four, and five, and reflect that we were going to
8 focus on that. We did a little bit of re-coordination during the break.
9 And Glen Foster, who's our contractor, is prepared to address
10 alternatives one and two as well in the context.

11 So there will be some overheads that used to be an appendix
12 to the overheads that are now going to move up in the presentation, and
13 we will walk through the alternative one, two, three, four, and five in
14 sequence. We did not prepare schematics for what alternatives one and
15 two look like, but all of the other write-ups on the attributes of those
16 systems is going to be presented.

17 So before we move into that, I just wanted to open one more
18 time if there were any questions that anybody had that came up during
19 the break that somebody would like to raise right now. We could
20 entertain additional questions before we move into presenting the
21 technical scenarios.

22 MS. NEWBURY: Dan, I told you I was going to ask the
23 question, and I think it kind a is helpful before we get into these
24 particular scenarios, and that is the options all focus on the discovery
25 part of the LSN rule. And I understand you're planning to use ADAMS for
the actual docketing and licensing process, and I wondered how these fit
together and how ADAMS would be used.

MR. GRASER: Okay. Yes. Let me explain to everybody who
may not be familiar. The Nuclear Regulatory Commission is in the throes
or in the process right now of deploying an internal document and

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1 records management system, and the acronym for that is ADAMS, A-D-A-M-S.
2 Stands for Automated Document and Access Management System. It's an
3 initiative that NRC's been working on for the last three or four years.
4 And essentially what it does is it moves NRC off of some old Oracle and
5 Data General technologies that could never be made year 2K compliant.

6 In the process of introducing these new tools to the Nuclear
7 Regulatory Commission, various offices at NRC are charged with the
8 responsibility of using that new technology to do their business. Some
9 of the business that gets normally done within NRC is the process of
10 establishing docket files for the various licensing activities that are
11 before the organizations within NRC.

12 The SECCY organization is responsible for being the
13 gatekeepers of docketing materials that come into the Nuclear Regulatory
14 Commission. And in that capacity, they maintain docket files of
15 materials associated with various cases, various docket numbers. And
16 SECCY is in the process of establishing docket files in the ADAMS
17 environment.

18 So in that regard, the docket for the proceeding for
19 licensing a high level waste repository or hearing a license application
20 for a repository, that docket would normally be established by SECCY.
21 And it would be set up and established just as any other case docket
22 file would be set up within the Nuclear Regulatory Commission.

23 ADAMS is structured so that there's an internal component of
24 the system. And for any of the documents that are residing in the
25 internal component of the system that are also identified as publicly
available records, those materials get replicated and placed on an
external server outside the NRC firewall which is web accessible to the
public.

Currently, that external collection requires potential users
to download an additional piece of software called CITRIC, which is

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1 turning out to be somewhat problematic for lots of users. And NRC's
2 office of the chief information officer is in the process right now of
3 re-examining the use of that CITRIC software. So I think in the long
4 term, we can anticipate that there will be some other sort of software
5 environment to enable the public to more easily access the public
6 collections.

7 Now for the, you know, for this particular licensing action
8 again, the docket will be established internally within ADAMS. And so
9 in that regard, any of the documents that are going to be submitted to
10 the docket will need to come into the Nuclear Regulatory Commission and
11 be added to that ADAMS internal docket. As I mentioned earlier, ADAMS
12 can store all sorts of different file formats. It can store Microsoft
13 Word, it can store WordPerfect, TIFF, GIF, and any sort of file.

14 The ADAMS docket -- and how that will be populated, okay, is
15 essentially a procedural process, the way I'm viewing it right now, in
16 that the -- anybody who wants to submit materials can use a component of
17 the ADAMS system to electronically or digitally sign a document and
18 place it on an NRC external server. And somebody from the SECCY
19 organization will then reach into that server, grab the file, and say
20 aha, this belongs in the Yucca Mountain docket. And they will enter
21 that file into the ADAMS system, and they will assign the docket case
22 number or docket number and the rest of the identifying information with
23 the document that's being submitted into the docket.

24 And as I said, that's essentially procedural. The ADAMS
25 database is there, and the capability to do electronic exchange of
electronically signed documents is operational. And it's working now
for one or two different document types, and we are gradually expanding
the number of document type or file types that can be transported
& through that mechanism. But that capability is currently being piloted
within ASLBP on a current case right now, and Paul Bollwerk is using

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1 that process in one of the licensing actions before the ASLBP.

2 So we anticipate that by the time the LSN is ready to become
3 operational, the -- we will be able to utilize the ADAMS docket. We
4 hope to have a better interface for the public getting into that docket;
5 and we expect to have a fully functional electronic information exchange
6 capability, that if you just follow step-by-step directions you can take
7 documents, plant them on the server, and somebody from NRC will come get
8 them and the process essentially works in reverse.

9 That process would be used for motions practice. Somebody
10 submits a request, presiding officer gives an answer back, and you could
11 use that process similarly to take internal NRC materials, put them on
12 that server, and then participants can come to the server and pull down
13 versions of those materials as well coming from the other direction.
14 The electronic signaturing software and capability is available at no
15 cost. It's a downloadable set of software that can be found right at
16 the NRC home page.

17 In terms of how all of the system would hang together from a
18 visibility point of view, from the user's point of view, is if we
19 established a portal page, in addition to having a search and retrieval
20 screen you could also have hot links right on the LSN portal page.
21 Click on a hot link and it will take you to the ADAMS docket. Okay?
22 Click on the -- another icon on that page and it will take you to the
23 page where you get the instructions how to use the EIE, electronic
24 information exchange process to get documents into or back from the
25 Nuclear Regulatory Commission.

So that portal page could have icons or hot links pointing
you directly to other resources that a user, any class of user, might
want to invoke as part of the total process. So that's how it would all
hang together. It isn't as if we would be doing any additional level of
software customization. What we would be attempting to do is in one

1 place, one stop, the portal site, is give people the links directly to
2 already existing capabilities. That's the short answer.

3 MS. NEWBURY: Okay. So you see -- for you, that is kind a
4 short actually. Sorry.

5 So you see ADAMS as fulfilling the requirements in Section
6 2.1013, use of the electronic docket during proceedings?

7 MR. GRASER: Yes.

8 MS. NEWBURY: Okay.

9 MR. GRASER: Now --

10 MS. NEWBURY: Are you going to designate ADAMS as that part
11 of this rule, or something?

12 MR. GRASER: I don't think I'm in a position to designate
13 anything as part of the rule. I'm just saying there's an existing
14 resource out there that theoretically does not need to be reinvented.

15 Now let's say we get to the time frame 2001, 2002 and people
16 are actually using the system. And let's say for the sake of argument
17 that NRC still has not been able to establish a smoother, cooler,
18 quieter, longer type of user interface. Okay? And they're still
19 experiencing problems with users being able to access the ADAMS docket.
20 In some of the scenarios, alternatives three, four, and five, for
21 example, the portal software, in addition to targeting evidentiary
22 document collections, could be told that we also want you to go into the
23 docket file that's in ADAMS and build an index to that, and pull down
24 the text documents that you find in that directory area, and pull down
25 the images you find in that directory area, and put them in a cache
storage area right on the ADAMS -- on the LSN portal site.

And in that regard, then it becomes just another target
collection, but instead of living in ADAMS it's also resident on the LSN
portal machine. And it could be routinely web crawled and the indexes
updated, just as all of the target evidentiary collections are. So it

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1 would, in essence, be a mirror image of the docket file that was found
2 in ADAMS.

3 And if ADAMS, as I said, if the interface proves to continue
4 to be problematic, then there is a fallback position that shouldn't be
5 all that costly to be able to make it part of the portal page as well.
6 So as quickly as you can get into the portal page, you can pop open
7 files and those files are sitting right in the memory, right on the
8 portal server. Okay?

9 That's only a fallback position. That is not reflected in
10 any of the technical working group discussions and it was not reflected
11 in any of the pricing that we did, but I'm just trying to think ahead
12 and anticipate, and I had that little ace card in my hip pocket, so
13 thought I'd throw it out.

14 Are there any other questions?

15 No. Okay. Going to spend the next few minutes giving you a
16 very quick overview of the alternatives. And this is where I'm going to
17 change a little -- start changing here a little bit our intended
18 sequence of presentation. In the overview of alternatives we, as I said
19 earlier today couple a times, we had three initial strategies that were
20 presented at the October meeting. And we characterized them during the
21 October meeting as a simplified, a moderate, and a portal strategy.

22 Simplified strategy was really just that. It was just a
23 question of establishing a web page someplace on the Internet. And at
24 that web page, all you would have would be a series of hot links into
25 everybody else's external web collections. And from that page, you
would click the link and go directly to the DOE site, or the NRC site,
or the State of Nevada site. When the user got to that site, the user
would then have to negotiate or navigate with the software that was
being used at that site. And there's no effort made to try to weave
together any of the sites.

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1 So if a user came to the LSN home page in this scenario and
2 wanted to search across all of the participant collections to find any
3 document mentioning a certain aspect, hydrology, for example, the user
4 would then have to follow each link out to each participant's site
5 collection and to interact with whatever software was available on that
6 site and run that search. If there are 10 participants, 10 sites, 10
7 searches, 10, potentially 10 different sets of software and 10 different
8 user interfaces that you would have to negotiate if you wanted to search
9 across everybody's collection.

10 So it really is a very simplified method of simply pointing
11 you to where the collections are located and saying hasta la vista,
12 you're on your own. When you go to the participant's site you have to
13 negotiate and interact with whatever software you find on that site.
14 Okay?

15 That was -- when we looked at that we said for the general
16 user, the general public coming in, that approach, requiring a user to
17 negotiate successfully with that potentially large number of different
18 software packages, that really made that a very non-user friendly type
19 environment. Especially when you're in the process of trying to prepare
20 your case, trying to prepare your materials, trying to pull together
21 exhibit materials and so forth. You would have to negotiate those
22 separately.

23 And it also meant that you're starting to raise the level of
24 technical experience that would be necessary if you had paralegals or
25 some other sort of administrative assistant that was going out there to
try to pull together information. You're starting to place an
additional skill level upon the people who would be doing that sort of
searching, because they need to be fairly knowledgeable with a wider
& range of tools that everybody's using. And so that's when the technical
working group looked at that and said that that's not particularly

1 friendly to the general public type of user.

2 MR. MURPHY: Dan, let me interrupt you right now. If you
3 recall back to the October meeting, I had the -- I was bouncing back and
4 forth between an ACNW meeting in which I was a panel participant and
5 this meeting. And so I missed a lot of the October ARP meeting, and the
6 December technical working group meeting I didn't participate in at all,
7 but I don't understand why that's such a problem to any participant.
8 And it seems to me that is precisely, what you just described is
9 precisely what we envisioned in our discussions prior to our
10 recommendation to the NRC about, you know, rewriting the LSS rule and
11 turning it into a web-based LS, licensing support network.

12 And secondly, I guess I just don't see the problem
13 associated with participants having to go through the steps that you
14 just explained. That is the worldwide web. If you want to buy a Dodge
15 on the worldwide web right now you have to navigate with certain, you
16 know, various kinds of software. And people are doing it. And lots of
17 people are getting extraordinarily rich in making that kind of software
18 and process available to the public. I mean what is the problem in
19 requiring that to be done?

20 The other point I think we have to keep in mind is that the
21 non-federal participants in this process, and I include even the State
22 and Nye County in that, are going to have comparatively very small
23 number of documents that people are going to need to take a look at in
24 this process, people who have not been involved in the process prior to
25 now. I mean most of the searching is going to be done on DOE's web
site. Ninety-five percent of the searching is going to be done on DOE's
web site. Maybe a little less than that. You know, the NRC also. And
why we ought to -- why the smaller participants ought to go -- be
& required to go through the same, you know, to have the same sort of
ASS complicated or more complicated system as the DOE is -- I just don't
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1 understand.

2 And as far as those of us who have been in this process for
3 some considerable number of years, I mean good gosh, we're going to know
4 how to do this in any case. I mean it seems to me that you're
5 discarding that so quickly has the potential at least of placing
6 unnecessary burdens on the smaller governmental participants, and on
7 Judy Treichel's people and similar organizations who are going to come
8 later into this process for what I can't figure out is any good reason.

9 And I guess my final point is so some expertise is going to
10 be required. Tough. People are going to have to learn how to use the
11 system. In the case of Claudia's lawyers, she's going to be paying
12 those suckers 400 bucks an hour. I'm not going to lose any sleep if
13 they're required to do some work for that money, just a little.

14 MS. NEWBURY: It's good to hear.

15 MR. FRISHMAN: And I'll follow with that, because you say,
16 you know, 10 potential. Well, in reality, we're only talking maybe 3 or
17 4.

18 MR. MURPHY: Right. Exactly. Good point.

19 MR. FRISHMAN: And the only place where I can see that it
20 would be useful to have some integration is to make sure that on
21 Claudia's site everything that she's got is at one site, rather than
22 spread over a bunch of labs. And, you know, pull it all into one place
23 and then we do it today, we'll know how to do it tomorrow too.

24 MR. GRASER: I'll characterize this from the LSN
25 administrator's point of view. This certainly makes my life a whole lot
easier.

MR. MURPHY: It does.

MR. GRASER: Okay?

MR. FRISHMAN: Good.

MS. TREICHEL: Well, if it makes your life easier, it

1 probably makes people in general, the general public easier as well.
2 And I guess that's part of, and it may seem like nitpicking when we
3 talked earlier about changing the name of this thing, but in fact a lot
4 of the people, the public in Nevada and a lot of others don't support
5 licensing this thing. So they're going to be looking for a Yucca
6 Mountain integrated information or integrated database, or comprehensive
7 database, or any of the things that Steve was talking about. And that
8 you should be able to get through, I would suppose, Web Crawler, Momma,
9 any of those things that the people who really use the web know about
10 and can get to.

11 But, you know, it's just misleading for people who don't
12 live the same incredibly wonderful life that we do, when you look at our
13 stuff there isn't one mention of Yucca Mountain on here. And that's
14 what people are going to be looking for, and not an attempt to support
15 the licensing of a repository. So --

16 MR. CAMERON: We can get into the semantics, or not the -- I
17 don't want to minimize it, but we can get into what this should be
18 called at some point. And I don't want to waste everybody's time by
19 going through all of these alternatives, but I don't think that -- I
20 don't think we're going to understand what the pros and cons and
21 tradeoffs are until we go through all of the alternatives. And I'm not
22 suggesting in excruciating detail, but the one thing that the -- that
23 Dan particularly, and NRC, has to keep their eye on is that if this is
24 going to be the discovery system for this very important proceeding, we
25 have to have assurance that the thing is going to work so that later on
the whole thing doesn't fall apart because this system is screwed up
somehow. And I think that that's what Dan's concern is.

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MS. TREICHEL: Well --

MR. FRISHMAN: Isn't it the applicant's responsibility to
make sure the system doesn't crater?

1 MR. GRASER: I'm sorry?

2 MR. FRISHMAN: It's the applicant's information that is the
3 most important part of the proceeding. And isn't it the applicant's
4 responsibility to make sure that that information is available to those
5 who are parties and those who are interested? And I don't believe that
6 the NRC really has an obligation to assure that the applicant has the
7 easiest way through life.

8 MR. CAMERON: Well, no. And I don't think that that's what
9 we're suggesting. Because if you look at the compliance requirements in
10 the rule, DOE, the applicant, may fall short of -- on two points, one,
11 being in substantial compliance with the document identification and
12 submission of requests; and two, having a site that is electronically
13 accessible.

14 But I don't think that trying to have a system that's going
15 to work is carrying -- necessarily carrying DOE's water for them, but
16 you may find that, I suppose, in some of the alternatives. And I'm just
17 suggesting that maybe we find out.

18 MR. MURPHY: Well, is it --

19 MS. NEWBURY: Yeah.

20 MR. MURPHY: Couple of --

21 MS. NEWBURY: We should hear.

22 MR. MURPHY: Okay. Sorry.

23 MR. FRISHMAN: I want to hear what Claudia has to say.

24 MS. NEWBURY: One way or another, all of our documents will
25 be available for discovery, you can be assured of that. The options, as
I look at them, are, if I let Dan continue and go through some of these,
I don't have to pay much of anything and he has to pay it all. And the
other end of the spectrum, I have to set up the whole thing and pay for
it, well, DOE has to pay for it.

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So I'd like to look at the options and see what they are in

1 terms of sharing the burden of making the information available, and
2 where it is and who's paying. But believe me, any way that we cut this,
3 that all of our stuff will be out there.

4 MR. FRISHMAN: And I can assure you that we're not going to
5 pay for anything to help the system, because nobody's paying us to do it
6 as it stands right now. And I appreciate your position, that if NRC
7 wants to spend all its money making your life easier, that sure, take
8 it, but I'm not going to pay.

9 MR. MURPHY: Yeah, I -- you know, I still think we have to
10 keep a, you know, a couple of points in mind. First, that I think maybe
11 Judy had mentioned it, that if it's easiest -- the system that's easiest
12 for the NRC and easiest for the DOE is likely -- and I don't know, you
13 know, we need to talk about it, but to just sort of frame the
14 discussion, that system may very well also be the easiest and simplest
15 for the general public, for everybody. Whether that's true or not, I
16 don't know, but let's, you know, let's keep that in mind.

17 Secondly, I don't -- it seems to me that there's a danger
18 here of us discounting the sophistication and intelligence of the public
19 in this country. I don't think we should discount the public, I don't
20 care where they are, whether they're out in rural Nye County, or in
21 Esmerelda County, or back in Nebraska, being able to figure out how to
22 use this system. I think they're far more sophisticated than --

23 MS. TREICHEL: OH, yeah. I'm sure that's true. I get some
24 pretty incredible e-mails.

25 MR. MURPHY: Sure, sure.

MS. TREICHEL: Have you seen this, have you found this,
and -- yeah, yeah.

MR. MURPHY: Yeah. And they're going to be able to figure
out how to -- if I can figure out how to use the NRC's docket system, if
I'm going to be able to do that, and you -- then believe me, everybody

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1 is going to be able to do it. Trust me, we're going to have eight year
2 old kids in this system doing it quicker and more efficiently than some
3 of us who are paid to do it.

4 MR. CAMERON: I --

5 MR. MURPHY: And one last point, and Steve alluded to it.
6 But I think we also have to keep in mind that in this entire process the
7 Department of Energy is charged with carrying out a fundamental
8 important national policy. The NRC -- and so if they have to spend a
9 little extra money, say la vie, from my point of view. The NRC is
10 charged with licensing nuclear facilities. That's the reason for their
11 existence, for your existence. If you have to spend a little extra
12 money, say la vie.

13 Everyone else in this process, well, with the exception of
14 the utilities and NEI, everyone else in this process is not here as a
15 volunteer. Whether we're staunch opponents of the repository as in --
16 is the case of the State of Nevada; whether we're neutral substantively,
17 as is the case of Nye County; or whether we lie somewhere in between, as
18 is the case with some other participants; none of us wrote to
19 Washington, D.C. and asked for this process to come here.

20 And so it seems to me that there's almost an obligation of
21 fairness to make sure that everyone else who has been forced somehow to
22 this table not be burdened with -- administratively and monetarily be
23 burdened beyond that which is necessary in order to meet the fundamental
24 goals of the licensing support network. And those are the goals that
25 Steve outlined earlier, and you did Dan, I think accurately, and that is
everybody has access to everybody else's documents on a timely basis.

MR. GRASER: Right.

MR. MURPHY: Somehow.

MR. GRASER: Right.

MR. CAMERON: Okay.

1 MR. FRISHMAN: Let me just follow very quickly with a
2 question. Of all of what we're going through here and the alternatives
3 that get piled on, piled on, who is the beneficiary? What does it do
4 for all of us?

5 MR. CAMERON: Well, that's --

6 MR. FRISHMAN: Or for anybody.

7 MR. CAMERON: That's a good question. Going back to your
8 comment from before, Steve, I was going to ask Dan if Steve's
9 characterization that these alternatives are really -- the major
10 beneficiary of these alternatives as you go from -- move from one to
11 five is DOE. I mean is that a true statement? I mean I didn't think
12 that it was necessarily true, but I think it needs to --

13 MR. GRASER: Well --

14 MR. CAMERON: -- to be answered.

15 MR. GRASER: It was originally a negotiated rule making.
16 And so I think everybody that was willing to sit in in the process of
17 doing the original negotiating on the LSS rule back in the late 80's is
18 a beneficiary, or at least was perceived as a beneficiary of the system.
19 Otherwise people wouldn't have sat down and participated in negotiating
20 the rule that was going to govern the proceedings. So, you know, I mean
21 I think that's my short answer.

22 MR. FRISHMAN: Well --

23 MR. GRASER: The beneficiaries are the people who perceive
24 themselves as benefitting from being involved in the process, and being
25 able to be involved in the process. And there are some people who will
say I don't choose to be involved that deeply, but I still want to be
involved. And that's really what we're talking about here, is what's
the appropriate level of involvement. And it's something that the
participants decide, really.

Like I said, there's no -- you need to understand that if,

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1 for example, alternative five was selected, the only person's hide that
2 it comes out of is mine, because I'm the one who has to do all of the
3 going before the commission and making the appeal for the funds to
4 support that level of involvement. Nobody else is going to be there at
5 my side making the push to fund that alternative; and nobody else is
6 going to be putting in the amount of time and dollars and effort, you
7 know, that me and my staff would be required to do. So like I said, I
8 don't have any particular vested interest in one solution over the
9 other.

