

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: Licensing Support Network
Advisory Review Panel

Docket Number: (not applicable)

Location: Las Vegas, Nevada

Date: Wednesday, August 8, 2001

Work Order No.: NRC-356

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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LICENSING SUPPORT NETWORK

ADVISORY REVIEW PANEL

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LAS VEGAS, NEVADA

+ + + + +

WEDNESDAY

AUGUST 8, 2001

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The Panel met at 8:30 a.m., in Ballroom A,
Crowne Plaza Hotel, 4255 South Paradise Rd., Las
Vegas, Nevada, Adrew Bates, Chairman, presiding.

PANEL MEMBERS:

ANDREW BATES, CHAIR

HON. PAUL BOLLWERK

APRIL GIL

MALACHY MURPHY

ROBERT I. HOLDEN

JOSIE LARSON

JOHN McINTIRE

JUDY SHANKLE

JUDY TREICHEL

JASON PITTS

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PANEL MEMBERS: (CONT.)

REX MASSEY

STEVE FRISHMAN

DANIEL J. GRASER

FRANCIS X. "CHIP" CAMERON

IRENE NAVIS

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P-R-O-C-E-E-D-I-N-G-S

(8:30 a.m.)

1
2
3 MR. BATES: Good morning. This is a
4 meeting of the NRC's licensing support network
5 advisory review panel. It's being held under the
6 Federal Advisory Committee Act. It's an open meeting
7 to the public. Later on in the agenda if there are
8 comments, questions, issues that the audience would
9 like to raise we'll have a session for that.

10 During most of the morning here we have a
11 number of presentations from the NRC staff on their
12 present status of the licensee support system, which
13 they've now started and are well along on building
14 out.

15 If speakers would please make sure that
16 they speak into a microphone and state their name for
17 the record so the court reporter can get all the
18 comments on the record we would appreciate it. The
19 meeting is being transcribed. Copies of the
20 transcript will be available through the NRC public
21 document system in about a week and a half.

22 My name is Andy Bates. This is my first
23 meeting that I've attended. I replaced John Hoyle as
24 chairman of the committee when John retired about a
25 year ago. Talking to some of the people here I think

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1 John was the first and only committee chairman over
2 the years dating back to -- the predecessor of this
3 committee got started, so I'm sort of second
4 generation. And if you'll bear with me, I worked Tom
5 for about 20 years, so I'm familiar but not intimately
6 familiar with all the details that the committees
7 discussed, but there are some others who are second,
8 third, fourth generation now of committee members.

9 So I think it may be a learning experience
10 for some of us. Some of you are old hands with the
11 group.

12 I'd like to go around the table and ask
13 people here to introduce themselves, and then Judge
14 Bollwerk from the licensing panel has got some
15 comments he wants to make.

16 JUDGE BOLLWERK: My name is Paul Bollwerk.
17 I'm the chief administrative judge with the Nuclear
18 Regulatory Commission's Atomic Safety and Licensing
19 Board Panel.

20 MS. GIL: Good morning. My name is April
21 Gil, and I am the team leader for the regulatory
22 interactions and policy development team for Yucca
23 Mountain project. I'm pleased to be here. This is my
24 first LSNARP meeting as the formal DOE representative,

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1 and I'm taking Claudia Newbury's place, and she sends
2 greetings to everybody here.

3 MR. MURPHY: I'm Mal Murphy, the Nye
4 County regulatory and licensing advisor, and I wish I
5 could say that this was my first --

6 MR. HOLDEN: Good morning. I'm Robert
7 Holden, director of the nuclear waste program for the
8 National Congress of American Indians, organization of
9 approximately 250 tribes across the country, including
10 some tribes in the Yucca Mountain area, and we track
11 issues on transportation, storage, disposal, and
12 impacts on the tribal governments and peoples. This
13 is just like my first meeting because it's been so
14 many years since I've been able to be part of this,
15 but I appreciate the invitation.

16 MS. LARSON: I'm Josie Larson from White
17 Pine County.

18 MR. McINTIRE: I am John McIntire from the
19 Nuclear Energy Institute. I'll be joined later by
20 Rodney McCullum, who deals with policy issues. I'm
21 the senior director of information technology at NEI
22 and deal with technology issues.

23 MS. SHANKLE: I'm Judy Shankle, the
24 Mineral County AULG representative.

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1 MS. TREICHEL: Judy Treichel, Nevada
2 Nuclear Waste Task Force, here as public
3 representative and hoping to spike your learning curve
4 if you're here to learn. And some of us will have to
5 leave this meeting because of course meetings are
6 piling one on top of the other with this stuff, and if
7 we do a good job at that other meeting we may never
8 have to use any of this knowledge