10 The thing that I was going to comment when all these
11 comments were going back and forth is really if this simplified approach
12 is going to meet your requirements and your expectations, the only thing
13 that I would note from a technical point of view is tell me now and then
14 don't change your mind three years from now, because it will be too late
15 for me to recover. It will be too late for me, three years from now, to
16 turn around and respond to somebody who then says the system is
17 inadequate for support. And I think that's why we're going through this
18 drill now.

19 And it goes back to what I alluded to this morning. It will
20 be the sense of the advisory review panel in terms of how they
21 communicate their feeling back, you know, to the chairman of the ARP as
22 what they want NRC to do. And that really is almost like saying if you
23 guys want to pursue the simplified strategy, I think it needs to be
24 communicated back to the chairman of the advisory panel that this is the
25 position you're taking. And you understand the downstream ramifications
of that and you're prepared to live with that approach, then I don't
have any problem at all implementing that. Okay?

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So that's, from the technical point of view, if this is the
way we go, then this is what I implement, this is what gets put in
place, this is what'll be there in the summer of 2001. And if it is

1 inadequate, then we won't have any time to recover from that.

2 So you need to go in eyes open and aware; that's the bargain
3 you make and that will be the commitment that, you know, we will -- that
4 is what the system will be. And if that's what people want to live
5 with, that's fine, but you need to understand it'll be much too late
6 downstream to do anything else over and above that, at least from a
7 technical perspective.

8 MR. FRISHMAN: Well, in all of this is there an element of
9 the commission staff wanting to have the most expensive help it can get,
10 in reviewing the application? Does that factor into this, because it's
11 never been mentioned before?

12 MR. GRASER: No, that doesn't factor into this at all.
13 The -- that hasn't been factored into this at all. That's never been
14 raised as an issue to me, Steve.

15 Okay. If we can just move along here and let me just
16 characterize the, what we called the moderate strategy. To refresh your
17 memories, for those of you who were here in October, the moderate
18 strategy tried to overcome some of the perceived problems with having to
19 go to individual web sites and learn different software packages, and
20 different commands, and so forth.

21 And it tried to overcome that by establishing a single page
22 where anybody coming into the licensing support network would structure
23 the request for information, and that request for information then goes
24 out to the participant systems so that the user doesn't have to visit
25 however many sites are out there. The software visits those sites, the
software grabs the result sets, and the software presents it back at the
central search interface.

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And when we talked about this in October, we characterized
this as something like the meta search engines that you can find on the
Internet, such as Momma or Dog Pile, or, you know, some of the packages

1 that will run out and query multiple different engines, or multiple
2 different sites, and bring back the results and stack them together for
3 you, and allow you to use one search interface and have all of the
4 results report back to you.

5 But other than that, it doesn't do any additional level of
6 software integration. It just prevents you from having to visit 11
7 different sites, or 5 different sites, or 3 different sites, however
8 many the number is. It doesn't add any value over and above what you
9 get out of the box.

10 Another example of that is Search Spaniel, or -- yeah,
11 Search Spaniel, which is another software package that does essentially
12 the same thing.

13 MR. CAMERON: Is it Search Spaniel?

14 MR. GRASER: Spaniel, as in arf, arf.

15 MR. CAMERON: It's not related to the Dog File?

16 MR. GRASER: Well, there's a recurring them here, go fetch,
17 boy, fetch.

18 MR. MURPHY: A Spaniel, you know, a bird dog sniffing
19 through the bushes --

20 MR. GRASER: Right.

21 MR. MURPHY: -- looking for pheasants.

22 MR. HOYLE: Dan, how would you characterize the simplified?
23 Is that the Yahoo approach?

24 MR. GRASER: No. Moderate is much more like Yahoo. The
25 simplified is really just like going to an existing web page, like I
believe the State of Nevada's web page has URL links to another -- other
sources of information. You click on that link and you go off to
somebody else's site. And it's really that simple, next to no
& integration.

Okay. Alternatives three, four, and five, those are the

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1 alternatives that are all essentially based on web portal software
2 technology, which allows more than just a single central search
3 interface. It does a lot of data normalization.

4 By "data normalization" we mean if you enter the document
5 date field in one database, and you do it year, year, year, year, slash
6 month, month, slash date, date, and somebody else enters it in a
7 different format, the portal software normalizes all of that header
8 record information. If your title field is 200 characters long maximum
9 but DOE's is 250, it will normalize the structured data to allow for the
10 longest text field. It will normalize the dates so that you can search
11 on one date format and not have to worry about translating it between
12 all the different collections.

13 So those are common attributes of all of these alternatives
14 three, four, and five, is that for the user, a lot of the structured
15 data gets normalized. And that is what allows you to have a single
16 search user interface screen, single search screen, and that's what
17 allows you to use a standard set of search tools, the Boolean operators,
18 or proximity searching capabilities that allow you to refine your search
19 in greater detail within a collection.

20 I think alternative two would probably provide you with a
21 core set of those tools, whatever came with the particular search engine
22 that you used to implement alternative number two, but alternatives
23 three, four, and five give you a more robust, more powerful set of
24 tools.

25 And again, this is the sort of situation that if you're
thinking of yourself as a user, you ask what if I keyed in a term, Yucca
Mountain hydrology, and suddenly find yourself, in alternative one or
alternative two, getting back a very large number of hits, large number
of web sites. And you don't know necessarily which is more relevant
than the other, and you have a stack of 43,000 documents and about

1 400,000 pages.

2 MR. FRISHMAN: But you wouldn't do that in the first place.

3 MR. GRASER: Okay.

4 MR. FRISHMAN: I was, at the same time you were sort of
5 developing that thought, I was thinking of, you know, how I might use
6 it. And I came up with just one term, and thinking how far it might
7 reach out. And just take something that probably means nothing to most
8 people here, just take the term matrix permeability. That would be
9 something I would search.

10 MR. GRASER: Right.

11 MR. FRISHMAN: And it would almost entirely be housed in
12 DOE's stuff. There might be one or two other hits. And so what do I
13 get out of three, four, and five that I don't already have in one or
14 two?

15 MR. GRASER: Your characterization is correct. And you are,
16 you know, one of the fortunate 500. You're one of the power users who
17 understands that terminology. If this application happens to be living
18 in web space, you will have perhaps thousands of users hitting the web
19 sites with a term, Yucca Mountain hydrology, the day that an article
20 appears in the New York Times or on MSNBC. So for every focused user
21 such as yourself, there is potentially much larger universe of general
22 public who say gee, this came up in my MSNBC screen today. I'm going to
23 search Yucca Mountain hydrology.

24 And that's when you start swamping the system with a fairly
25 large number of requests which would be satisfied by a large number of
documents. And that walks you right into the sort of scenario that
causes these denial of service type problems, you getting a lot of
people hitting the same server with a request that's very resource
& intensive over and over and over again.

So yes, for every user like you, there's also the potential

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1 for other external users who don't have that level of precision that you
2 already know what you're looking for.

3 MR. FRISHMAN: Who are you trying to serve? I'm back to it
4 again.

5 MR. GRASER: Okay. Exactly, who are we trying to serve?
6 The individuals, the organizations, the constituencies who have
7 essentially already identified themselves as stakeholders in the
8 process.

9 MR. FRISHMAN: Right. And there's lots of other stuff out
10 there that serves somebody who wants to know something about Yucca
11 Mountain hydrology.

12 MR. GRASER: I know. But computer software doesn't
13 distinguish between them and you, and that's the problem. Unless you
14 can, again, put a frame -- a fence around the user constituency hitting
15 against the system, I cannot -- the software cannot distinguish between
16 you versus them.

17 MR. FRISHMAN: Well --

18 MR. HOYLE: Dan, I think it's --

19 MR. FRISHMAN: -- in our current experience --

20 MR. GRASER: As long as it's going to live in the web
21 environment you have to cohabit with a lot of other people who are not
22 as --

23 MR. FRISHMAN: Well, in --

24 MR. GRASER: -- focused as you are.

25 MR. FRISHMAN: -- our current experience, Claudia, do you
get so many hits that you just get choked up every day?

MS. NEWBURY: No.

MR. FRISHMAN: You know, I get to your site pretty easy.

MR. GRASER: Okay.

MR. FRISHMAN: And, you know --

1 MR. GRASER: I understand that.

2 MR. FRISHMAN: I don't have to --

3 MR. GRASER: All I'm asking --

4 MR. FRISHMAN: I don't have to compete with an awful lot of
5 people to find something that I want on your site, I don't think.

6 MR. GRASER: And all I'm suggesting is that you look ahead
7 to the day when there is --

8 MR. FRISHMAN: This program will never be that popular.

9 MS. NEWBURY: I've actually looked at statistics on our hits
10 on our home page. And when major documents go out such as the EIS or
11 the viability assessment, we do get thousands of hits per day and it
12 does not choke the system. It may slow use a little bit, but that would
13 be about it.

14 MR. GRASER: It's thousands of individuals all asking for
15 the same document. It's not thousands of individuals asking for
16 thousands of documents.

17 MR. FRISHMAN: Well, in the licensing proceeding you're not
18 going to have thousands of people asking for the same thing. You might
19 have three or four people asking for the same thing, like matrix
20 permeability, because that's what is current in the proceeding. You're
21 not going to have thousands of people.

22 MR. GRASER: Okay. Well --

23 MR. FRISHMAN: And getting in the door is not the problem.

24 MR. GRASER: Okay. The -- you know, we're actually starting
25 to get down into the technical aspects of the discussion that we were
really going to talk more detail as Glen Foster goes through and talks
about each of them. I mean there -- yes, there are obviously aspects,
as you say, that you will have a perspective on that is not necessarily
& the same perspective as DOE.

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MR. MURPHY: Well, I think Steve's got a good point. And

1 Glen should probably address it, but -- and, you know, speaking as a
2 complete novice almost in this area, it seems to me for the denial of
3 service sort of a problem, first of all, we can't build a perfect
4 system.

5 MR. GRASER: That's correct.

6 MR. MURPHY: We don't have -- nobody -- congress is never
7 going to give anybody enough money --

8 MR. GRASER: Right.

9 MR. MURPHY: -- to build a perfect system. But wasn't the
10 denial of service because -- not because amazon.com received thousands
11 of hits, but because it received millions of hits? Am I
12 misunderstanding? I mean they just got swamped by an just absolutely
13 extraordinary number of hits. And we're --

14 MR. GRASER: There's a distinction in the type of traffic
15 that Amazon deals with versus the type of traffic that the LSN is going
16 to deal with. Amazon can get millions of requests for relatively short
17 packets of information. And because they're short, and the answer goes
18 back and forth and back and forth and back and forth very quick because
19 they're short packets of information.

20 We won't get, hopefully, millions of requests, but we may
21 get substantial thousands of requests. And the response coming back
22 from our servers won't be 200 bytes of data, it will be humongous files.
23 And that's the point where the distinction between millions of hits
24 versus thousands of hits seems to be, you know, it doesn't seem like
25 having thousands of hits should be as big a problem as having millions
of hits.

MR. MURPHY: I agree with Steve. I -- Dan, I think that is
so unlikely to be a problem that --

MR. GRASER: Okay.

MR. MURPHY: -- I don't think we ought to spend an awful lot

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1 of time and money designing a system to avoid that. Now the deliberate
2 intrusion, you know, the sabotage to the system is something that needs
3 to be considered, you know, either the denial of service sabotage or the
4 getting in and manipulating the system and dropping bogus documents in
5 there kind of sabotage needs to be considered.

6 But I just don't think we're going to have, you know, one
7 Sunday after, you know, reading your New York Times in the morning we're
8 going to have 450,000 people in the United States say geez, I really
9 want to read that document, you know, even though it's going to take me
10 4 hours and 20 minutes to download it. By God, I'm going to give up my
11 Sunday to do it, because that matrix permeability thing really looks
12 interesting to me. That's not going to happen.

13 MR. FRISHMAN: And didn't I see in the requirement thing,
14 unless I misread it, that you're sort of taking a minimalist approach
15 while you're making the same discussion in the other direction?
16 Didn't -- isn't there somewhere in there that a requirement for a
17 capability to handle 150 simultaneous hits?

18 MR. GRASER: Yes.

19 MR. FRISHMAN: Okay. So what are we talking about here?

20 MR. BECHTEL: I think --

21 FEMALE VOICE: Go ahead.

22 MR. BECHTEL: Well, no. I think -- I was somewhat confused
23 in going through the materials, you know, the complexity of the, you
24 know, the alternatives and try to understand which is best. But I think
25 in going through your review of the alternatives, what would be helpful
to me is to understand, you know, the, say the down sides of using one
and two.

MR. GRASER: Yeah.

MR. BECHTEL: Or three, four, and five, all of those.

MR. GRASER: Okay. And Glen will be covering that --

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1 MR. BECHTEL: Yeah.

2 MR. GRASER: -- in just a couple minutes. If we can --

3 MR. BECHTEL: Because I know I've kind a -- we've all gone
4 through, you know, a search of the material that I thought I knew and I
5 had difficulty really finding it or end up 10 million hits, and how do I
6 synthesize that. And I don't want to go through that on this. So if
7 there's a simpler way, and if it's alternative five, I don't care. You
8 know, I -- we're not going to be able to --

9 MR. GRASER: Okay.

10 MR. BECHTEL: -- add a whole lot resources to the program
11 either, but I, you know.

12 MR. CAMERON: I think it's important for people also to
13 understand that, Dan, you weren't really pointing out a down side of one
14 and two here in terms of the unfocused user, the general public. You
15 were pointing out a down side for the focused user, because if you don't
16 have the right type of software then all these general public requests
17 could bring the system down; right?

18 MR. GRASER: Yeah. Yes, I -- yes, that's correct.

19 MR. CAMERON: And that there may be more examples of that
20 along the way as we go through what Dennis is suggesting we do.

21 MR. GRASER: There are definitely down sides attributes of
22 all five of the alternatives. And, you know, I think from the technical
23 working group's point of view, we tried not to overly emphasize what the
24 negatives were of any of the alternatives simply because the technical
25 working group didn't vote in favor of any one as being the best. Our,
you know, we were chartered to explore the alternatives. The ARP can
make up its own mind.

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And we tried not to, you know, identify the weaknesses of
one versus the other. In fact, I think we deliberately tried to
identify the benefits of one of the alternatives versus the other; to

1 focus on this one gives you this much more, this one gives you that much
2 more, this one compensates for a problem, perceived problem here or a
3 perceived problem there. But as I said, Glen is really going to walk
4 through in that much more detail on all of those.

5 The -- in order for me to wrap this up here so we can
6 continue to move along, the only other comment I'd like to make on
7 alternatives three, four, and five is just to leave you again with an
8 understanding that the way they differ, they have common elements,
9 common attributes in the single user interface that's presented to
10 everybody, but the way differ in their architecture is simply by who
11 owns the device and where the device is located that will store all of
12 the associated text and image files. That's really the \$64,000
13 distinction between these there alternatives. Architecturally, they
14 help compensate for bandwidth problems, for performance type problems.

15 And again, Steve, this is where we would say if you don't
16 perceive that to be a particular problem, then you wouldn't see any
17 distinguisher between any of these three alternatives, because you're
18 really looking at it and saying all three of those are at a plateau
19 above where we think we need to go. Okay?

20 So basically at, you know, at this point, I had a couple of
21 other very quick observations to make. In implementing these sorts of
22 solutions, when we put together our request to the commission for
23 funding and authorization, some of the alternatives that I'm going to
24 have to present to the commission is whether or not NRC decides to
25 operate the system internally, i.e. put the server in the NRC computer
room for the portal site or for the web page, versus the possibility of
taking the entire application and placing the hardware and the software
and everything else out at an application service provider organization
& who would be responsible for providing power, backup, security,
ASS Internet, bandwidth access, and so forth. So all of these have a

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1 sensitivity analysis that could be made from a financial point of view
2 that says do you want to build it and maintain it and operate it
3 internally, or do you want to build it and then deliver it and let
4 somebody else run the computer for you.

5 And the other --

6 MR. FRISHMAN: If you ever went to NRC/DOE video conference
7 you'd know the answer to that.

8 MR. GRASER: Yes, I've been to them. They always worked
9 fine for me.

10 MR. FRISHMAN: Are they totally satisfying?

11 MS. NEWBURY: Depends on where they are in the NRC.

12 MR. GRASER: Other aspects in terms of implementing the
13 alternatives we looked at is the concept of campus and co-location.
14 These are just terms of trade within the computer industry. What we
15 were talking about, campus is a location where each participant server
16 is housed in relatively close proximity. Participants cooperate on
17 shared resources. So if we were going to connect everybody in
18 alternative four, for example, in a campus type environment, the -- we
19 would have to identify a site where we were going to do that. And that
20 introduces a level of administrative complexity, and everybody would
21 have to be willing to co-locate their storage devices in the same place,
22 or in the same campus.

23 In terms of co-location, you could also outsource that and
24 just everybody identify -- we would all place our servers out at a
25 commercial full-service computer installation. This where we're going
to house it. Everybody send a storage device with your data out there.
So those are some of the technical terminology that is going to be
introduced a little bit later.

And finally, before I turn things over to Glen, this chart
just indicates very relatively simply that for any of the alternatives

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1 three, four, and five, and this is probably somewhat also true for
2 alternatives -- alternative two anyhow, that when you look at things
3 like co-locating or outsourcing, any of those alternatives could have a
4 different physical installation associated with it. And that would then
5 somewhat color what activities go on if you're doing it in-house versus
6 outsourcing the thing and what would be required to implement that
7 system.

8 So if you focused on alternative three, for example, if NRC
9 were to design, implement, and operate the system, the participants
10 would still maintain their collections on their machines at their sites,
11 and the LSN administrator would establish a portal and it would be
12 installed inside at the NRC, versus you -- if you said well, let's
13 outsource that. What would that look like?

14 Then NR -- the LSN administrator would design and build the
15 portal, and we would operate it at a co-location facility. And there
16 are companies that do this, application service providers. And the
17 participants would still, under that alternative or that scenario, would
18 still maintain their own servers with their own documents on their own
19 machines operated by their own people.

20 So this is just to point out that for any of the
21 alternatives, when I go before the commission I'm going to be having to
22 do sensitivity analysis that reflects whether or not people are even
23 willing in the first place to consider co-locating. And if people say
24 no, that's not a good alternative, we don't want to entertain that, then
25 that's one last sensitivity analysis that I would need to do. Okay?

At this point, Glen is going to come up and he's going to
start talking now. This is Glen Foster from Labat Anderson. He's the
contractor for the license support network administrator. Glen has
participated in all of the technical working group meetings, and he's
going to be trying to focus on the technical aspects of it. So if you

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1 have questions about the technical aspects as opposed to comments about
2 the relative merits of one versus the other, Glen can certainly address
3 the issues of the technical aspects of each of the three options and
4 alternatives.

5 On the presentation materials that Glen has we have included
6 what the technical working group identified as the significant technical
7 aspects or attributes of the system, and, for example, what that means
8 to the user, what does that mean to the participant. So we've tried to
9 condense that all down into just a few slides for each of the
10 alternatives.

11 And instead of going alternatives three, four, and five,
12 Glen is going to start right off at alternative one. Okay?

13 MR. HOYLE: Before you begin, Glen, I think what I'm hearing
14 is that we're going to want to hear about pros and cons of each. There
15 are primary users and secondary users.

16 Primary users are those of you who will be in the proceeding
17 itself, the judges, the participants, the parties to the proceeding.
18 And you're getting ready for the proceeding, should there be one. And
19 therefore, you know, sort of the discovery phase we're starting you're
20 starting to think about.

21 The second users are the member of the public. And I think
22 we are, being a federal agency as we are, NRC has tried to put all of
23 its material out in the public domain from the start. We're very
24 conscious of the secondary users and how easy it might be for them to
25 use the system.

I certainly agree with Mal that we shouldn't sell that
segment short. They're smart people. They're using the web more and
more every day, and so forth. So I think we need to hear, and I don't
know whether we need it -- we'll hear it in the technical discussion or
not, the pros and cons of each of these to the primary users and to the

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1 secondary users; and what do the participants, the people with the
2 documents, what do they need to do differently in one versus two versus
3 three versus four and five.

4 MR. MURPHY: And how much it's likely to cost the
5 participants.

6 MR. HOYLE: And certainly cost.

7 MR. MURPHY: What's the financial impact on Nye County of
8 the various alternatives. I don't care what the financial impact on NRC
9 is. I sympathize with Dan. I'll go to the -- I'll go sit with you at
10 the commission meeting to defend your choice if that's, you know, if
11 that's -- if you're doing it because of a recommendation made by the
12 ARP. But I don't have any institutional obligation to sweat how much
13 it's going to cost you.

14 MR. GRASER: Right.

15 MR. MURPHY: But I do have a mission for my client to keep
16 it simple and in -- and, you know, and as inexpensive as possible so
17 that Nye County can participate effectively in the licensing process
18 without having to shut down every other function we're performing for
19 the -- for our citizens in order to meet the cost obligations of the
20 licensing support network.

21 And Steve's sitting over there without any money to spend it
22 on.

23 MR. BECHTEL: I like the way you --

24 MR. FRISHMAN: And I have even less obligation.

25 MR. BECHTEL: -- characterized the, you know, the portrayal
of the alternatives. I think that's a good pros, cons, you know.

MR. GRASER: There is a little bit later in the day a couple
a charts prepared that try to characterize the cost of a participant
with a relatively small site versus a medium size site versus a larger
site. And we've tried to characterize the amount of hardware, software,

1 and ongoing commitment for each of those classes of users or classes of
2 participants in the system. And that chart is back -- it's included in
3 the handout package. It's in the back, and we tried to do that.

4 And I think even though it's not laid out in that handout
5 for alternatives one and two, I think it would be safe to say that the
6 participants, if they're a relatively small participant, the amount that
7 it would take for them to place their documents and make them publicly
8 accessible on the web is going to be relatively consistent from
9 alternative one through alternative five. It's relatively same
10 magnitude of cost. You're talking, you know, in the class of a
11 relatively small machine and small number of documents. It would cost
12 essentially the same for all five of the alternatives.

13 But we can pursue that a little bit further. I -- we -- I
14 need to stop interrupting here so Glen can get started.

15 MR. CAMERON: Can I interrupt one more time? I'm sorry to
16 do this, but if you could also, during this presentation and during this
17 discussion, point out what might be likely causes of what I'll call
18 failure in terms of the LSN that might -- there might be a higher risk
19 of failure with one alternative than the other because of the fact that
20 one would be harder to build; would you have it completed in time for
21 the licensing proceeding; besides the cost angle.

22 Or another cause of failure might be that the participants,
23 the primary users that John mentioned are not going to be able to use
24 the system to get to the documents that they want. If there are things
25 like that that might -- then I think it would be useful for people to
hear that, to the extent you know it.

MR. GRASER: All right.

Glen, you want to go ahead and --

MR. FOSTER: Yeah. Thank you, Dan. Thank you, John, and
thank you Chip.

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1 I'm going to try and speak to a particular aspect of how we
2 got from one alternative to another, which is something I really haven't
3 heard a whole lot of discussion about in this.

4 I mean alternate one is pretty obvious. It's a very simple
5 strategy and it pretty much flows from very early web technology. And I
6 think the idea of what the web came from in the first place, that if you
7 have information of interest you put it on the web, and if you know of
8 other information of interest, you put a pointer to that information.
9 And somehow or another it all comes together in a way that is usable to
10 people. And as you can see from the slide, that has a few implications
11 in terms of what people would be expected to do.

12 I'm going to try really hard to overcome my tendency to read
13 these darn things as I go down them, because I know everybody here can
14 read as well.

15 The follow-on to some of these things is probably not as
16 obvious as what was shown in the slide. I think -- go to the next.

17 Next slide. And that is that those people who have to
18 interact with these different systems also have to beef up their
19 efforts. Specifically, the LSNA administrator has got an audit
20 requirement in addition to what we've been talking about here so far of
21 making sure that people are playing by the rules. And in a distributed,
22 linked scenario, the administrator has to do an awful lot more work to
23 ascertain that the participant sites are maintaining the information
24 that they need to maintain; that they're not, for example, silently
25 retracting a document and substituting another document in its place
after perhaps a document has been entered into the docket, and perhaps
another party's going to want to enter the same document into the
docket, and well, it turns out they're not the same.

How do we, you know, how does that scenario get addressed?
Those are the kinds of things we were thinking about in this whole

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1 effort. That would require constantly going to these sites, basically
2 retrieving all the information at these sites and comparing it with a
3 known good copy.

4 MS. NEWBURY: Can you tell me --

5 MR. MURPHY: Let me just stop you there. Why?

6 MS. NEWBURY: Where is that in the rule?

7 MR. MURPHY: Yeah.

8 MS. NEWBURY: I'm looking desperately for anything on
9 certification --

10 MR. FOSTER: I can't speak --

11 MS. NEWBURY: -- in all of these and I don't find it.

12 MR. FOSTER: I can't speak to the rule. I'm only speaking
13 to some of the design initiatives that we were looking at early on.

14 MR. MURPHY: And that was my first question. My second
15 question is so what? That's what lawyers get paid to do is to protect
16 their client's interest. You know, I mean if a lawyer sits in the
17 middle of a trial or an NRC licensing proceeding and doesn't look at the
18 bloody exhibit that's being offered by his opponent, we call that
19 malpractice. That's what our job is.

20 MR. FOSTER: The -- one of the reasons that we felt that
21 that was important, thinking back, is that helping the lawyers do their
22 jobs was of paramount importance to us; that shortening the amount of
23 time available or needed to do the discovery process was one of the key
24 objectives that we had considered in looking at the tools that we could
25 make available for them to do that. And we felt that alternative one
would be much more challenging for an individual attempting to do
discovery to correlate the various different aspects.

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So, you know, your point's well taken, where is it in the
rule. I don't think you're disputing the point that it may need to be
done perhaps manually, perhaps by visual comparison of two documents

1 that don't match. But if the software did it for you, it would save you
2 a tremendous amount of effort and time to accomplish that same
3 objective.

4 MS. NEWBURY: I think you missed my point. The LSN rule has
5 no role for the LSN administrator in certifying integrity and auditing
6 the system. That's gone. That was the case in the earlier rule. It's
7 not there now.

8 MR. MURPHY: Well, and the second point is that this is, as
9 you pointed out, Glen, this was originally conceived in 1986 as a
10 discovery tool. Comparing the document that was given to you by your
11 opponent in trial with another document that appears to be the same
12 document that was given to you from some other source, you know, the
13 tobacco company whistle blower, that's not discovery. That's just basic
14 trial preparation. That goes well beyond facilitating the production of
15 documents.

16 MR. FRISHMAN: The whole point of this originally, and I
17 think still should be, it makes the transfer of information faster. And
18 that's the bottom line. Helping the lawyers do their job is not it.
19 It's just taking advantage of whatever we have in modern technology that
20 makes information move faster. And, you know, helping the lawyers do
21 their job is an entirely different question. You're helping the
22 transfer work, you're not helping the lawyer do his job.

23 MR. MURPHY: That's right. And just if I could just follow
24 that up, because I think this is really of critical importance.

25 And, you know, Chip, jump in here if you feel like you
should. And gosh, you know, there's a lot more reasons why I miss my
old friend Bill Holmsted, but I sure wish he were -- maybe he could come
up out of the -- and talk to us here.

MR. FRISHMAN: This all started in a room just past that
wall over there.

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1 MR. CAMERON: Well, if he does, we won't need a repository.

2 MR. MURPHY: Remember, the reason for the LSS, the original
3 LSS, was, to, you know, go back and talk very, very briefly about
4 history again. The NRC has a requirement imposed upon them by congress
5 to conduct this licensing proceeding within three years, or four years
6 if they certify something that says they can't make it in three.

7 Looking at the history of licensing proceedings within the
8 NRC, it became clear that the one stumbling block to the NRC's ability
9 to reach a decision within three years, or four, was the time built into
10 the rules of practice themselves, the original 10 CFR Part 2, the time
11 necessary to trade hard copy documents in the discovery process. So,
12 you know, an intervener or a government participant, or whoever in a
13 reactor licensing proceeding involving Duke Power files a request for
14 production of documents. Duke Power, under the rules, then has X number
15 of days to respond, or the staff has X number of days, et cetera.

16 So you start adding those time lines within 10 CFR 2
17 together, and it became very obvious to people familiar with the system
18 that under the most perfect scenario, the NRC could not make a three
19 year deadline. They just couldn't get the hearing and complete a
20 hearing process and reach a decision within three years.

21 So in order to facilitate the NRC's ability to do that, you
22 know, we negotiated this system that would speed up the transfer, the
23 physical to -- to replace the physical transfer of hard copy documents
24 with an electronic way to do that, to speed up that transfer of
25 documents, to avoid that 15 days to turn over this document, 30 days to
turn over that document, and then you got X number of days to file a
motion to compel to production to the hearing board, et cetera, et
cetera. That's the only thing we were trying to avoid.

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There's noting in the LSS rule; there's nothing in the
negotiations that we began in 1986; there's nothing in the LSN rule that

1 says lawyers don't have to work evenings and weekends to compare the
2 buddy documents that they have got to make sure their client's interest
3 are protected. The only thing, the only reason that people made
4 compromises and gave up certain rights in the original negotiation was
5 to make -- was to facilitate the physical transfer of documents from one
6 party to another; electronically you do it instantly, at the speed of
7 light, some other way it takes you 47 days to get, you know, whatever it
8 is.

9 That's all we were attempting to do, to use this rule to --
10 and I'm sorry if I'm getting excited about this, but to use this rule
11 and to impose administrative burdens and costs on woefully underfunded
12 and in some case non-funded participants in order to make life easier
13 for we lawyers is beyond the scope of the rule and it's beyond the scope
14 of the original negotiation that we engaged in and in which every
15 participant, actually, you know, made compromises.

16 We all gave up certain rights that we possessed under hard
17 copy discovery, under the subpart G or whatever it is to 10 CFR 2. We
18 all gave up certain rights. The State of Nevada gave up the right to
19 delay this process for years; you know, the utilities gave up other
20 rights; the DOE gave up certain other rights. And the only reason we
21 did that was to facilitate the transfer of documents. It wasn't to make
22 life easier for lawyers. It was to compress this process down to within
23 three years.

24 And to go beyond that, it seems to me is a complete
25 alteration of the original purpose for the LSS and the LSN.

MR. CAMERON: Well, now you know there's always been a
concern, going back to the beginning of the negotiations, with the
integrity of the database. And the rule still cites one of the
responsibilities of the LSS administrator as coordinating problems
concerning the integrity of the database. And at one time, and there

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1 was not a whole lot of objections to it when we still had the LSS, there
2 was a huge, huge auditing program that was going to be set up under
3 that.

4 And in fact, people on the advisory review panel asked if
5 there was some way that they could participate in these QA checks on,
6 you know, individual participants' databases, their compliance with the
7 rule. And I think that again, whether this is needed or not needed,
8 okay, I think that what this auditing capability flows out of the
9 provision in the rule that talks about the concerns about the integrity
10 of the database. And I'm not sure I'd want to characterize that as
11 making lawyers' jobs easier.

12 MR. MURPHY: Well, no, I -- you misunderstand me. I don't
13 have any problem with auditing whatsoever. None whatsoever. I've
14 always assumed that under whatever system we had, an LSS or LSN
15 administrator was going to be able to knock on your door some day and
16 come in and say I need to audit your -- the compliance with -- your
17 compliance with the requirements of the rule. I have absolutely no
18 problem whatsoever with that.

19 My problem is in with coming up, you know, in the first
20 instance, with us having to go out and buy and pay for and maintain and
21 pay the staff or contractors within Nye County to maintain a system.
22 Which goes beyond the requirements of delivering documents, making our
23 documents electronically available to DOE and the NRC and State of
24 Nevada and everybody else who wants to look at them. And doing so
25 within -- with some integrity. I mean I don't have any problem with
that.

MR. CAMERON: So the point is is that you don't really have
any problem with the need for auditing, or where that comes from in the
rule, but you don't think that that should be a critical component of
the choice of the design of the system?

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1 MR. MURPHY: Exactly, exactly. That may be Dan's burden.
2 And that may place a greater burden on Dan. That's -- and that, you
3 know, that's --

4 MR. CAMERON: Okay.

5 MR. MURPHY: That's true. I have no problem with that.
6 We've always assumed that at some point in time, either at initial --
7 for an initial compliance check, for some sort of a certificate or
8 whatever you want to call it, or at some point in time in the process
9 the LSSA or the LSNA was going to be able to get into our shorts and
10 figure out whether or not we were complying with the rule. That's, you
11 know, I have no sweat, no problem with that.

12 My problem with -- is with -- is in the first instance, with
13 us having to construct and operate and maintain a system which, you
14 know, does that sort of a cross-check. And in a manner which, to me at
15 least, looks like facilitating trial preparation, not document
16 discovery. Even under, you know, since the invention of the quill pen
17 lawyers have been required to compare something that was given to them
18 by one whistle blower to something they found in the files of the
19 tobacco company they're suing.

20 MS. NEWBURY: Auditing. As I read, the only certification
21 that's required in this rule is for someone from the organization that
22 is putting information into the LSN to certify they have followed all
23 the procedures, that their information is there.

24 If there's an implied audit process after that where the NRC
25 checks to make sure that we have done that, I don't know why it requires
heavy auditing, and I don't know why there have to be highly structured
guidelines and procedures to do it. Someone, hopefully not me and the
DOE, will have already -- higher than me, will have put their name to
the fact that they have already complied with all this and put together
their own procedures. So I take exception with certification of

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1 integrity requires those things to occur.

2 MR. HOYLE: If I can comment on that. I think that's a very
3 good point. And I apologize for having missed part of this
4 conversation, but I certainly have been put back in memory on the things
5 that Mal was talking about that we went through, you went through
6 laboriously some years back.

7 But I also want to remind us that when we were changing the
8 rule last year or so, I think NRC was prepared to go with a new rule,
9 Internet based changes in the rule, without an LSN administrator. And
10 it was your emphasis on the need for the administrator to be there, to
11 help out, to keep the playing field fair and level that the commission
12 said okay, we will have an administrator.

13 So I think part of this is okay, what is the administrator
14 going to do in alternative one? And that's probably how we got down
15 into the -- into what kind of auditing would we do. Because it says,
16 you know, LSNA has no systematic control over the site. LSNA is unable
17 to respond quickly to performance problems. So, you know, what's left?
18 So just for a comment.

19 MR. CAMERON: And I think Claudia and Mal are basically
20 saying the same thing, is that it's one thing to have an audit
21 capability, but don't build that on the backs of the participants in
22 terms of the choice of the design alternative.

23 MR. MURPHY: Right, exactly.

24 MS. NEWBURY: If I may add, the agreement to -- or the wish
25 to continue having an administrator did not mean we wanted to give
control to that administrator to run our systems.

MR. GRASER: Did not mean? So it did mean that you wanted
to give control?

MS. NEWBURY: It did not mean we wanted to give control.

MR. GRASER: Okay.

1 MR. FOSTER: Actually, I'd kind of like to depart from this
2 slide just a little bit right now and just, and dispel what is being
3 brought up over and over again. I -- that being that the role of --
4 okay. Let me back up a little bit before what I was just going to say.

5 Participants obviously have two roles, one as a information
6 provider and one as an information consumer. And the amount of rolling,
7 role playing or role exercise each participant will do in each of those
8 two roles will be different. Some have a lot more documents to provide
9 than to look at, others are in the reverse position.

10 With regard only to that aspect of being an information
11 provider, the responsibilities are not going to change, no matter which
12 of these alternatives is recommended or considered today. The basic
13 responsibilities, that of putting up your documents on a web server, are
14 pretty much the same across the alternatives, and the differences are
15 only in the details. The --

16 MR. MURPHY: I beg to differ with that. If you have a
17 central campus, for example, or a co-location facility, Nye County or
18 State of Nevada, or Esmerelda County, Clark County, the NEI, whoever,
19 has to then make a choice about whether or not they're going to rely on
20 Dan Graser's folks to administer, to, you know, to physically be there
21 and take care of that system and do whatever it is that people do to
22 maintain those servers and do all that kind a stuff. Or is Nye County
23 going to have to hire a staff member or pay a contractor to be there at
24 that campus at all times --

25 MR. FOSTER: With the exception of alternative four. I --
you're correct about that, but I -- and I was just going to get to that.
And even then, I think the additional costs under alternative four are
yes, significant, but not in an order of magnitude way.

As far as alternatives one and two and three and five go,
pretty much the same system is going to suffice for all. There are

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1 going to be differences in the amount of communications capability you
2 might have to install, but -- and that of course costs money. It costs
3 complexity, it costs issues. But really, from a technical -- from a
4 systems point of view, it's pretty much the same kind a system. And if
5 people understand that, I think we can avoid a lot of discussion on that
6 base.

7 With regard to alternative one though, in terms of costs,
8 since it is the simplest system and really the one out of which the
9 other designs grew, it's going to be the cheapest by far for the LSNA
10 point of view, but also for the participants as well.

11 This is why the technical working group felt that
12 alternative one was less than desirable. With some of the concerns that
13 were raised here today, you know, it may be wise to revisit some of
14 these things. Everybody's going to have a different understanding of
15 what -- which of these points are important or not. But for the record,
16 these are why we felt that alternative one was, as Dan said earlier, a
17 non-starter. And I think the main area in which this fell was the
18 difficulty of use issue was the main issue that kept us from feeling
19 that this was a good way to go.

20 MR. FRISHMAN: You say it's too complex for users, but it's
21 exactly what everybody does today.

22 MR. FOSTER: You know, the web is one of those things that's
23 changing fast. The whole Internet is changing very, very quickly. And
24 I think a year ago, that statement would have been doubted by a lot of
25 people in this room.

And when we concentrate on ease of use, I'm not so sure that
we were thinking about absolute raw ease of use, but predictability of
ease of use; whether or not we could actually say -- you know, what's
& useful for me and what's useful for you are two different things. And I
think you could say that about each individual in this room. And I

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1 can't predict to a fairly high level of confidence that the person --
2 the third person in the fourth row can use this system unless I have a
3 fair amount of control over how that system's designed.

4 So I can't say that, you know, Joe Blow from Montana can use
5 Nye County's system, or predict that they'll able to use Nye County's
6 system without having a fairly high level of confidence what they're
7 going to see when they go to their -- go to that system.

8 MR. FRISHMAN: But if Joe Blow from Montana finds it
9 important enough to do that, he'll figure it out.

10 MR. FOSTER: Well, that may be. I think that a year ago we
11 may not have had that same understanding, and even six months ago we may
12 not have had that same understanding. And this is basically reporting
13 on things that we were talking about last October. There was a fairly
14 strong feeling within all the members of the technical working group
15 from some of the counties, the DOE and the NRC that alternative one was
16 too complicated for your average, unskilled Internet user to figure out.

17 MS. TREICHEL: One of the characteristics of this entire
18 thing, it hasn't changed and has only increased, has been the way
19 technology has changed and gotten ahead of what anybody thought. And I
20 can't imagine that if you say last October, gee, that was way back then
21 and now it's very different --

22 MALE VOICE: Only four months later.

23 MS. TREICHEL: Yeah. If this thing isn't expected to --
24 well, I don't ever expect it to kick in, so I have to always use that
25 disclaimer. But if it isn't expected by the optimists to kick in for a
year or two, I can only think that it would be easier. And if it's not
easy to get DOE documents, then I guess there's going to be a lot of
real serious screaming going on when you can get anything else in the
world but you can't get DOE documents.

So it's DOE's responsibility to make those accessible. And

1 it's easier and easier and easier to have things accessible. And it's
2 going to become easier. That -- people have a huge self-interest in
3 making the web work. It's the marketplace, it's the information center,
4 it's everything. So there -- just look at the NASDAQ. You know, this
5 is -- this thing is going.

6 And I -- these conversations are quite interesting when you
7 compare them with when we're discussing a repository, but that's just an
8 aside. It just strikes me that the future seems so difficult to predict
9 in this room, but in other rooms it's not.

10 MR. HOYLE: No, I think those are, comments from both of
11 you, very well taken. And I think we have perhaps in our discussions in
12 prior meetings of this panel, perhaps in the technical working group
13 meetings which unfortunately I did not attend, where a lot of emphasis
14 was put on public users. And maybe we've looked harder at that than
15 what I call the primary users, who will be those who are the parties to
16 the case and the judges.

17 And I don't want to dwell too long unnecessarily on
18 alternative one, except that I know several of you think this is a
19 pretty good one and we need to spend the amount of time on it that's
20 appropriate. But just going down through the chart that you had on
21 there why alternative one does not meet requirements -- and I know,
22 Glen, you suggested that maybe looking at it today you might say it a
23 little differently. Let's go through those saying it's too complex for
24 users, but how would you have put it if you were going to make a comment
25 about the primary users? Is it too complex for them?

MR. FOSTER: Well, actually, John, let me explain to you why
the emphasis was on the ordinary users. I think that we felt that if an
ordinary user, if we made -- if we designed the system to be accessible
to what we're calling the ordinary user, the rank and file, that there
would be no question that it would be also appropriate for somebody who

1 was a little bit more skilled in the discovery process.

2 So I think that perhaps we were lazy, perhaps we just wanted
3 to cover all the bases, but that we didn't really look at the
4 distinguishing factors between those highly skilled users and the ones
5 who were not.

6 MR. HOYLE: They're highly motivated anyway.

7 MR. FOSTER: And highly motivated, sure. I'm not sure that
8 I'm really in a position where I can say whether or not it's, without
9 talking to those users and without interviewing them in some depth, I'm
10 not sure whether I can say whether or not it would be appropriate.
11 However, since some of those users are here today, they're probably --
12 and they've already spoken to this issue, perhaps it is.

13 MR. HOYLE: Okay.

14 MR. FRISHMAN: You know, there's an old principle in the
15 Navy that every convoy moves at the speed of the slowest ship. I don't
16 think that applies here. I really don't. We can't design this system
17 for the most unsophisticated or least sophisticated potential member of
18 the general public who might want to get access to it.

19 MR. FOSTER: Well, but that issue keeps coming up. You
20 know, I mean we had a -- we've had a fairly long discussion about the
21 public document rooms, library access, people with slow Internet
22 connections, people with limited capability browsers. The topic keeps
23 coming up, so there's obviously some constituency here that is very
24 concerned with --

25 MALE VOICE: But those aren't the people who need speedy
discovery.

MR. FOSTER: We're building one system. We're not building
two systems.

MR. MURPHY: No, DOE's already got a system. And that sort
of leads in, I'm going to follow your naval analogy here. If it's too

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1 difficult to navigate, that's the participant's problem. And if other
2 people can't navigate on somebody else's information, then that becomes
3 part of the proceedings. That's an issue in availability of information
4 for the proceeding. It has nothing to do with expediting discovery.

5 MR. FOSTER: One of the things that we discussed early on in
6 a fairly abstract way I hope is that the possibility was raised that
7 it -- some participants may feel that it was in their best interest to
8 hinder easy discovery. And how would we allow for that being the case,
9 if in fact it were the case? How could we help overcome that sort of
10 point of view?

11 MR. MURPHY: If a participant was hindering discovery?

12 MR. FOSTER: Well, or perhaps a participant was interested
13 in hindering discovery on somebody else's document collection.

14 MR. MURPHY: Right.

15 MR. FOSTER: I mean these are -- these really fall under the
16 security category. And, you know, are --

17 MR. MURPHY: They also --

18 MR. FOSTER: -- probably discussed there.

19 MR. MURPHY: They also fall under the category of what we
20 pay judges to do.

21 MR. FRISHMAN: Yeah, that's what I mean. It's part --

22 MR. FOSTER: Well, see --

23 MR. FRISHMAN: -- of the proceeding. It hasn't got anything
24 to do with the system.

25 MR. FOSTER: But if the judges are asked to make a decision,
they have to have information on which to base that decision.

MR. MURPHY: Right.

MR. FOSTER: And it comes back to, you know, how far can we
go, or what can we do to make that information available to them.

MR. MURPHY: Well, but if someone feels that their right to

1 discovery is being hindered, they go to the judge. They go to the ASLB
2 and they say party X is hindering my right to discovery. And the judge
3 says prove it. Show me.

4 MR. FOSTER: And all the burden of discovering whether or
5 not your discovery is being hindered is up to you?

6 MR. MURPHY: You bet. Absolutely.

7 MR. FRISHMAN: Yeah, the question came to my mind during the
8 break, you know. How does the Justice Department continue to even
9 survive in its never-ending lawsuit against Microsoft without all of
10 this help?

11 MR. FOSTER: Well, it's because they subpoena Microsoft's --

12 MR. FRISHMAN: Right.

13 MR. FOSTER: -- disks.

14 MR. FRISHMAN: Right. And the judge allows -- orders a
15 subpoena.

16 MR. MURPHY: Right. And the other thing we have to keep in
17 mind is that remember we are replacing a hard copy discovery system in
18 order to facilitate the NRC's ability to meet its statutory obligation
19 to reach a decision within three years.

20 For the non -- for the potential public, you know, person
21 who wants to have access to this system, what right did that -- did
22 those members of the public have to get access to? And let's forget
23 about the fact that Claudia's records are all public documents, et
24 cetera like that. We're replacing a system which existed in -- under
25 which primarily applicants were non-governmental agencies at the time.
What right did Joe Blow from Montana have to demand access to the
records of the Montana power company in an NRC licensing proceeding in
which Joe Blow was not an intervener? Zero, none, bingo.

So why should we place additional costs and additional
administrative burdens on the participants in this process when what

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1 we're trying to do is replace a system with one that would make it
2 easier for the NRC to get to a three year decision? But why should we
3 at that same time create rights and facilitate access which didn't even
4 exist in the system that we're trying to protect, trying to replace?

5 MR. CAMERON: Yeah. I guess I would have to agree with the
6 fact that the purpose of this system is to expedite discovery so that we
7 don't have to do it hard copy after the application comes in. Under the
8 LSS, there wasn't any public access at all.

9 MR. GRASER: Yeah, there was.

10 MR. CAMERON: Okay? No, not in the pre-license application
11 phase. Only the headers. Okay?

12 We, when we got together at the ARP meeting where we
13 discussed the proposed rule, we said well, why shouldn't there be public
14 access to this system? Saying that there should be public access to the
15 system does not necessarily mean that the system design is driven by the
16 public access. I don't think it needs to be driven by the public
17 access.

18 You guys have brought up two things related to public access
19 though that could have implications for the participants, the primary
20 users using the system. One is is that if it's not an easy to search
21 system and so many hits come in, Dan, you were saying that the system
22 would be harder for the participants to get into. Glen raised a
23 possible security issue, perhaps if you were saying that the simpler the
24 design the more someone could try to bring the system down in terms of
25 availability.

I don't know anything about that. But I guess that I think
that we really should try to keep in mind the primary user here rather
than designing it at lowest common denominator, unless that has some
& impact for the primary user.

MR. MURPHY: Right. And remember how we got to that

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1 discussion, Chip. You're absolutely right, but remember how we got to
2 that discussion about public participation when we started talking about
3 an LSN, a web-based LSN. And that is that we all recognized pretty
4 early on in the discussions that if we were going to base this network
5 on the world wide web; that public participation already existed in that
6 network.

7 And as I recall at least, the discussion was do we exclude
8 the public; do we fence this network to keep the public out, not do we
9 design a system to facilitate public access.

10 MR. FOSTER: Well, that's very applicable to alternative
11 one, because if you implement alternative one there's no way to
12 distinguish a public random user from somebody who's in the in crowd.
13 And so there's no way to build a fence around it.

14 MS. NEWBURY: But we discussed that at that meeting as well
15 when we talked about perhaps having different levels of users, and
16 passwords for people who were particularly interested, or who were
17 interveners or part of this process.

18 MR. FOSTER: But that's what I'm talking about is though
19 when the TWG discussed alternative one they felt that alternative one
20 would not meet that requirement to differentiate.

21 MR. FRISHMAN: But why do we have that requirement?

22 MS. NEWBURY: Why not?

23 MR. MURPHY: Why do we need to differentiate?

24 FEMALE VOICE: So you can make sure --

25 MR. FOSTER: Yeah. To be able to provide predictable levels
of service.

MR. FRISHMAN: I think we've been through this before, and I
don't think that's an issue. And I don't think Claudia thinks it's an
& issue either

MS. TREICHEL: Well, it becomes an issue if you block

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1 access. Then it really does become an issue.

2 MR. FRISHMAN: But level of service, I can't quite imagine
3 that the Yucca Mountain page is ever going to get hit so hard that there
4 is denial of service. I just can't believe there are that many people
5 who give anything.

6 MR. FOSTER: Well, actually --

7 MS. TREICHEL: If there is, I get a bonus.

8 MR. FOSTER: With the tools available on the Internet right
9 now, only takes one person to shut a site down.

10 MR. FRISHMAN: Right. We found that out last week.

11 MR. FOSTER: For two or three days. And then maybe another
12 person for another two or three days.

13 MS. NEWBURY: Yeah, but those same people, if you're talking
14 the real highly talented ones, have shut down the Pentagon, the State
15 Department, and some of the most protected --

16 MR. FOSTER: But I'm not talking about talented ones. I'm
17 talking about, you know, a 14 year old in Rumania.

18 MR. FRISHMAN: Well, maybe -- yeah.

19 MS. NEWBURY: Yeah. Well --

20 MR. FRISHMAN: Maybe the FBI's good services would go
21 towards that, if anybody thought it was --

22 MR. FOSTER: Sure.

23 MR. FRISHMAN: -- important enough to screw up the Yucca
24 Mountain page.

25 MS. TREICHEL: This has got to be --

MR. FOSTER: I agree with you. Yucca --

MS. TREICHEL: -- a real lame --

MR. FOSTER: The Yucca Mountain page is probably not an
& attractive target.

MS. TREICHEL: Yeah.

1 MR. FOSTER: And really if you get back to looking at the
2 differences between alternatives, alternative one is probably superior
3 in that regard because they'd have to shut down a whole bunch a sites,
4 not just one.

5 MR. GRASER: Actually, the Yucca Mountain site was
6 effectively hacked into and the mountains were replaced with a
7 silhouette of a reclining female. And --

8 MS. NEWBURY: That was several years ago. And I think
9 we've --

10 MR. GRASER: Right.

11 MS. NEWBURY: -- increased our security.

12 MR. GRASER: Well, I'm just saying in terms of
13 characterizing it as not a probable target, there -- the -- back in the
14 1995 time frame the entire Department of Energy complex was wanked by
15 the worms against nuclear killers, which came in through one of the
16 laboratories.

17 MR. FRISHMAN: Well, in this instance, what's the
18 consequence? What, we lose three days in a three year licensing
19 process? And we don't even lose those three days anyway.

20 MR. GRASER: Right.

21 MR. FRISHMAN: So what's the deal?

22 MR. FOSTER: Well, we're talking about one particular type
23 of security complex. Now one particular type of -- service attack.
24 There's dozens. There's hundreds of different things that can happen to
25 a web site. And, you know, going through all those things is way beyond
the scope of our discussion today.

MS. TREICHEL: Can you guarantee that it wouldn't happen to
three, four, and five?

MR. FOSTER: No, course not.

MR. GRASER: In fact, I think he just said that --

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1 MR. FOSTER: You can't guarantee anything is secure.

2 MR. CAMERON: Well, but again --

3 MR. GRASER: It's less plausible with option one.

4 MR. MURPHY: But again, keep in mind the participant in this
5 process who wants to -- or the two participants in this process who want
6 to guarantee that we get from point A to point B in three years are the
7 Department of Energy and the Nuclear Regulatory Commission, and perhaps
8 the utilities, I -- you know. But DOE will do what is necessary, and
9 spend whatever money is necessary consistent with, you know, their
10 appropriations from congress to protect their site from those kind of
11 intrusions so that they can acquire or obtain their construction
12 authorization within three years.

13 It's not Nye County's -- but why should Nye County and
14 Esmerelda County and Clark County be required to maintain our web sites
15 in the same fashion when it is highly unlikely that someone is going to
16 attack the licensing process by intruding into Nye County's web site?
17 Those sites they're going to intrude into, if anybody even, you know, I
18 mean and I agree with Steve. The sites that they're going to -- that
19 are likely to be attacked are the NRC site and the D, you know, DOE
20 site, number one. And Claudia, as a part of her basic job description,
21 is going to do what she can to protect her web site. Why should Abby's
22 client have to do the same thing? Nobody's going to shut down the NRC
23 licensing process by attacking Esmerelda County's --

24 FEMALE VOICE: Eureka.

25 MR. MURPHY: Or Eureka. I'm sorry, Eureka County's web
site, or Nye County's web site.

FEMALE VOICE: See, it's starting already.

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MR. MURPHY: I mean that's the part that, you know, that's
disturbing me in it. But, you know, fundamentally, I agree with Steve,
that, you know, the chances of that many people really caring are fairly

1 remote.

2 MR. FOSTER: Well, okay. What if the consequence of
3 somebody attacking your web site was that you lost status?

4 MALE VOICE: Somebody has to make hate decision.

5 MR. MURPHY: I will --

6 MR. FOSTER: Well, no, I'm just saying --

7 MR. MURPHY: No, no, no. I will take my chances. I
8 guarantee, I think we ought to go to lunch right now and not anybody
9 worry about that. I will take my chances before the judge. The judge
10 is not going -- the ASLB is not going to kick Nye County out because
11 some hacker attacked us and shut down our web site. The ASLB is not
12 going to deny DOE its construction authorization because some hacker
13 attacked its web site and intruded on its data. You know, that's just
14 not going to happen. I'll take our chances.

15 MR. FOSTER: We're dealing with very simplistic scenarios
16 here, and the real world I think is much more complex. And I think that
17 this is probably way off the topic, but I'm just throwing our for
18 consideration what if somebody got into your web site and used it to
19 shut down DOE's web site, and made it appear as if it were coming from
20 your web site? That's the kind of level of things that we have to think
21 about in terms of looking at these --

22 MR. GRASER: Again, it's a take your chances type --

23 MR. FOSTER: -- looking at these designs.

24 MR. FRISHMAN: So?

25 MR. FOSTER: Well, and you couldn't prove that it wasn't one
of your guys.

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MR. FRISHMAN: Somebody's got to prove that it was. And
that's what courts are for.

MR. FOSTER: Well --

MS. TREICHEL: Presumed innocent.

1 MR. FRISHMAN: The NRC is particularly not good at doing
2 things like that.

3 MR. FOSTER: It happens, you know, six times in the first
4 six months of the LSN, somebody might start thinking well --

5 MS. TREICHEL: There's a lot of people that already think --

6 MR. FRISHMAN: I'll take my chances with the court before I
7 will with the NRC for, you know, for security purposes.

8 MS. TREICHEL: I don't know, I think we're all over the
9 board here. This is just --

10 MR. HOYLE: I think so too a little bit, Judy.

11 Mal, are you maybe going down a path that would say there's
12 still another alternative out there; that we do something differently
13 with the NRC and the DOE material, and -- from your material, Clark
14 County's, you know, the others? Are you saying that perhaps yours could
15 reside in an alternative one environment and maybe that we should be
16 thinking of something else for the other two?

17 MR. MURPHY: I hadn't thought of that, but I don't see any
18 reason -- I mean sure. That's -- there may be an alternative six. That
19 hadn't occurred to me. Maybe there's some hybrid that would satisfy
20 everybody's --

21 MR. FRISHMAN: No. I think, Mal, in keeping with what you
22 were saying before, and I think sort of in line with what I've been
23 saying, is it's DOE's decision what they want. And it's the
24 commission's decision what they want for how they handle their
25 particular pages. They have a big vested interest. And we have a big
vested interest too. And I think we may all see different ways to do
what we need to do. DOE is the most vulnerable because it has the most
to lose. And if they don't take care of their property, then shame on
& them.

MR. MURPHY: They're not going to do it anyway.

1 MR. HOYLE: Mal says that --

2 MR. MURPHY: Doesn't make any difference what rule we write.

3 MR. HOYLE: -- Claudia's going to do everything possible to
4 keep it up.

5 MR. MURPHY: Yeah, they're going to do it anyway. And
6 remember, I'm looking at the rule again. And Claudia, you know,
7 reminded us to let's go back to the source every now and then. The rule
8 says 2.1001 -- 1011 says:

9 "Among the other powers and responsibilities of
10 the LSNA is to coordinate the resolution of
11 problems regarding the integrity of the
12 documentary materials certified in accordance
13 with, you know, 1009 by the participants to be
14 in the LSN."

15 Coordinate the resolution of problems concerning the
16 integrity.

17 MS. NEWBURY: Not identify them.

18 MR. MURPHY: Not identify them and design the system in the
19 first place to avoid any conceivable integrity problem. I mean we just
20 can't do that. There's not enough money in the system to do that.

21 MR. CAMERON: But it certainly doesn't exclude that from a
22 legal point of view, I don't think, but I think you're raising good
23 policy arguments why -- I mean both the case with the audit and the case
24 with the security considerations. You're saying why should a burden,
25 additional burden from one of these design alternatives be placed on all
the other participants besides DOE and NRC because of some concerns.

MR. MURPHY: Right.

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MR. FRISHMAN: No, I think we're saying beyond that. Why on
anybody, because each is responsible for his own?

MS. NEWBURY: Why is NRC asking to assume this burden? It's

1 not in the rule.

2 MR. HOYLE: Well, I think that is the basic question. And I
3 think the LSNA is trying to determine all right, you wanted him in the
4 act. Now what should he be doing? What is the breadth of his act to
5 help Mal and Steve and the others get a good, warm feeling that
6 Claudia's material is proper? And it continues to be proper --

7 MR. FRISHMAN: It's not a matter of proper. It's a matter
8 of whether it is properly available. It isn't a question of proper
9 material. It's a question of did you follow the procedure that made it
10 available to everybody who wanted it at the same time.

11 MR. HOYLE: I stand corrected. I meant properly available.

12 MR. CAMERON: But as Dan and the working group -- as Dan
13 said at the beginning of the morning is that he wasn't pushing one of
14 these alternatives over another. What they did is they went in and they
15 looked at each of these alternatives from a number of different
16 perspectives and presented that to the ARP for discussion. And that's
17 what they're getting at.

18 MR. FRISHMAN: I think we're probably just so used to
19 rejection that we see that word and we immediately respond.

20 MR. HOYLE: It could be. Poor strategy.

21 Let me ask the members. It's 12:30. I think I would like
22 to hear two, short description of alternative two, and then break for
23 lunch. Two might result in the same kind of discussion we just had, and
24 if we could avoid getting into repeating ourselves, I think we could
25 hear a little bit about two and then decide where we want to go from
there. Is that agreeable?

MS. NEWBURY: Sure.

MR. HOYLE: Okay.

MR. FOSTER: After considering the simple strategy of one,
which we spent -- we look at what we could add to one to perhaps make it

1 a more useable system. And a fairly obvious aspect, capability, came
2 out too, that being a search capability across participant sites. And
3 so basically two is one with an added centralized search interface to
4 the portal.

5 Participants still have the, pretty much the same sort of
6 system in their -- under their purview. The -- but the user, instead of
7 going to each individual site and searching on each individual site for
8 the information of relevance, has the ability to look at it in one spot
9 and get returned to them all information that matches whatever search
10 that they attempted.

11 MR. GRASER: And the risks?

12 MR. FOSTER: This basically added a little bit of complexity
13 to the design, but at the -- but a very small one, using off-the-shelf
14 products and a fair amount of additional capability. The -- we didn't
15 feel that this would affect the schedule at all; that it was something
16 that was doable and that additional integration was not -- it was not a
17 big factor. The -- it's still a very low cost, relatively low cost to
18 the final three alternatives to the NRC.

19 Each of the participants would have a small additional
20 administrative cost to alternative one; that being that there would have
21 to be some sort of interface between the central search engine and their
22 site. Not a database type of interface, but some sort of regular
23 presentation of the data on the site so that the search engine could
24 interpret what it found.

25 MR. HOYLE: Would that be a one-time cost, or a continuing?

MR. FOSTER: It would depend on how they populated their
site. It would be something that they would have to, first of all,
not -- I don't want to use the term develop, because that implies too --
& more work than it is. They had -- but they'd have to architecture it in
OCI some way and then they would have to follow those rules while they put
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1 their documents up.

2 So for a participant with a few documents, put it all up at
3 once, then yes, it would be a one-time costs. For participants who had
4 a larger document collection that may put it up in pieces, it would have
5 to adhere to those standards at each instance of putting up their
6 information.

7 What are the consequences of this? And I think people who
8 have actually done a lot of searching on the world wide web using
9 similar products to what this would be sees this all the time, in that
10 when you get a large or even sometimes a small response from a search
11 engine, it's difficult to ascertain the relevance of one document
12 against another document. The -- you may get four documents that you're
13 not looking for as well as the document you're getting (sic) for. You
14 may not get the document you're looking for for some quirk of the search
15 engine. They don't rank them generally in a way that is -- that
16 corresponds well to what people expect. And by that, we feel that that
17 makes things difficult to use.

18 We felt that there may be some difficulty with participants
19 maintaining some of these interfaces. We felt that issues with regard
20 to data presentation, what Daniel was talking about earlier with regard
21 to data normalization may be hard for users to deal with.

22 For example, he used the -- the example of dates I think is
23 a very easy one to understand. And especially when sorting, you may
24 want to look at versions of documents. And if the dates used between
25 these different versions are not consistently presented, then you can't
sort them by date. So we felt that that would add to difficulty to use
and complexity of the system.

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 And finally, there's no way to search within a subset. That
if you get 100 documents or 1,000 documents as a return to a query, how
do you specify that you only want to search within those 1,000 documents

1 for another term of interest? We did not try to predict all the ways in
2 which people can search or the specific search terms for which they
3 would be looking. Our assumption was because of the great number of
4 documents within the system as a whole, the similarity between those
5 documents, that trying to do sample searching and such like was beyond
6 what we could do without a -- without putting up a system as a
7 prototype.

8 There are other technical issues with regard to this with
9 the strategy, and Dr. Nartker of UNLV was very helpful in having us
10 understand some of the consequences of the strategy in terms of
11 usability to the average user, and even the more capable user. So we
12 felt that alternative two did not materially improve upon alternative
13 one in terms of a system that would give us what we wanted in terms of
14 usability, in terms of maintainability, in terms of administrability
15 (phonetic), if that's a word.

16 MR. GRASER: Is alternative two worse than alternative one
17 in any way?

18 MR. FOSTER: We felt that it was less predictable. That we
19 may go through the additional integration, the additional feature adding
20 without getting much more useful in terms of usability, and that it
21 could be confusing. And it was unpredictable what we would get for our
22 money, basically.

23 MR. CAMERON: Glen, when you say that the -- it may actually
24 increase cost, and then down I guess in the third bullet, it would
25 exceed the cost of simply purchasing the portal. The cost to who, to
the NRC or to all the participants?

 MR. FOSTER: I think that that is one of the areas of
unpredictability that I'm talking about here. One of our biggest
efforts in this whole technical working group was to reduce the
unpredictability of certain aspects of it. We have unpredictability in

1 what tools we need to implement the strategy; we have unpredictability
2 in the area of band width; we have unpredictability in what user base
3 we -- what level of expertise we needed to satisfy in the user base, and
4 many other areas.

5 So I think that you see that as the alternatives one, two,
6 three, four, and five progress, the various aspects of the designs are
7 all intended to increase what we can predict, how much we can control,
8 and how assuredly we can provide a system to do what we felt the system
9 needed to do.

10 MR. HOYLE: Dan, anything else?

11 MR. GRASER: That -- I think that's essentially it on the
12 alternatives one and two, John.

13 MR. HOYLE: Okay. Any comment on two?

14 MR. GRASER: No.

15 MR. HOYLE: All right. I suggest we take an hour break. So
16 let's be back at 1:35. 1:35.

17 [Whereupon, at 12:35 p.m., the meeting was recessed, to
18 reconvene at 1:35 p.m., this same day.]

A F T E R N O O N S E S S I O N

[1:35 p.m.]

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3 MR. HOYLE: I apologize for my own late return, but we got a
4 late start.

5 Mal has to leave this afternoon earlyish, and so does Judy.
6 I think we're going to have to really speed along if we're going to try
7 to bring a vote or look for consensus by about 3:00. It's now 5 of 2.

8 So before we begin the afternoon review of three, four, and
9 five alternatives, we did cover one and two this morning. I just wanted
10 to ask if there's anyone that wanted to comment further on one and two?

11 MR. GRASER: Okay. I had a couple a housekeeping points
12 that I just wanted to get back on the record very quickly.

13 The first, in response to Claudia in terms of where in the
14 rule is the licensing support network administrator shouldering any
15 responsibility. And it goes right back to 2.1001 in the definitions of
16 the license support network administrator. And at that section of the
17 rule it indicates that, "The LSNA is responsible for coordinating access
18 to and the integrity of the data available on the LSN."

19 So if you hang it on the words "responsible for the
20 integrity of the data on the network," that's essentially where you --
21 that's the foundation for why it is the LSN administrator wants to be
22 looking into the participant collections.

23 There was another point that I just wanted to make. There
24 was quite a bit of discussion in terms of the various alternatives
25 levying additional burdens or additional requirements on the
participants. And one of the things I did want to clarify is that in
terms of the audit capability that I would certainly be looking at
implementing, everything that I have been considering was to use
& automated tools to do that. And that would require no investment of any
resource on any of the participants over and above putting their

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1 documents out on a server somewhere and making them available.

2 So in that regard, it's an automated function. Software
3 goes in, takes a snapshot, and comes back and submits that information
4 to a statistical type process. So there's really no additional burden
5 that should be levied against any of the participants in terms of
6 helping to support that sort of activity.

7 Okay. And also, this morning when I was doing the brief
8 overview I did touch on the costs of the system to the participants.
9 And I just did want to reiterate that although there was a lot of active
10 debate back and forth within the technical working group, I thought that
11 it was a fair characterization to say that especially for the small
12 participants, there is not much difference between what it would cost
13 for you to meet the obligations of the rule for alternatives four --
14 three and alternatives five.

15 That was represented in the table. That's included later on
16 the presentation. And I just wanted to again reiterate that in my
17 opinion, I don't think alternatives one and two deviated too much from
18 that model, except insofar as alternative one and alternative two would
19 require that the participants provide their own site searching software,
20 their own site engine, their own site database software system to
21 maintain and organize the files. So in that regard, vis-a-vis
22 alternative three, four, and five, where the portal software can do
23 those functions, in fact, alternatives one and two may represent
24 somewhat higher cost than alternatives three and four and five.

25 So those were just some of the technical aspects that I
wanted to add to the discussion. Or at least, you know, make my point.
Put it on the record, so to speak.

MR. HOYLE: Okay. Any other comment?

I think I would like to ask the Engelbrecht --

MR. VON TIESENHAUSEN: Can I ask a quick question, Dan? I'm

1 not quite sure exactly how long does the system have to be up?

2 MR. GRASER: Well, I think that probably depends upon the
3 hearing process. As you know, there is I guess what you would call an
4 optional fourth year to the licensing process. So theoretically, that
5 could -- a three year hearing and licensing process could be four years.

6 And then I guess it depends on the disposition of the
7 database after the licensing activity whether that needs to be available
8 or simply archived. But when you tally the whole thing up, I think
9 we're probably talking probably six years of operation, five to six
10 years of operation grand total.

11 MR. MURPHY: It could be longer than that too.

12 MR. GRASER: Could be.

13 MR. MURPHY: Depending on whether -- on, you know, within
14 five to six years theoretically the NRC will issue a construction
15 authorization. We then go into constructing the repository. Then DOE
16 comes back for a license to receive and possess. If we consider that
17 all one licensing proceeding, we could --

18 MR. GRASER: Then you're probably talking --

19 MR. MURPHY: -- theoretically we could maintain these --
20 have to maintain these sites for 20 years.

21 MR. GRASER: Right.

22 MR. HOYLE: Okay. Let's press on.

23 MR. MURPHY: And one other thing, John --

24 MR. HOYLE: Yes.

25 MR. MURPHY: -- before we get started. It occurred to me,
you know, I didn't mean my criticism this morning -- and I hope I speak
for everybody else around here. I didn't mean my criticism this morning
to -- or I didn't mean by that that I don't appreciate and acknowledge
the hard work that the technical working group has gone through in
coming up with these alternatives. I don't agree with some of them, but

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1 I certainly acknowledge and appreciate the work that they've done.

2 MR. HOYLE: Thank you, Mal. I appreciate you putting that
3 comment in.

4 What I'm going to suggest is that we let Dan and Glen run
5 through alternatives three, four, and five. I'll say quickly, we'll see
6 how that works out. But why don't we hold our questions until the end
7 of description of five, so that I think we'll gain some time by doing it
8 this way. So go ahead.

9 MR. FOSTER: After looking at the deficiencies, perceived
10 deficiencies of alternatives one and two, we will -- we -- after looking
11 at the deficiencies we perceive to exist in alternatives one and two, we
12 tried to identify how best we could technologically address those
13 deficiencies. And we looked at a particular piece of software called a
14 portal, which does a number of different things, but the main objective
15 of a portal is to provide a single point of access to multiple data
16 sources for individuals. And so you'll find that three, four, and five
17 all have this portal aspect in common. And it is actually the
18 distinguishing factor between alternative one and alternative three.

19 Alternative three grew out of alternative one with the
20 addition of the portal software and various other aspects, because
21 portal software doesn't stand alone, it requires a data base and various
22 other aspects. And then alternatives four and five grew out of the
23 alternative three idea. So three, four, and five have quite a lot of
24 commonality, quite a bit more commonality than they have differences.

25 In your, I believe it's tabs L, K, or L, M, and N. I may be
wrong on those references, but in the tabs that describe the plans for
alternatives three, four, and five you'll see that there's this notion
of a component. And each of three, four, and five have different --
three different components that address various requirements that the
system is intended to address, one being the audit, one being user

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1 access, and one being the data storage and retrieval aspects.

2 Alternatives three, four, and five differ only in that final
3 component. The portal and the audit aspects of it are the same. So
4 we're going to focus on the differences rather than the similarities.

5 And this slide actually talks about similarities, so we're
6 going to pretty much get through that. They're all -- they all look to
7 the user the same way. They all pretty much deliver the same data to a
8 particular query. They all have a fair amount of customability to
9 particular users. They can differentiate one user from another with
10 ease. They can give users different levels of access to the system,
11 blocking some out when -- while granting others in on a fairly easy to
12 manage basis. They all pretty much require the same things of the
13 participants, with the differences that we're going to address in a
14 moment.

15 I'm going to -- we're going to show you three conceptual
16 schematics of the alternatives. The schematics are necessarily
17 simplified. And this is always something that -- there's lots of ways
18 to show computer schematics. I'm sure everybody in this room has seen
19 dozens of computer schematics that attempt to display graphically a
20 fairly complex connection of computers, but these schematics are
21 intended to focus on the differences between the systems.

22 You see alternative three we have distributed web servers
23 connected somehow. The line between the web servers and the LSN index
24 and centralized portal is intended to be the Internet. The line to the
25 user is also intended the Internet -- is also the Internet, but there is
a distinction in how -- in the type of data that moves over those lines.

One more thing, Dan. There's a -- one of the things that's
distinguishing of alternative three that, opposed to four and five is
that the user sort of has a back channel to the participant web sites in
three which does not exist in four and five. That should the

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1 centralized portal be down, for example, the user could always go
2 directly to the participant web sites. Okay. Thanks.

3 Alternative four differs from alternative three in that the
4 participant web servers have been moved close to the participant -- I
5 mean to the portal site. "Close" meaning a situation where a high band
6 width between the sites can be attained at a fairly cheap cost. And we
7 were thinking local area network for that. I should point out that
8 proximity is spelled incorrectly. I apologize for that.

9 The issue that this was intended to address was the fact
10 that connections over the Internet are uncertain. Whether or not you
11 can make the connection at all and the amount of band width of
12 performance of that connection can not always be guaranteed. This
13 allows the portal to have good access to the collections.

14 Now one of the things that this implies is that the
15 participants have to update their web servers in a location that may be
16 tough -- may be geographically distant from where files, the original
17 documents reside, and administer servers in those -- in that location.
18 And that can be -- that adds some complexity and some challenge to this
19 alternative.

20 Alternative five was intended to address the band width
21 issue and also the issue of remote administration. In alternative five,
22 the web servers are moved back out to sites as chosen by the
23 participants and the portal site was enhanced with a, basically a big
24 disk that contains all the information on all the web servers as a copy.
25 The portal will go out and query the web servers to update its own
cache, but for delivery to the user, the documents will be delivered
from the cache.

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The advantage of this is that the band width between the web
servers and the cache can be uncertain. That can be a slow trickle of
data and still satisfy the needs of a user for rapid access to the

1 documents.

2 Under alternative three, participants have a responsibility
3 to put up a web server, to make it available, make adequate band width
4 available to the web server. Now we haven't exactly determined what
5 that adequate -- word adequate means for every participant, but for
6 larger participants that could be a significant capacity. The portal
7 software gives the users quite a bit of capabilities, some of which I've
8 already talked about. It's very flexible. It can pretty much be
9 whatever the user wants it to be.

10 One of the examples that we've used in talking about this in
11 the past is something that came out of the LSS document, and that is the
12 ability to save queries. At one point, I guess that was felt to be a
13 very important tool for checking to see what new information is
14 available in a -- with regard to a particular subject; that you could
15 run the same query a week later or a month later that you -- and see
16 what has changed from the previous time you ran it. That's the sort of
17 capability that, you know, that's just an example. That's the sort of
18 capability that the portal would provide.

19 Disadvantages are, with this, is of course access to the
20 participant sites from the portal in that it's an uncertain connection,
21 and that can unpredictably affect performance.

22 Here you see what we felt about the decision factors, which
23 will be summarized in a later slide. One thing I should have stated at
24 the beginning of this segment is that all of alternatives three, four,
25 and five were felt by the technical working group to be acceptable; that
we recognize that tradeoffs would have to be made between them in terms
of costs, in terms of what the ARP felt was important and where you
wanted to put your most about predictability. Where one is better in
terms of predictability of response, another one is better in terms of
predictability of results.

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1 MR. GRASER: If I could just add a quick comment on that
2 one. I think a more precise way to characterize the technical working
3 group was to say that we all recognized that alternatives three, four,
4 and five were all technically viable.

5 MR. FOSTER: I think that's --

6 MR. HOYLE: Did you finish that one?

7 MR. FOSTER: Yeah, I think that's enough on that.

8 Okay. As I said, alternative four differs from alternative
9 three in that the participants' servers are moved in close proximity to
10 the portal site. There are four disadvantages that come to the
11 advantages of this proximity, and one is that with modern networking
12 technology, it may not be easy to keep one's participant's
13 malfunctioning system from interfering with another participant's
14 properly functioning system. It may be difficult to ascertain who is
15 responsible for that situation.

16 It may be difficult for participants to administer a system
17 that is difficult, or I'm sorry, is distant from their main operations.
18 It may require staffing changes, it may require technology changes, it
19 really reduces a lot of options in that area. However, response is very
20 predictable and the total amount of band width available is certainly
21 much easier to achieve at a reasonable cost.

22 How this impacts the decision factors are shown here.
23 Really again, it's a viable solution. It's really more of a tradeoff.
24 You -- this particular slide, decision factors three, four, and five all
25 should be considered together. It's not going to flip through it on a
single overhead though.

I will point out though that alternative four, because of
the uncertainties with regard to administration of the participant
sites, will probably pose the highest cost and highest burden on the
participants of all the alternatives we talk about today, at least --

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1 certainly all the alternatives that we've analyzed in depth, which is
2 three, four, and five.

3 Alternative five introduces what I like to call a honking
4 big disk to pretty much as the water tank does for a town. You can pump
5 the water into it slowly and you can draw the water at your leisure,
6 sometimes rapidly when you have a fire or sometimes at a slow amount of
7 time. And that's really what this disk does for you. You know,
8 thinking of it as a single disk of course is inaccurate, but --
9 technically inaccurate, but essentially that's what it does.

10 Really, when it comes right down to it, one of the things it
11 means is that participants won't have their -- have to have their sites
12 up 24 hours a day. They might be able to have their sites up 2 hours a
13 week, depending on the amount of data that they have available. It
14 really doesn't matter for them to -- they don't have to exhibit the same
15 amount of rigor and control of the administration of their site. It
16 gives them a lot more freedom to perform system operations like backup,
17 things like that.

18 At one point we talked about the idea of loading this disk,
19 this centralized storage disk through some other method besides the web.
20 However, I believe that we felt that having a web server, a
21 distinguished point of distribution for each participant, was an
22 important part of the rule. And now I didn't make that decision, I just
23 seem to remember it. But this -- that's pretty much the distinguishing
24 characteristics of this design.

25 This design pretty much gives an awful lot of what we
thought the system should have. The real big negative here is, when it
comes right down to it, is cost. It's, as you'll see later, it's almost
double the cost of alternatives three and four, which are pretty close
in cost. And the reason there is because of -- excuse me, because of
this disk. And there is a certain aspect of that with regard to the

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1 current state-of-the-art with disk storage and the amount of data that
2 we estimate to be in the LSN, they don't really fit together
3 particularly well at this time. And that kind a is what makes this high
4 bump happen.

5 MR. MURPHY: That's the highest cost to the NRC, not to the
6 other participants?

7 MR. FOSTER: Yes, that's -- well, overall cost. We looked
8 at --

9 MR. MURPHY: I don't care about the overall cost. I care
10 about how much of a check Nye County has to write.

11 MR. FOSTER: Actually, when it comes down to the cost to the
12 participant, this is probably the lowest cost to the participant.

13 MR. MURPHY: That's what I want to hear.

14 MR. FOSTER: Again though, we're talking -- we're not
15 talking hundreds of thousands of dollars. We're talking tens of dollars
16 or thousands of dollars. That's pretty much the descriptions of three,
17 four, and five.

18 MR. GRASER: Right. Before --

19 MR. MURPHY: Can I ask one --

20 MR. GRASER: Okay.

21 MR. MURPHY: You didn't get to your slide, I guess 26, the
22 cost to establish web presence.

23 MR. GRASER: That's coming up next. That's me.

24 MR. MURPHY: Oh, okay.

25 MR. GRASER: I'm going to step right into that one before we
open up the questions.

All right. The technical working group had quite a bit of
give and take and back and forth on this in terms of trying to
characterize costs for the participant organizations to establish a web
presence. And I'll be the first to admit that we still internally

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1 amongst ourselves are arguing and quibbling over exactly how big is big,
2 and how big does the server need to be for a big installation.

3 But generally, what we tried to do was to characterize, oh,
4 three central cost characterizations that -- or cost factors that a
5 participant could expect, and then to represent those for the
6 participants who may have fewer than 1,000 pages versus those who may
7 have anywhere between 1,000 and 10,000 pages, versus those who have in
8 excess of 10,000. And of course the more in excess of 10,000 pages you
9 have, the bigger the numbers can get. That's why there's a little plus
10 sign at the end of that column over on the right-hand side of this
11 chart.

12 Generally, what we tried to do is to identify the cost of a
13 server machine that a participant would need to support. That would be
14 the server that the participant would put up on their external web site
15 to house their collection.

16 Second cost, maintenance and administration. This is an
17 annual, recurring type cost. And this represents, I would say for the
18 most part, the investment in bodies and labor hours in order to do the
19 care and feeding of your web page presence. And again, this is fairly
20 hard to characterize not knowing what people pay for database
21 administrators or web administrators and so forth, but we at least took
22 a crack to try to give you a frame of reference to say are we talking
23 tens of thousands or are we talking hundreds of thousands here. So we
24 tried to characterize that cost of human involvement in keeping the site
25 operational on an annual type basis.

And then the third cost factor is looking at the cost of the
band width and communications back and forth between the various
alternatives and the size of your collections and the numbers of
documents that you have out there. And again, we tried to characterize
this, and this number could again fluctuate by quite a bit depending on

1 who you are using as your carrier and what sort of purchasing volumes
2 you may have, and so forth. So this number has a certain degree of
3 variability to it as well, but that's essentially what we tried to do.

4 And the footnotes on this table are fairly important. These
5 represent what we considered to be a reasonable cost range. It
6 certainly can vary from party to party to party. And for collections
7 with larger number of pages, the high end cost can keep going up as the
8 collection size goes up.

9 The other -- the second footnote down here also worthy of
10 note is that the document conversion costs can be significant. And
11 again, they are predicated on the size of your own particular collection
12 and how much conversion you need to do, and what you may already have
13 the documents in, what formats and so forth.

14 And the bottom footnote down there again is just to indicate
15 that in terms of the maintenance and administration, you're really
16 talking partial FTE's. And it depends on how much you pay for full-time
17 equivalent body or part of a body to perform routine database
18 administration.

19 Okay.

20 MR. MURPHY: Okay. Dan, just for -- and I'm sure you
21 anticipated this coming. Just for comparatively at least, because I
22 suspect that you don't have figures, but how does -- how do alternatives
23 one and two compare to the ones we have set out here, three, four, and
24 five?

25 MR. GRASER: Well, as I said, I think for the small
participants, alternative one and two are probably going to be somewhat
higher given the fact that instead of relying on the indexes that the
portal software delivers and gives, the participant would then have to
& provide some mechanism to do file management. And in computer talk,
OCI that means some kind of a database management system. And that under
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1 alternatives one and two, if you are pointed towards a site, then the
2 site needs to provide the search tools, whatever tools are there.

3 And now there's some degree of variability in there. If you
4 want to take the minimalist approach across-the-board, someone would be
5 able to set up an HTML environment and simply provide browse navigation
6 tools with very simple or rudimentary term searching capabilities
7 without having an underlying text engine with all of the boolean
8 operators. So it kind of depends on what the participant chooses to
9 establish as the tools at their site.

10 So whatever you would get with alternative one and two in
11 terms of your retrieval capability is what the site can give to you,
12 because there's no master engine, so to speak. So I think when you add
13 in whatever the cost of the software and database management type
14 software you would need to provide additional search and retrieval and
15 file organization tools, you would add to the cost of what you would
16 normally be seeing under alternatives three and four and five.

17 MR. MURPHY: Well, three and five?

18 MR. GRASER: Three and five, yeah.

19 MS. NEWBURY: Dan, is this based on the fact of just a cold
20 startup? You don't have a web page at all and this is what it would
21 cost you to get in? Because as you know, Nye County has a web page
22 already. The State has a web page already, we certainly have one,
23 Nye -- Clark County as well. So is this additional costs on what we
24 already have up and running, or is this pretending we didn't have
25 anything?

MR. FOSTER: Let me address that, because I'm the one who
came up with these. This assumes a cold start essentially, as far as
the hardware and software goes. However, it assumes some level of
expertise. Not a specific level of expertise, which accounts for the
wide range in the costs, but that people are generally familiar with

1 what the web is; and if not how to start a web server, where to go to
2 find somebody who can start a web server.

3 There's more information on that in the descriptions in the
4 management plans on the alternatives. There's some information in there
5 about the origin of -- the beginnings of these figures. But yeah, they
6 pretty much start by buying a box, or taking a box out of the closet
7 that is no longer suitable for desktop because the desktop software has
8 outgrown -- everybody's got a Pentium in the closet, and that Pentium
9 will run open source operating systems just fine. And your cost for
10 that is zero.

11 MR. MURPHY: What about leasing? What if we --

12 MR. FOSTER: There's --

13 MR. MURPHY: I mean we --

14 MR. FOSTER: I didn't --

15 MR. MURPHY: Nye County right now has --

16 MR. FOSTER: I did not attempt to address every single
17 different procurement method. One of the things you can do though, you
18 can buy a web page for \$30 a month from almost any ISP in the country
19 and store a significant amount of data on it --

20 MR. MURPHY: Well, yeah, that's what Nye County does now.

21 MR. FOSTER: -- on that web page.

22 MR. MURPHY: We have a -- I don't know, I think our --

23 MR. FOSTER: So I think there's an awful lot --

24 MR. MURPHY: I haven't the slightest idea what it costs us.

25 MR. FOSTER: -- of different --

MR. GRASER: That goes back to the Boy Scout analogy that I
used at the October meeting, basically what would it take for a Boy
Scout troop to set up a web page and still -- they could still meet the
rule, and they, you know, they could piggyback on other resources in
other places and essentially do it for next to no cost.

1 MR. MURPHY: Right.

2 MR. GRASER: So it could be very low.

3 MR. MURPHY: Yeah, because -- right. There's nothing in the
4 rule which requires us to own our server.

5 MR. GRASER: That's correct.

6 MR. MURPHY: We just have to make the documents available.

7 MR. GRASER: I need to be able to have a URL location to be
8 able to point to.

9 MR. PITTS: So these numbers here, the maintenance and
10 administration, those are for actually locating the server at the
11 participant's site, a physical piece of machinery?

12 MR. GRASER: Some part of that might be the cost of paying
13 to, yes.

14 MR. PITTS: Okay. Because, yeah, the difficulty we have in
15 northern Nevada is the communication cost. It's still regulated like
16 per mile, T-1's a per mile cost for Nevada.

17 MR. FOSTER: Well, again, this chart here is not necessarily
18 addressing the specific needs of a particular participant.

19 MR. PITTS: Oh, I under --

20 MR. FOSTER: It's simply here to characterize costs at
21 certain levels of -- you probably have better information than I do
22 already.

23 MR. PITTS: Well, actually it was just -- my only point was
24 just trying to find out if this 30 to 60 or 5 to 10 was to -- was
25 actually for a physical box located at the participant's site. You
answered that, and so that's really all I have.

MR. GRASER: If you can find ways to do it cheaper, God
bless you.

MR. PITTS: Right. Well, I think for a lot of participants
it's probably going to be considerably cheaper if they can get the --

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1 enough band width, depending on how big their files are, to locate them
2 in Reno or Las Vegas, or some other web site.

3 MR. GRASER: Right.

4 MR. PITTS: Much as you've suggested.

5 MR. GRASER: Right.

6 MR. PITTS: Just because the communication costs are so
7 high.

8 MR. VON TIESENHAUSEN: And part of the cost you said in
9 alternatives one and two was a function of the searching tools that you
10 have. Is there anything in the rule that addresses anything about the
11 granularity or efficiency of those tools?

12 MR. MURPHY: That's going to be addressed by the functional
13 requirements, isn't it?

14 MR. GRASER: No. There's in the rule that tells you what's
15 the test of being efficient or effective, or anything else. The rule is
16 kind of an empty box in that regard. Okay.

17 MS. NEWBURY: Dan, I've got one too. In your definition of
18 campus, for operating at a campus location, it says that the
19 participants would cooperate on shared resources?

20 MR. GRASER: Right.

21 MS. NEWBURY: Since we represent a huge portion of the size
22 of this thing, does that mean the DOE is in effect paying for the LSN?

23 MR. GRASER: No.

24 MS. NEWBURY: I'm just asking.

25 MR. GRASER: I think what we have in mind there is if you
were, for example, to connect storage devices, that the various
participants all deliver a storage device to the central location and
there would be some shared services; for example, the local area network
to connect those devices together, or the wiring to connect those
devices together.

1 Well, if there are six devices there and it costs \$6,000 to
2 connect six devices, then it's not a question of on a per document
3 basis. It's really a question of how many servers are sitting there in
4 that shared resource environment. Unless you want to work out some
5 other cost algorithm that would share it based on the size of the
6 collection or the size of the documents, but I'm not sure we could
7 achieve consensus on that.

8 MALE VOICE: We'll go for number of words.

9 MR. MURPHY: I'm confident that aren't going to go with
10 alternative number four, so I --

11 MR. GRASER: It's like saying what are the overhead costs of
12 setting up a computer center. And what is the cost that gets allocated
13 to the next guy who brings a server into that site, and how do you
14 allocate those shared costs, utilities and power and, you know, phone
15 lines, and whatever else.

16 MR. MURPHY: What's the hookup charge?

17 MR. GRASER: What is the hookup charge, exactly.

18 MR. VON TIESENHAUSEN: I have one other question on
19 alternative five. Basically what you plan to do there is mirror
20 participant sites. And so we're dependent on funding from DOE. So say
21 our funding disappears in two years and you have mirrored our site just
22 prior to that. We could basically discontinue our site and you'd still
23 be happy?

24 MR. GRASER: Well, I think what you're asking is if you came
25 to the licensing proceeding and you only had 10 documents, and you made
the 10 documents available, and the portal came in and mirrored and
copied down those 10 documents, would you be expected to maintain those
10 documents for the next 6 years, because you're not adding any new
& documents, you don't want to modify any documents, and so forth.

And I think at that point, if we looked at that, that would

1 be a procedural and guidance sort of issue that we would deal with,
2 because the rule doesn't seem to be totally clear on that. I would
3 probably look at that and say if the document haven't changed, and
4 there's no activity and you're not adding more documents, and they're on
5 the portal site and the portal is backed up and its stable, you've made
6 your documents available.

7 In a way, you could carry that logic the next step further
8 and say well, I'm the Department of Energy. I have 1,000 pages of
9 material every week coming out. How about if I just put the 1,000 pages
10 out, you sweep it into the portal and you copy those documents onto the
11 portal site. Could I then sweep the 1,000 documents off and then fill
12 that site back up with next week's next 1,000 documents? And then after
13 the portal successful sweeps it, you clean them off and load the next
14 1,000 documents on. In other words, you use your external site as a
15 staging area to load the documents, any new documents, any changed
16 documents.

17 And I say if you follow that logic, that same logic would
18 seem to apply; that yes, a participant could do that and meet the --
19 what the rule says, is you've made your documents available for the web.
20 And the portal is taking over the responsibility for providing continued
21 search and retrieval capability, but the documents have been made
22 available to the web, and they are continuing to be made available to
23 the web.

24 MR. VON TIESENHAUSEN: There is one major difference. DOE
25 would still be getting money and we wouldn't?

MR. GRASER: Well, I was just trying to, you know, sketch it
out. Course that all presumes that the LSN administrator continues to
be funded as well. And the LSN administrator takes a draw against the
& high level waste funds from nuclear material safety and safeguards. So
I have to negotiate on an annual basis as well. And we all know what

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1 happens when computer technology gets down in budget space vis-a-vis
2 engineers and scientists. So that might be pegging your hopes on a --
3 betting it on the comb as well.

4 Okay. If we can move on here. I had one more financially
5 oriented chart I wanted to present to you. This does not represent
6 participant costs. This represents only the LSN administrator pieces of
7 cost components, and these are the cost components that I would
8 essentially have to go to the commission and say to the commission, this
9 is the type of funding that I need to have.

10 So in addition to the previous chart which outlined for the
11 participants generally what their involvement is, this is the dollar
12 number that the commission looks at and looks at as part of their
13 decision process in terms of saying what are we willing to fund; how
14 much of the nuclear waste fund allocation do you want out of the pot of
15 money that's currently available in any given fiscal year. And so this
16 is a characterization of the one-time cost to design and implement a
17 system and then a characterization of one year's worth of annual
18 recurring costs. And this would carry us up, for example, through I
19 believe December 2001.

20 The costs here are not identical to the costs if you just
21 went through other materials that we had and tallied them all up. The
22 technical working group came up with these cost characterizations. The
23 numbers you're seeing here reflect additional overhead costs within the
24 Nuclear Regulatory Commission for things like developing training
25 programs; establishing a help desk, a help line; travel, coordination
with the integration and so forth.

So it includes a lot of additional one-time and recurring
costs that I have to consider when I'm putting together my authorization
list to the commission, so it just has a little bit more of a robust
flavor to it. And the one thing that I would say here is these numbers

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1 again are relatively soft. They need to be scrubbed in much greater
2 detail, and that will be the next step in the process. These numbers
3 could vary substantially, six digits give or take, probably.

4 Go right ahead.

5 MR. PITTS: I was just going to, I was going to say what's
6 the -- what's your feeling on the likelihood of the NRC funding these
7 levels of expenditures? What's your feeling on that?

8 MR. GRASER: I don't really want to speculate on --

9 MR. PITTS: Oh, come on.

10 MR. GRASER: -- right now, on the probability of what the
11 commission is going to do. They'll be reading the transcript, and I
12 don't want to be prejudging any of their deliberative processes. I --

13 MR. PITTS: Could we just have a thumbs up or thumbs down?

14 MR. GRASER: Well, I'll --

15 MR. PITTS: Say a number and --

16 MR. GRASER: I can, for example, I can say that the
17 commission has already earmarked funds for fiscal year 2001 and fiscal
18 year 2002, which in their aggregate, get us very close to being able to
19 support the sorts of numbers we have here. Unfortunately, they're split
20 out over fiscal years in such a way that half of the money comes to me
21 too late to meet my delivery requirement. So there's going to be some
22 internal -- there are active internal discussions going on in that
23 regard.

24 But I'm saying in terms of looking at things and saying \$2
25 million, are we in the right ball park? I think we're in the right ball
park in terms of the funding that the commission anticipated. It's just
we still need to do a little work back at the shop in terms of getting
the money in the right fiscal year.

MR. MURPHY: Does that -- have they put aside enough costs
for alternative three or five?

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1 MR. GRASER: Well, I'm saying right now three and four do
2 not look to be problematic, in terms of the commission's expectation
3 from last year's budget cycle.

4 MR. MURPHY: What does that mean? They don't --

5 MR. PITTS: It means that five would be; right?

6 MR. GRASER: Three -- no, I didn't say that. I'm just
7 saying three and four are in the right ball park range for what the
8 commission last year anticipated in terms of a reasonable cost for the
9 system based on placeholder numbers that had been placed in the budget
10 beforehand. So a \$2 million number would not be a surprise to them.
11 Doubling that --

12 MR. MURPHY: But a \$4 million number would?

13 MR. GRASER: That would be 100 percent higher than the
14 numbers that they've been seeing in the past. And that would require
15 some explanation, some justification, some rationales for why it is
16 we're pursuing that strategy. But again, if you look at it and you say
17 it's not \$40 million and certainly not \$200 million, which are numbers
18 that had been thrown around in the past. So we're down in at least the
19 right number of digits, and the commas are all in the right places.

20 MR. PITTS: Claudia, can you tell me what your budget is for
21 support, approximately?

22 MS. NEWBURY: No, I can't. But it's -- Lou, do you know
23 what --

24 MALE VOICE: What was the question?

25 MS. NEWBURY: Budget.

MR. PITTS: About how much is the DOE's budget? Because
they're doing, you know, they're doing the work right now. They have
web site, they're scanning documents, and they're storing massive
amounts of documents and stuff like that, so --

MS. NEWBURY: I don't know the budget numbers offhand, to be

1 honest. My concern was that I didn't want additional costs on top of
2 those unless I needed them for some reason.

3 MR. PITTS: Oh, I -- yeah, I understand that. I was just
4 curious.

5 MS. NEWBURY: But no. I can get you them.

6 MR. HOYLE: Dan, given your responsibility as the licensing
7 support network administrator, and given the discussion you've heard
8 this morning and this review now of three, four, and five, what would
9 you be most comfortable with? I'm not looking for a recommendation.
10 I'm just asking what would you be most comfortable with, given your
11 responsibilities?

12 MR. GRASER: In budget space, or in technical space, or --

13 MR. HOYLE: In the alternatives we've been looking at.

14 MR. GRASER: Well, in terms of the case that's easiest to
15 present to the commission, I think alternative three or four are --
16 represent the most straightforward of the portal type solutions; that
17 still assign to the participants meeting their obligations of making
18 documents available, being responsible for the integrity of the
19 documents that they place out on their web sites and so forth. And in
20 terms of the financial aspects of it, they represent a reasonable cost
21 for value.

22 And having been involved in some major litigation support
23 cases in the past, and document volumes and page volumes, I, as I said,
24 I think that those represent reasonable costs for the value. So that's
25 my opinion. I think if -- those would be the easiest to represent to
the commission from an approval point of view.

MR. HOYLE: And for small entities, the cost to them doesn't
change much over the range of alternatives?

MR. GRASER: Over alternatives three -- let's see,
alternatives three and four, the cost to the participants are -- well --

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1 MR. HOYLE: Three and five.

2 MR. GRASER: Three and five, the cost to the participants
3 are relatively consistent. Alternatives one and two could represent
4 some add cost in terms of the hardware and software up front.
5 Alternative four, alternative four increases some of the ongoing labor
6 and database administration in an awkward administrative environment, so
7 that could raise some costs. That's generally the way I would summarize
8 it.

9 I think even within the technical working group the
10 representatives all had their own view of whether or not that's 100
11 percent true. You know, that may be my view, and I think if you ask the
12 guys from the Department of Energy they would say well, yeah, you know,
13 maybe you could characterize this as being a little bit lower rather
14 than being a little bit higher. We, even up until Thursday afternoon of
15 last week, we continued to have those dialogues back and forth.

16 And that's the sort of thing that there will always be
17 professional differences of opinion as to how much it's really going to
18 cost. And you won't really know until you sit down and sharpen the
19 pencil and start to put together an exact configuration. And at that
20 point, then we could quibble as to -- for example, I think there was a
21 reasonable dialogue that was held as to whether or not alternative five
22 really needed to be a Sun Unix machine, or could possibly an NT server
23 do the job. And that debate was going on even during the break.

24 So -- and those are the sorts of things that we didn't try
25 to nail down a specific cost. We simply tried to characterize it in
terms of the magnitude of dollars that might be involved in it to give
people a better feel.

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MR. MURPHY: There's one other factor here that we haven't
discussed yet, just to -- I think, and that is with -- if I understand
this correctly, the only alternatives that give the participant, the

1 small participant, Nye County, complete control over the -- its site,
2 including when the documents become available in searchable, you know,
3 form, are one and two. Is that not true?

4 MR. GRASER: No. I think in all five of the scenarios all
5 of the participants have control over when they make their documents
6 available.

7 MR. MURPHY: No, no. I mean when Joe Blow from Montana can
8 find documents on the Nye County web site. I mean under alternatives
9 three, four, and five we get our web site up; we load our documents; we
10 get all the document -- all the relevant documents in the Nye County
11 files, Nye County contractors files are loaded. Can Joe Blow from
12 Montana then search those documents and find the matrix porosity
13 document that he's looking for, or does he have to wait for Dan Graser
14 to get his act together?

15 MR. GRASER: Under -- let's see here. Under alternatives --
16 actually, under all five of the alternatives the participants may choose
17 to allow access to the URL location either through the portal or
18 directly from the Internet.

19 MR. MURPHY: But in order to do that we then, under
20 alternative five, for example, we then also have to purchase that file
21 management search and retrieval software. Which you said we were going
22 to save by allowing you to purchase it rather than we purchasing it
23 ourselves.

24 MR. GRASER: Under -- okay. That was a complex series of if
25 statements.

MR. MURPHY: Well, just if we go with alternative one,
simple thing.

MR. GRASER: Right.

MR. MURPHY: Nye County's got a web site already.

MR. GRASER: Right.

1 MR. MURPHY: We enhance our web site, we dump our documents
2 on there.

3 MR. GRASER: It's there right now.

4 MR. MURPHY: We've got search and retrieval software and all
5 that kind a stuff. Joe Blow click -- opens our web site, says, oh,
6 matrix porosity, searches for it.

7 MR. GRASER: Got the document.

8 MR. MURPHY: Search for it, dot, dot, dot, bang.

9 MR. GRASER: Yeah.

10 MR. MURPHY: He downloads our matrix porosity documents.

11 MR. GRASER: Right, right.

12 MR. MURPHY: If we go with alternative five, we don't buy
13 search software.

14 MR. GRASER: You don't necessarily have to.

15 MR. MURPHY: We don't have -- we decide. We don't. We
16 decide not to buy the search software.

17 MR. GRASER: Okay.

18 MR. MURPHY: Good old Dan Graser's offered to do that for
19 us. We're going to let him do it. We get our web site up, we dump --
20 we load our documents, everything's ready to go. Joe Blow from Montana
21 opens our web site, asks to do a search on matrix porosity, and he gets
22 a little window pop up saying you can't have it yet, Dan Graser's not
23 ready. Wait till next year. Is that -- I mean is that fair?

24 MR. GRASER: I --

25 MR. FOSTER: Yeah, that's fair. However --

MR. GRASER: It's essentially fair, yeah.

MR. FOSTER: -- three would retain that -- well, really to
meet what we see as the design criteria for these particular design
& plans, I think only one would -- only alternative one would retain that
capability.

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1 MR. MURPHY: Full flexibility.

2 MR. FOSTER: In full, yeah.

3 MR. CAMERON: Why couldn't that Nye County site operate
4 independently of the -- continue to operate independently of the --

5 MR. FOSTER: There's no reason why --

6 MR. MURPHY: It could. I mean it could even under
7 alternative five, but only if we buy that additional search software.

8 MR. FOSTER: Right. You put the documents on your web site,
9 you still have to have -- a user have some way of identifying what's
10 inside the file. You probably in your experience have stumbled across
11 web site directories where you see files, long lists of named files with
12 a dot TXT or something else behind them. And multiply that by let's say
13 600,000, where the file name is simply a numeric sequence, or an
14 accession number, or an ID number for a file.

15 You have no other way of knowing what's in the file until
16 you click on it and pull it out. So until you have some kind of search
17 mechanism in there, just putting out the raw files and the poor user,
18 whoever got to that index, would probably have no way of knowing which
19 documents were which.

20 Okay. Where we are right now is an area that we could just
21 flash this one up here. And then instead of me talking about next
22 steps, we could move right into whatever additional discussion John
23 wants to entertain to start to gain the feelings of the group.

24 These are the decision factors that the technical working
25 group came up with. And again, there was a lot of active discussion as
of Friday morning at 11, or 1:00 in the afternoon on Friday afternoon
regarding how the technical working group was going to present this
information.

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Essentially what we tried to do was focus on the
distinguishing factors between alternatives three, four, and five. And

1 all of this is with the foundation that you understand that alternatives
2 three, four, and five all shared those common aspects. They would all
3 be technically feasible.

4 So then it comes down to well, what is it that makes these
5 things different. And we came up with some general characterizations,
6 and in fact the technical working group may, you know, may still not be
7 in 100 percent agreement on the way these things were characterized.
8 This is a negotiated document here in front of you. Okay?

9 The performance and band width, I think it's a fair
10 characterization to say that alternatives four and five provided a
11 better means to control band width access to large data stores and data
12 files. So that if band width were a problem, one party could be
13 responsible for ordering up more band width. Okay? So it's
14 alternatives four and five that provided that.

15 The design simplicity, what is simple to me as the LSN
16 administrator is alternative three. What is simple to the participants
17 potentially, at least out of three, four, and five, was alternative
18 five, because it offered a lot of flexibility in terms of putting the
19 files out there and then relying on the portal software to do the
20 indexing. So the design complexity there from the participants is we
21 can put the files out there and somebody else would be responsible for
22 doing the indexing and the search interface, and so forth.

23 The alternative four did have an aspect to it that should be
24 drawn to everybody's attention in that it is location constraining.
25 Alternative four would require us to all sit down and have more meetings
and try to identify well, exactly where is it we would all agree to
identify as the portal location. So if you think today has been fun,
wait until you get into that dialogue.

The completion schedule risk to the LSN administrator, and
again, this is where I feel closely about something whereas other

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1 participants may not, if I need to have the system available in July
2 2001, alternative four requires me to engage and identify and locate a
3 central site. Alternative five requires me to go out and purchase more
4 hardware, more equipment, and integrate that additional hardware and
5 equipment. So from my perspective, there's a little more complexity to
6 alternative four and five that adds a degree of additional risk to me
7 meeting a fully integrated system by July 2001.

8 Document integrity and availability. Under alternatives
9 three and four, the parties still have the documents on their machines.
10 They're responsible for keeping their machines up, operational, backed
11 up, and so forth. Under alternative five, if in fact the portal
12 software came in and swept the documents out and replicated them and so
13 forth, suddenly the LSN administrator and the portal site and the big
14 cache device, LSN administrator would become the custodian of other
15 people's evidentiary materials.

16 From a financial administration point of view, alternative
17 four requires some kind of a cost allocation structure for the
18 allocation of these overhead costs, the shared costs. In terms of the
19 cost to the participant, alternative five is potentially the lowest cost
20 to the participants. And the lowest cost to the LSN administrator,
21 conversely, would be alternative three.

22 So that was generally the way we characterized the decision
23 factors here. It comes down to risk factors in terms of meeting your
24 deliverable date; comes down to manageability of the system, and do you
25 want to introduce more complexity and more layers of bureaucracy and
administration in terms of sharing sites; and in terms of the financial
cost to the participants, which ones represent the least amount of
investment to the participants.

So those were the discriminating factors that if you looked
at these -- and there are others. I don't want to mislead you into

1 believing that there were not other aspects that members of the
2 technical working group made some very earnest and well made points
3 about other distinguishing factors. But in terms of the decision
4 factors, these were the key elements that we were looking at.

5 And at this point, instead of moving into the next steps,
6 I'm going to turn it back over to John at this point so that we have
7 adequate time to hear input from members of the ARP and for John to
8 point us in a direction towards getting some closure on today's
9 discussions.

10 MR. HOYLE: Thank you, Dan.

11 The floor is open for discussion. Not only on three, four,
12 five, but any further comment on one and two. If now having heard about
13 the other three anyone wants to comment on that.

14 MR. MURPHY: Let me just try to reach to suggest a
15 consensus, just to get things started. My guess is, at least in my own
16 mind, I think the discussion is going to -- is probably going to be
17 between alternatives one and five. So I would suggest, I don't know if
18 we -- takes a formal motion here or not, John; as the chairman you can
19 advise us. But I would suggest that we just reject, as a starter, we
20 just reject alternative number four.

21 MS. NEWBURY: I agree.

22 MR. HOYLE: Yeah. I would -- yes, I would take that as a
23 suggestion and as a motion. Do I hear consensus on rejecting just the
24 one alternative four?

25 MR. FRISHMAN: I think it should be.

MR. HOYLE: Okay. You're in the lead over there.

MR. MURPHY: I am?

MR. HOYLE: You've got the ivories.

MR. GRASER: So basically everybody agreed --

MR. HOYLE: Everybody agreed.

1 MR. GRASER: -- four is --

2 MR. MURPHY: We didn't hear from you. You were silent.

3 MS. NEWBURY: And you have to put your stuff on too.

4 MR. HOYLE: You're absolutely right. Dan has the NRC vote.

5 MR. GRASER: Yes. I agree that four is probably not worth
6 pursuing.

7 MR. HOYLE: In a letter to the commission where I'll report
8 on this meeting and our decisions, do you want me to give a reason why
9 we rejected four? And if so, what would the reason be, or reasons.

10 MR. MURPHY: The reason in my mind is -- and let me see if I
11 can put these in order of significance. I guess the -- well, they're
12 too intertwined. It's cost and loss of control, control of the system
13 and the documents. I would -- I don't want -- I don't like alternative
14 four because it would be excessively costly from Nye County's point of
15 view, not only for hardware, et cetera, but it would require us to have
16 a physical presence at this remote location, whether that location was
17 in Las Vegas, or Rockville, or wherever.

18 MR. GRASER: And that may in fact replicate something that
19 you may already have available.

20 MR. MURPHY: Absolutely, absolutely. And secondly, I
21 don't -- I'm pretty sure that remote location would not be in Pahrump,
22 or at least not in the Nye County office of Pahrump. And so wherever
23 that campus is located, it requires Nye County to surrender some aspect
24 of the control of its documents to someone else, and that causes me some
25 heartburn.

MR. VON TIESENHAUSEN: I'd just like to add one comment to
that. It basically would force us to make a long-term commitment for up
to 20 years.

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MR. MURPHY: Sure.

MR. VON TIESENHAUSEN: And there's no way that I can ever do

1 that. And I will sit back in the back and let Dennis take over.

2 MR. MURPHY: I think there are -- I see advantages and
3 disad- -- I see advantages to both alternatives one and five. The
4 obvious, taking, you know, just assuming that Dan's description of the
5 relative costs of the various alternatives is accurate, and I think I'm
6 sure it is, there's obviously a cost advantage to Nye County and the
7 other participants, the smaller participants at least, to going with
8 alternative five and letting the LSNA purchase the software, et cetera.

9 The disadvantage of that is that we can essentially do
10 everything we need to do to fully comply with the LSN rule and have a
11 web site that is loaded and ready to go and still not have access, still
12 not have total control over that web site. And thus -- and not have our
13 documents accessible to the public and other participants. And let
14 me -- to the participants and other public in that order of priority,
15 because the NRC is not ready to go with its software, for example.

16 And I don't think that's a remote possibility. I mean, you
17 know, I can certainly see the commission stretching out the budgeting on
18 this, you know, et cetera.

19 MR. GRASER: I think I can -- I pledged my first born on
20 that at the October meeting, if I recall correctly.

21 MR. MURPHY: Yeah. I think you're right, yeah, as I recall.
22 So -- and I'm guessing, and I wish -- Chris Berline (phonetic) is not
23 here, and I wish he -- I guess he had a conflict or something this
24 afternoon and -- but I'm guessing that the additional cost to us to
25 purchase that software, the search software or whatever it's called, is
not that significant.

MALE VOICE: It's not --

MR. MURPHY: Right, yeah. So, you know, with those
considerations in mind, I think my preferred alternative and the
consensus I propose is alternative number one. It's the simplest, it's

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1 the most flexible, the easiest for us to do. We can all get there the
2 quickest, it seems to me.

3 And the problems associated with alternative number one
4 which were displayed for us on the screen, I did not see any problems in
5 that list that are insurmountable, number one. Or number two, which
6 would detract from our ability to achieve the original goals of moving
7 toward an electronic form of discovery, which I think is we have to keep
8 in mind what we're all about here, why we're doing -- why we started
9 doing this in 1986 in the first place. I don't see any of the drawbacks
10 associated with alternative number one which would unreasonably
11 interfere with our ability to achieve the original goal of the LSS or
12 the LSN.

13 MR. GRASER: Well, and if I could, I would just like to
14 throw in two cents worth on that issue.

15 You know, there's really probably a grand total of about a
16 nine month window where, from the point in time where DOE and NRC's
17 collections are required to be made available. Then subsequent to that,
18 for a period of I guess about nine months is really the period of time
19 where the system is either going to make it or not make it, because
20 that's when the other participants' collections come on board. And
21 that's when people are starting to prepare and starting to prepare and
22 starting to prepare for all the subsequent activities.

23 And in terms of looking at alternate one, that's where you
24 have to ask yourself, is that going to be a make or break software
25 solution during that vulnerable window of nine months when everybody
is -- the documents are all going to be coming out available, people
will be using the system. And you have to ask yourself the question, is
the iterative nature of having to visit multiple sites going to be in
any way detrimental to the ability to adequately perform your discovery.
It's not just the speed of delivering the documents, it's the power of

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1 finding what you need when you need to find it.

2 So that's just my perspective on alternate one, but that's
3 my point of view as a techie.

4 MR. MURPHY: That's right. And I just don't think that's
5 going to be that great a burden. I --

6 MR. GRASER: Okay.

7 MS. NEWBURY: I tend to agree with Mal again. DOE already
8 has a web site. It already has its collection, it already has a search
9 engine. And alternative one, it merely means we move all that out onto
10 the web. We intend to do that in one way or another whether you layer
11 on alternative five or alternative three on top of that, but we do have
12 to provide access and we already are providing access.

13 So I don't know what it buys us, I guess. If it buys the
14 NRC a lot in that you're happy to search two sites at once in the first
15 nine months, spend the money, but I don't know what it truly gets you.

16 MR. HOYLE: Claudia, at the October meeting you described
17 how your database was working and how people were searching it, and you
18 were describing some difficulties that people were having searching your
19 database at that time. And your bottom line was over the next months,
20 years, you were going to make it more user friendly. Is that the
21 direction you're moving in now? I mean I hear you say yes --

22 MS. NEWBURY: Yeah.

23 MR. HOYLE: -- you do have a web page; yes, you do have
24 documents, but I haven't heard yet how easy they are to find. Though
25 Steve has used your system and he's found it okay.

MS. NEWBURY: Yeah. What is out there does not have the
search engine that it would have if we moved our equivalent to our
records system, or the information from the records system out. There
are better ways to search than what is on that, our home page, at the
moment that we would be able to make available. So again, I don't see a

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1 huge advantage to us in moving to a portal type system.

2 MR. HOYLE: Okay.

3 MS. NEWBURY: And we are the other group that needs to have
4 everything out August of next year.

5 MR. MURPHY: I guess the other point, to address the
6 concern, Dan, that you and Glen raised, is that I don't see the
7 participants here in this room -- well, I shouldn't say ever, but I
8 think it would be extremely rare for us to search all sites. You know,
9 just do sort of a broad search; I want to see all the documents in all
10 sites associated with matrix porosity; and thus have to search six sites
11 seriatim, et cetera, and take that time.

12 In -- it's much more likely that in preparing for the
13 licensing proceeding we will be searching for particular documents that
14 we are generally aware of that we know should be found on the DOE web
15 site. Or DOE will be say, you know, saying well, you know, Nye County
16 had the EWDP and I can't find, you know, I thought I had it in my file,
17 the backup, you know, or some field notes associated with the drilling
18 in EWDP 19-D, and I can't find it anywhere, so I'm going to go into the
19 Nye County web site and get it.

20 You know, that kind of stuff is going to go on much more
21 frequently, it seems to me, than going in and saying well, you know, I
22 need to look at all the geochemical documents on everybody's web site,
23 so I have to take Monday through Wednesday and search everybody's web
24 site in preparation.

25 Now the potential future participants who aren't in the room
now, you know, they could experience that problem, but I, you know, it's
not our responsibility to design the system for those folks in the first
instance. We have to make it usable for them, but not go overboard and
& spend money unnecessarily to do so, I don't think.

MR. HOYLE: Dan, the nine month window you were speaking of,

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1 when everybody's documents are coming on-line and there might be an urge
2 at that point for various participants to look into it, is that because
3 at the end of nine months the proceeding is about to begin and they're
4 going to need to have contentions developed, or relatively soon after
5 that nine months?

6 MR. GRASER: Yeah. I believe that's the number that sticks
7 in my mind, is when --

8 MR. HOYLE: Okay.

9 MR. GRASER: When you need to start having the contentions
10 developed, yeah.

11 MR. HOYLE: Okay.

12 MR. MURPHY: But, you know, we know some contentions we've
13 got already.

14 MR. GRASER: Well, this is true.

15 MR. FRISHMAN: I think that I'm generally agreeing with the
16 corner over there, which is very embarrassing, but -- I think that Dan,
17 for your purposes, if you feel like you have to do something, then three
18 would probably be the one that meets all the needs, because it's number
19 one with the redundancy.

20 MR. GRASER: Yes. In essence, well, it's probably closer to
21 number two with redundancy.

22 MR. FRISHMAN: But it functions as number one. And it
23 functions, you know, in --

24 MR. GRASER: It functions --

25 MR. FRISHMAN: -- through your shop as well.

MR. GRASER: It functions better than number one or number
two, because it takes out all of the variability that's involved in the
different result sets and the different relevancy rankings that users
would be getting from one location to another location. And in terms of
again going back to that section of the rule that says that I'm the guy

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1 who's responsible for insuring the integrity of the data --

2 MR. FRISHMAN: That's what I mean. If you, you know, if you
3 can't -- if you think number one doesn't allow you to meet the rule,
4 then number three is the minimalist way of doing it and still allowing
5 the function of number one if anybody -- if someone wants to use it that
6 way.

7 MR. GRASER: I wouldn't characterize number one as not
8 meeting the rule.

9 MR. FRISHMAN: Okay.

10 MR. GRASER: I would characterize number one as perhaps
11 providing an inadequate degree of flexibility and power and simplicity
12 in its fundamental design, so that at any later time if we needed more
13 flexibility, more power, or more of anything else, we would not have
14 any -- enough time to recover from that. So from a conservative design
15 point of view, you over engineer it trying to anticipate what's going to
16 hit, because world can never guarantee to you that somebody won't come
17 back at a later time and say well, gee, now we need more; we need more,
18 we need quicker, we need faster.

19 So it's just from the designer's point of view, I, you know,
20 I look at that and I say well, it gives me better search and retrieval
21 tools than alternate one or two, and gives me more flexibility. And
22 yes, it does provide its own backup, so to speak, because the public can
23 still go to the participant's location or come through the portal site.

24 And one of the advantages of the portal site is that it also
25 allows us to instill a uniform LSN numbering sequence on any of the
documents, so that for later reference during the hearing process --
each participant assigns their own accession number to their own
document collection. And when you get to the hearing process and you
& start trying to designate documents as exhibits and attachments and so
forth, you want to be able to make sure you have a uniform numbering

1 system.

2 There's nothing worse in the world than being involved in a
3 licensing or litigation action where you've got six different sets of
4 numbers floating around. It makes it very difficult to keep track of
5 which end is up.

6 So just from those points of view, I'm more in favor of
7 three. I think they add some value over one. But I didn't mean to
8 imply that alternate one or two wouldn't meet the rule.

9 MR. PITTS: So, Dan, under alternate number three, how long
10 would a participant have to keep their documents alive?

11 MR. GRASER: You'd have to keep your documents alive under
12 alternative three, you'd have to keep the documents out there for the
13 duration.

14 MR. PITTS: So that could be as long as --

15 MR. GRASER: Well, the duration of the license proceeding, I
16 believe.

17 MR. PITTS: Four years max then?

18 MR. GRASER: Well, four, five, six, or 20. Pick a number,
19 yeah. Four, five, six, or 20.

20 FEMALE VOICE: Three hundred over here.

21 MR. GRASER: Three hundred.

22 MR. MURPHY: That's another, I mean that --

23 MR. GRASER: Well, sure.

24 MR. MURPHY: That's really stretching it, but if you wanted
25 to take --

MR. GRASER: Carry it out to closure. There's another
license.

MR. MURPHY: That's right.

MR. GRASER: That's 100 and some years.

MR. MURPHY: -- look at construction authorization, license

1 to even possess, and then closure as all one process, yeah, we --

2 MR. GRASER: That's 100.

3 MR. MURPHY: We all, you know, there are going to be a lot
4 of Geritol vodkas. All of us are going to be meeting in --

5 MR. FRISHMAN: My office will still have the same server.

6 MR. GRASER: You'll still have the same server, good.

7 MR. HOYLE: Were you going to --

8 MR. GRASER: So, Steve, I'm trying to take notes here in
9 terms of identifying who's speaking up on behalf of which of the
10 alternatives.

11 MR. FRISHMAN: Okay. Well, I'd prefer one, and I only
12 brought up three in the sense that if you felt you had to spend the
13 money.

14 MS. TREICHEL: Can be a real burden, you know.

15 MR. GRASER: As long as I spend my money and not somebody
16 else's money.

17 MR. FRISHMAN: Right.

18 MR. PITTS: The length of time that you would have to keep
19 your documents is the same for other alternatives as well.

20 MR. FRISHMAN: Oh, right.

21 MR. HOYLE: Except for under five.

22 MR. FRISHMAN: Yeah. Under five it's --

23 MR. GRASER: Under five they're on the cache.

24 MR. HOYLE: Right.

25 MS. NEWBURY: Do they then become your documents?

MR. CAMERON: Some of those documents. I mean we never --

MR. GRASER: The only -- the documents that go into the NRC
ADN records system, they -- into the docket system, they would become NRC
RIL records and they'll fall under NRC disposition schedules. I don't
EY & believe we have a disposition schedule established for something like
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1 alternative number five. So until I consulted with my techies back at
2 NRC, I can't say for how long those would have to be retained. But if
3 they follow suit on most normal installations, it's probably the life of
4 the facility plus 10 years; right? So that's --

5 MR. CAMERON: The license --

6 MR. GRASER: -- 110 years.

7 MR. MURPHY: What's -- yeah, I've got a question that just
8 occurred to me. How would, under alternatives three or five, portals,
9 how would the graphically oriented material be handled?

10 MR. GRASER: Well, the graphically oriented materials could
11 be stored. It's just what happens to them when they hit the users
12 desktop.

13 MR. MURPHY: But where are they stored, and whose
14 responsibility?

15 MR. GRASER: Under alternative five, you could store those
16 on the portal server.

17 MR. MURPHY: No, no, no. We -- this is the stuff that can't
18 be stored. This is the -- these are the cores. This is the cuttings
19 from our drill holes. This -- these are --

20 MR. GRASER: Oh, you mean physical objects?

21 MR. MURPHY: Yeah.

22 FEMALE VOICE: Just scan them.

23 MR. GRASER: Physical objects --

24 MR. MURPHY: Or not -- yeah. I said graphically, but yeah.

25 MR. GRASER: Yeah, okay.

MALE VOICE: You need a digital camera.

MR. MURPHY: The non-electronic.

MR. GRASER: I cannot --

MR. MURPHY: The stuff we have to put a header on and say
come and ask us for it.

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1 MR. GRASER: I couldn't put those on the portal system any
2 easier than you could put them on your machine.

3 MR. MURPHY: But we -- but under none of the alternatives
4 are we required to physically deliver them to you?

5 MR. CAMERON: They're supposed to be, if they're kept by
6 the --

7 MR. GRASER: Made available --

8 MR. CAMERON: -- creator, so to speak, of that core or
9 whatever it is, then they have to be accessible for other parties to
10 examine them. So that wouldn't change under any of these alternatives.
11 That custodian requirement would still remain.

12 MS. NEWBURY: But that's not true with documents? If they
13 deliver their documents to the cache, now it's yours?

14 MR. CAMERON: You mean under alternative five?

15 MS. NEWBURY: Under alternative five.

16 MR. GRASER: It's on an NRC resource machine. I have to
17 account for it some way. I'm just not able to say right now what the
18 disposition schedule that would be assigned to that machine is. But
19 it's just like DOE. If it's on a DOE machine, it's under my control and
20 I've got to disposition it somehow.

21 MR. MURPHY: But the document is still physically located at
22 1210 East Basin Road in Pahrump, Nevada.

23 MR. GRASER: Yeah.

24 MR. MURPHY: The hard copy of that document is located in
25 Pahrump.

MR. GRASER: A version of it is.

MR. MURPHY: Are you saying that -- are you saying then that
becomes -- you become sort of the owner of that document?

MR. GRASER: No.

MR. MURPHY: And that the ultimate control --

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1 MR. GRASER: No.

2 MR. MURPHY: -- over its disposition --

3 MR. GRASER: No.

4 MR. MURPHY: -- because we've dumped it in this case?

5 MR. GRASER: No. All I'm saying is that before I can dump
6 it out of the NRC cache I'm going to have to go back and talk to our
7 records people and see where --

8 MR. MURPHY: Oh, all right.

9 MR. GRASER: -- that stands in terms of being record
10 material, because I can't take it off of the NRC resource without it
11 being on a disposition schedule.

12 MR. MURPHY: What if we take it out behind the building and
13 burn it though under Nevada law?

14 MR. GRASER: Well, then we got the backup machine to worry
15 about. So you're going to have to destroy two machines at once.

16 MR. MURPHY: But because it's in your cache doesn't mean
17 it's not subject to Nevada retention of documents requirements?

18 MR. GRASER: No, because that's only --

19 MR. MURPHY: We can send it to the incinerator whenever.

20 MR. GRASER: That's only a version that's in my control.
21 It's still your agency record. You can deal with that. I mean if you
22 destroyed it --

23 MR. MURPHY: More and more I like number one.

24 MS. JOHNSON: This is Abby Johnson, Eureka County. I have
25 to leave to catch a plane. I'm okay with one. The thing I like about
five, for those of us that never know when our funding is going to go
away, is despite the perpetual care cache disposition stuff that was
just talked about, there is some assurance that once we turned it over
to the NRC that it would be maintained, at least as long as it needed to
be maintained. And so that is the -- that is an attractive feature of

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1 five, plus the costs of five.

2 I have a question on five, which is on three, you talked
3 about the user going to the index and portal, but there was sort of a
4 back door to each individual site. Now that's not shown under five.
5 You just have the user with the one line going to this and this. Is it
6 not also possible to go like this, or is it --

7 MR. GRASER: That's --

8 MS. JOHNSON: Are these not the same servers?

9 MR. GRASER: That's the discussion we were having a few
10 minutes back in terms of saying if you put no search engine --

11 MS. JOHNSON: Yes.

12 MR. GRASER: -- on your machine, even if you opened up that
13 URL location and somebody came to it, they would have no mechanism
14 except going through a raw directory of files. And if those are
15 numbered files that have no intuitive knowledge, you would have no idea
16 what's inside those files. It's just like stumbling across an index
17 page when you're surfing the web right now.

18 MS. JOHNSON: But that would also be true of three?

19 MR. GRASER: No. In alternative three you would be able to
20 go into, because in alternative three, the, you know, well, no. In
21 alternative three you wouldn't necessarily have to have a search engine.
22 Participant wouldn't necessarily have to have a search engine in
23 alternative three; right? We're rebuilding an index.

24 MR. FOSTER: Abby, you're correct.

25 MR. GRASER: You're correct, yeah.

MS. JOHNSON: Oh, thank you. Okay.

MR. FOSTER: I actually, let me just say that that is
true -- well, I'm not going to speak of four since it's been discarded,
& but three and five, the -- what users see if they go around the portal
is up to the web -- up to the participant site itself.

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1 MS. JOHNSON: Okay.

2 MR. GRASER: Judy. We're going to hear from Judy.

3 MS. TREICHEL: I would stick with the simplest one.

4 MR. GRASER: And in your view, the simplest one is?

5 MS. TREICHEL: One.

6 MR. GRASER: One, okay.

7 MR. HOYLE: Abby and Jason and Dennis, you have one vote
8 amongst you. You're part of a coalition of local governments that
9 surround Nye Count.

10 MR. BECHTEL: In the interests of the voting go on this
11 week, do you want a caucus or --

12 MS. JOHNSON: So does Nye get a separate opinion, but we
13 don't?

14 MR. BECHTEL: We have the --

15 MS. JOHNSON: Or are we with Nye?

16 MR. HOYLE: Nye County --

17 MR. MURPHY: Yeah, we're the site is county, so we have
18 special status here, Abby.

19 MR. BECHTEL: Maybe I'll just express my view on it. I was
20 initially enthralled with five because of the ability, it appears to be
21 able to access information maybe more readily than say one, now as I
22 understand one, and had fairly low costs to the participant. But in
23 thinking about the -- and I think Engelbrecht expressed this about the
24 commitment that I would be able to make as a county, I -- we have a
25 system that's analogous to one right now.

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And I, in thinking about how we would use this, anything I believe that we might litigate, I mean we're very interested in being able to access information as readily as possible, but any item that we would want to litigate I don't think would be on the system anyway, because a lot of our issues are not recognized by DOE's issues. So I

1 think we would be getting information from an independent source anyway.

2 So in light of that, I would opt for Clark County, as one of
3 three counties I guess here, opt for one as being one that I think is
4 probably the most realistic for us to use.

5 MR. HOYLE: Jason.

6 MR. PITTS: Oh, my gosh. I would say just because of my
7 work with the northern counties, I think it's going to be tough for them
8 to commit to having a system, you know, up for that amount of time. And
9 also, anything that makes searching easier is going to be beneficial to
10 them as well, because I'm sure some of them will have part-time
11 attorneys and district attorneys doing the research for any litigation
12 that they might pursue, which I don't know if they will or not. And I
13 think five helps out to do that.

14 And I also believe that under five a county like Nye or
15 Clark could still maintain their independent web site and choose which
16 documents they preferred to upload to the NRC site or not. You know,
17 they could keep that on their site and have a different search
18 algorithm.

19 So I would say in the interest of -- I think Lincoln County
20 would be fine. We have a web site, we have our documents on there right
21 now. So I mean I don't think there's going to be any problem stretching
22 it out for -- I don't know about 20, but, you know, 3 years certainly.
23 So -- but I think for like White Pine and Lander and stuff like that,
24 five's probably more attractive.

25 MS. JOHNSON: Well, is this a voting thing, or is this a --
what do you --

MR. HOYLE: Well --

MS. JOHNSON: I mean are you going to take this into
& consideration, or what?

MR. HOYLE: I would like to leave the meeting with the

1 ability to go home and write a letter to the commission, send it to
2 everyone in draft, see if you agree with it, that would have the
3 position of the panel. It does not have to be a consensus opinion. I
4 can include minority views, I can include a breadth of information in
5 this letter. But if there was, you know, one particular alternative
6 that everyone was kind a focusing in on, that would be the main one that
7 the letter would show. So that's where I'm coming from.

8 MR. GRASER: And just so there's no misunderstanding my
9 position as representing the Nuclear Regulatory Commission, I think in
10 terms of functional capabilities to do a potentially very difficult job
11 ahead for the commission staff and afford them the tools that would be
12 necessary to help them in doing their job in terms of reviewing the
13 documents, I think alternative three or five, either one of those
14 approaches using the portal software would beset meet the expectations
15 of the NRC internal user constituency.

16 And then flipping back my other hat, in terms of being the
17 LSN administrator, in terms of operability of the system, I'm inclined
18 to favor alternative number three. And so that's just my
19 straightforward call on those, if you wanted to know where I stand.

20 MR. HOYLE: Dennis, it seems to me that since there is a
21 coalition involved, and there's been some slight difference in views,
22 and there's some counties that aren't here, I think you should have time
23 to get in touch with them. I don't want to give you very much time, but
24 you need several days, I would think. Can you do it by phone?

25 MR. BECHTEL: Well, we have a phone call planned, a
teleconference planned tomorrow on another issue, so we can probably get
back to you, I would imagine, pretty quickly. I'm not assuring you
we're going to reach a consensus, but we'll do --

MR. HOYLE: Well --

MR. BECHTEL: -- the best we can.

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1 MR. HOYLE: -- whatever. And if you would give that
2 information then to Dan back at the office.

3 MR. BECHTEL: Okay.

4 MR. HOYLE: Claudia.

5 MS. NEWBURY: The one thing I'd like Dan to get back with on
6 us too is what is the NRC's position on that case? Jason alludes to the
7 fact that he expects NRC to maintain his material out to 20 years, and
8 Dan was not sure if that would be your material at that point or how it
9 would be maintained, so you probably would like to check on that.

10 MR. GRASER: Oh, I can check on it, but generally speaking,
11 I -- it takes the National Archives a couple of years to schedule
12 something.

13 MS. NEWBURY: Yeah. But if this goes out to 100 or 300
14 years or whatever it is.

15 MR. GRASER: We've got time; right? What's another two
16 years here or there.

17 MR. HOYLE: Claudia, what's your concern about this that
18 you're no longer going to have either any sort of a hard copy of
19 electronic copy of the documents --

20 MS. NEWBURY: Oh, I will.

21 MR. HOYLE: -- under five?

22 MS. NEWBURY: Oh, I will. I mean DOE's going to be around
23 forever.

24 MR. GRASER: It's the other parties who --

25 MS. NEWBURY: It's the other parties.

MR. GRASER: -- who don't have federal retention standards.

MS. NEWBURY: It's the other parties who are concerned that
they will not be around after three to five years.

MR. GRASER: In other words, how long do they need to
continue making it. If their normal -- in the normal course of

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1 business, if they were to only keep these materials for five years and
2 all of a sudden there is a requirement to keep it longer because of
3 something that I'm doing.

4 MR. CAMERON: Because there may be a different document
5 universe depending -- of discoverable material for each license
6 amendment that comes in.

7 MR. GRASER: I can certainly investigate it. And I think
8 it's safe to say that I could at least get the lay of the land from
9 Brenda Shelton, who's NRC's records manager. She may be able to narrow
10 things down for us and say well, in general, records disposition for
11 non-docket materials that are submitted as -- in support of other
12 licensing activities but are not included in the docket, normally NRC
13 handles them this way in a record space, so they would either fall under
14 this schedule or that schedule. And if it's this schedule, it's only,
15 you know, the life of the facility plus 10 years, or if it falls under
16 that schedule, it might be a different disposition.

17 But the bottom line is that it's materials that are in NRC's
18 possession, but that are not part of a docket. And I know the
19 disposition schedules on the docket material, but you threw me the curve
20 ball on the non-docketed materials that are now on the machine that's
21 under my control. I'll investigate that. That's an interesting
22 question.

23 MS. TREICHEL: I guess I just have a question. If you go
24 all the way through a licensing process and you either -- well, I guess
25 it would be grant the license, wouldn't you keep a record, you, NRC, of
everything that had gone into that decision for whatever time? And are
we discussing items that counties and state and whoever use to oppose
your position?

MR. GRASER: Well, again, I can speak to what I know, is
that if materials are entered into the docket, and the docket is the

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1 basis for the decision. Am I correct, Tom? I mean what is in the
2 docket is what is the basis for any of the decision. Under NRC records
3 retention schedules, anything that's in the docket has a defined
4 retention period. So we're a-okay there.

5 The curve ball that came here is that if we are talking
6 about alternative number five, and not only do I sweep in an index, but
7 I also grab a copy of the document, then I grab a copy of the image and
8 I place it on a machine that's an NRC resource, automated computer
9 system. I can't take it off the machine until I get a disposition
10 schedule.

11 MS. TREICHEL: Right.

12 MR. GRASER: And it's not docketed material, but it's not
13 NRC record material, but it's on an NRC machine. So I'm going to have
14 to get an interpretation on that. But normally, the things that get
15 retired to the National Archives are the things that are in the docket.
16 So those are the ones that would be normally retained.

17 And that's why I had reservations about taking custody, so
18 to speak, under alternative number five. You know, I'm now responsible
19 for the long-term disposition of whatever's going to happen to those
20 documents. And as you say, they're other people's documents. And now
21 they're suddenly, you know, I'm the godfather.

22 MR. CAMERON: Just because some of those documents -- some
23 of those documents are going to make it into the docket.

24 MR. GRASER: Some will.

25 MR. CAMERON: That the decision is on, and some of them
won't. The ones that don't make it in don't have any special cache just
because of the fact that they were discoverable documents. They may
have that for some other reason independent of that, because they were
& NRC memos or whatever on something else.

MR. GRASER: But for the most part, that's an administrative

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1 concern, an administrative issue. And as Claudia points out, hell, if
2 you're talking in terms of 100 years worth of retention, what's 2 or 3
3 years to find out from National Archives how long I need to keep them?

4 MS. TREICHEL: Well, as far as the affected units of
5 government offices, they're mostly counties. And I would guess if the
6 funding dried up and they went out of business most of them answer to
7 their county commissions anyway, so it would just become county records.

8 MR. GRASER: Well, any records that you may have had on a
9 computer, they're your own.

10 MS. TREICHEL: Yeah.

11 MR. GRASER: And if you chose to take that collection down
12 and dispense with it any way that you wanted, sure, that's -- but if
13 those documents were -- if we were not under scenario five, if you took
14 those documents down, then they would become unknown to the licensing
15 support network.

16 MS. TREICHEL: Okay.

17 MR. GRASER: As soon as we went back and rebuilt the indexes
18 and found that that location no longer had any documents, then the index
19 at the portal site gets wiped out. And then the next backup tape, where
20 there's still no documents at that site, then the backup tape gets wiped
21 out. So after two cycles of sweeping that site, if those documents
22 disappear, they are gone to the world.

23 MS. TREICHEL: Yeah.

24 MR. GRASER: But in alternative number five, that's at that
25 point I can't get rid of things now unless I get everybody's blessing to
get them off an NRC resource machine. At least that's my understanding.
We got a couple records managers sitting in the back of the audience
back there and they're nodding heads yes and no occasionally, so I think
I'm fairly close to home on that.

MR. HOYLE: Steve, I haven't heard your bottom line. I

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1 think I know what it is.

2 MR. GRASER: I think we got your bottom line.

3 MR. FRISHMAN: What did you think it was?

4 MR. GRASER: Alternative one. And if I felt it absolutely
5 necessary three, then three, but --

6 MR. HOYLE: Oh, I just didn't mark --

7 MR. GRASER: But one is the one that you favor; right?

8 MR. FRISHMAN: Yeah.

9 MR. HOYLE: Sorry.

10 MR. FRISHMAN: What did you think it would be?

11 MR. HOYLE: One.

12 MR. FRISHMAN: Okay.

13 MR. GRASER: I guess you were successful in making your
14 point, Steve.

15 MR. HOYLE: And DOE is going to let us know after Dan --

16 MS. NEWBURY: No, I already voted for one.

17 MR. HOYLE: You did vote for one?

18 MS. NEWBURY: Yeah.

19 MR. HOYLE: See how sharp I am.

20 MR. FRISHMAN: Actually, we're just getting an opportunity
21 to change our votes.

22 MS. NEWBURY: It's so rarely I have an opportunity to agree
23 with you that I --

24 MR. HOYLE: There are two members of the panel that aren't
25 present. The nuclear industry has not a representative here, nor does
the National Congress of American Indians. So I believe I will need to
contact both of them with the results that we have now and see if they
wish to join in on this.

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I've got no one saying okay to two, and three I have Dan and
Steve, if Dan feels strongly.

1 All right. What else do you need from us, Dan?

2 MR. GRASER: Well, I just wanted to put this in a frame of
3 reference for everybody in terms of walking through the next steps in
4 the process here so you will understand --

5 MR. HOYLE: Did I get that right? FEMALE VOICE: Yeah.
6 One and two rose from the ashes.

7 MR. GRASER: There you go. Isn't life strange.

8 MR. HOYLE: Start with bullet two.

9 MR. GRASER: Bullet two, we'll start with bullet two.

10 I just wanted to kind of fill you in on the next steps here,
11 what's going to happen with this. As the rule indicates, I need to take
12 into consideration the opinions expressed by the advisory review panel.
13 And, you know, represent those non-consensus type opinions and take them
14 into full consideration.

15 Now the way that's going to happen is that as I come back
16 from here, I'm now going to be in a position to say to the commission of
17 all of the alternatives, the strongest sentiment was in favor of number
18 five and there was a secondary level of sentiment for alternative number
19 three. And I'm going to then go back and start to put together what
20 NRC -- well, first of all, I need to make a presentation to the NRC's
21 information technology business council. This is an internal
22 organization that asks me all sorts of hard questions about did you
23 consider this, did you consider that, have you coordinated this with
24 other internal NRC offices, and so forth.

25 And I'll be making that presentation to them on March 5th.

And I will be able to represent to them in -- or March 1st, in the March
1st meeting, that we have at least gotten a very good sounding back from
the advisory review panel in terms of the alternatives that they feel we
should be pursuing, the design alternatives.

Then we're going to take this information and we're going to

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1 prepare what's called a capital planning and investment control
2 document. The capital planning and investment control document is
3 something that's required by the Information Technology Management
4 Reform Act, ITMRA, from a few years back. That capital planning and
5 investment control document is in essence an analysis of benefits and
6 costs, and also a project management plan.

7 So for people who've been involved in major projects, they
8 take those two products and they mash them together. And it forces you
9 to present the business case for whichever alternatives you're
10 presenting to the commission and examine all of the aspects; here are
11 the funding aspects, here are the cost aspects of it, here are the risk
12 factors associated, being able to meet your schedule, being able to do
13 it within budget, is it going to fulfill the mission, have you involved
14 stakeholders. You have to address all of these factors and then present
15 all of this to NRC's executive council.

16 The executive council reads the document, we give
17 presentations on it, and at the end of that process they say to me,
18 okay, we will approve the project. We've looked at all of the analyses
19 you've done, we've looked at the projected life cycle costs. We still
20 have a couple of issues here that we need to work out in terms of your
21 annual fiscal year budgeting and so forth, but generally you have the
22 authorization to go ahead and proceed with alternative A, or alternative
23 B. Or they may in fact come back and say to me, we, you know, we want
24 you to further explore the possibility of outsourcing the placement of
25 the server and so forth, and give us a cost benefit analysis of lease
versus maintain and operate it yourself.

So I will do those, and then the commission or the executive
council will come back and give me the authorization to commence the
first phase of the project. And we have some fiscal year funds still
available this fiscal year which can be used to start the process of

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1 designing the system. And we would have to put together a project
2 management plan, so forth and so on.

3 Now what this means to all of you is that the internal NRC
4 process has its own set of pitfalls that could befall us as a project.
5 They could come back and say well, thank you very much. We're glad
6 you're making this recommendation, but this is the one we're going to
7 fund. That can still happen.

8 And if that happens, my intention will be to communicate
9 back to everybody in the advisory review panel through John what the
10 results were of the meetings with the information technology business
11 council, and also any feedback that we get from the commission in terms
12 of the options and alternatives that they direct us to implement or
13 which they say this is what we are willing to fund.

14 And if those differ significantly from the intent of the
15 desires expressed by the advisory panel, I think you folks need to know
16 how that decision came to be, you know, what -- where was it made; why
17 was it made; why, if we wanted alternative one, how come they said let's
18 do alternative five; or if we said let's do alternative five, why did
19 they pick three.

20 And as a result of that process, I'm just giving you some
21 advance understanding that the commission at the executive level can
22 come back and give me back marching orders that may not be completely
23 harmonious with the expressed interests of the advisory review panel.
24 And I will make every effort to keep you informed of how we get from
25 point A to point B or point C. Whatever iterations happen along the
way, I will endeavor to keep everybody informed so that there's no
mystery as to understanding how any decision processes came out in the
final end.

It may be that the executive council goes ahead and decides
to fund alternative five in full funding and directs me to go ahead and

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1 implement that. And if that's the case, then I will come back and
2 report to you that that's what they directed me to do.

3 So that's where all of this goes. The -- you all understand
4 the next two or three months now is going to be an internal process
5 where I'm going to be dealing at fairly high levels within the
6 commission to go ahead and get the authorization on the project. That's
7 essentially what I had.

8 The only other issue in terms of the functional
9 requirements -- I've got functional requirements, bullet number two,
10 that I was supposed to start off with. The functional requirements,
11 obviously now if we're going to go back and either examine alternative
12 one as the number that most people mention being in support of, or
13 alternative number five as the second-most mentioned alternative, in
14 either one of those cases I think the functional requirements are going
15 to need a further round of tailoring. Especially if you pursue
16 alternative one, the functional requirements list is going to be cut
17 down extensively.

18 And I would ask that we be allowed to have the technical
19 working group continue to provide input and review and commentary on the
20 functional requirements, so I'm asking the advisory panel to allow us to
21 go ahead and continue using the technical working group to get the
22 functional requirements honed in to whichever solution the final letter
23 recommends back to the commission.

24 MR. HOYLE: Do I hear any objection?

25 MS. NEWBURY: I just have comment. I'd like to see a little
bit different group of people looking at those functional requirements
so we get the functional requirements that are reflected by the members
of this group. For instance, the State was not a member of the
technical working group, and I'd like to get a little bit different
viewpoint on what the actual functional requirements are, I guess my

1 point is. Not from a computer support point of view, but from a user
2 point of view.

3 MR. HOYLE: Dan, you have a methodology for obtaining that?

4 MR. GRASER: The functional requirements could certainly be
5 made available to any audience that the ARP chooses to make them
6 available to. Simply, disseminating them out and asking for the
7 advisory review panel to give me their comments, given the relatively
8 small number of ARP individuals, is probably workable. But sooner or
9 later somebody is going to have to go through and look at conflicting
10 interpretations of what the functional requirement is. DOE may have one
11 aspect of a functional requirement and the State of Nevada may come in
12 and have a totally different perspective on that, so sooner or later
13 you're going to have to negotiate and arbitrate what is the functional
14 requirement.

15 So I could certainly send it out to all of the ARP members.
16 And if everybody is in perfect harmony, that's fine. But we shouldn't
17 do it without leaving -- without having some mechanism for resolving
18 those.

19 MS. NEWBURY: I wasn't suggesting that you not meet. I was
20 just suggesting that perhaps some additional people should be in the
21 technical working group during those discussions.

22 MR. GRASER: Oh, that would be wonderful. That would be
23 wonderful. Technical working group is open to anybody that wants to
24 attend.

25 MR. BECHTEL: When do you see the next meeting of that?

MR. GRASER: Well, again, my inclination was that if the
functional requirements were going to be focused on a portal type
solution, that we may be able to bring closure to the functional
requirements through e-mail. Obviously if we're going to be looking at
alternative number one, we're talking about a much scaled back

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1 characterization of a system functionality. And in that regard, then we
2 probably would need an additional face-to-face meeting at that point to
3 try to build from the ground up, rather than peel from the old LSS
4 requirements down.

5 And, you know, if there's a consensus that you want to have
6 another face-to-face technical working group meeting out here, I could
7 certainly go back and work towards scheduling that. I'd be glad to do
8 that, if that's everybody's opinion. And like I said, if anybody wants
9 to be involved in that and have representation on it, that would be a
10 wonderful thing.

11 So shall I take that as a marching order to go out and
12 propose a calendar date for when we could sit back down and look at the
13 functional requirements sometime after John crafts the ARP letter back
14 to NRC in terms of expressing the intentions of the advisory panel? And
15 then I'll go ahead and attempt to set up a date, and we'll attempt to do
16 another round of face-to-face meetings out here with technical working
17 group members focusing on the functional requirements for the candidate
18 system.

19 MR. HOYLE: Okay. And, Steve, I do hear Claudia urging that
20 the State see if they have someone that could attend?

21 MR. FRISHMAN: Yeah, I caught that.

22 MR. HOYLE: Take a look at the date and whatever resources.

23 MR. FRISHMAN: Yeah. The last one -- yeah, the last one I
24 knew was a conflict for me and schedules.

25 MR. HOYLE: Thank you.

I'm going to then not suggest any next date for a ARP
meeting until we march along a little further, but I'm open to
suggestions. If you want a marker in the fall or something, we could do
that.

MR. GRASER: Well, I think the way things are getting with

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1 the NRC budget as well, that it may be next fiscal year anyhow before we
2 have enough travel budget to send out another contingent.

3 MR. HOYLE: Okay. Is there another business from the
4 members?

5 MR. GRASER: I would just like to just generally thank
6 everybody today for coming to the ARP meeting. I would like to thank
7 everybody for your very sincere and thoughtful comments. I appreciate
8 it very much. And I promise you I will give them very careful
9 consideration. Thank you. Thank you very much.

10 MR. HOYLE: Dennis.

11 MR. BECHTEL: Like to just thank Dan and staff. You
12 obviously, you know, you did a lot of hard work and, you know,
13 distribute documents in a timely way, and having many hats, you know, I
14 really appreciate that. So thanks.

15 MR. GRASER: One other note, John. A number of individuals
16 have mentioned to me that the transcript of the last ARP meeting didn't
17 make its way around. Some individuals did not receive copies of the
18 transcript of the last ARP meeting. And I would just like to let
19 everybody know that if you don't receive an electronic and/or paper
20 version of the transcript of the proceedings in about a week's time or
21 so --

22 MR. HOYLE: Ten days.

23 MR. GRASER: In a week's time or so, that please let me
24 know. Just send me an e-mail back and say when's the transcript going
25 to be available, and that will wake me up and I will make sure that we
get the transcripts out to everybody.

MR. HOYLE: Okay. Is there anyone present not at this table
who would like to make a statement?

Dr. Nartker.

DR. NARTKER: Is this on?

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1 MR. GRASER: Absolutely.

2 MR. HOYLE: Yes, sir.

3 DR. NARTKER: I'm Tom Nartker. And I teach at UNLV, and I
4 also serve on the technical working group a bit. But I've been sitting
5 listening and I would like to say something, not as a member of the
6 technical working group, but as a citizen of Clark County. I have two
7 things to say and one request to make.

8 First, it seems to me that there -- the scientific issues
9 involved in Yucca Mountain and in collecting the information the DOE and
10 NRC and others have collected is enormous. The complexity is just
11 fantastic. The number of issues involved and the interrelation of those
12 issues is beyond any one human individual's capability to digest. And
13 so we have millions, probably over 10 million pages of documents to make
14 available, and that complexity is just enormous.

15 The second point I would make is that for us citizens of
16 Clark County, important things are going on here. And this is, you
17 know, the deliberations that are involved are going to mean things for a
18 long number of years and are really, really important things.

19 And the third thing I would say is to request that in the
20 light of this complexity and this importance, that it bothers me that
21 this panel is so concerned about a few dollars. I have listened for
22 several hours to people worry about a plus or minus a few dollars. And
23 we're talking about a very long number of years for us folks in Clark
24 County and others in Nevada, and I personally don't care if it costs the
25 Nuclear Regulatory Commission a million dollars. I don't care if it
costs Clark County a million dollars or more. You can up my taxes.

Okay?

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These are important things, and I think that the dollars
we're talking about are not important. What you should be talking about
is what's the best technology that can be provided to make this

1 information available. Thank you.

2 MR. HOYLE: Thank you very much, Dr. Nartker.

3 Any other comment?

4 All right. I'd say we're adjourned then. Thank you very,
5 very much for your attendance.

6 [Whereupon, at 3:50 p.m., the meeting was concluded.]

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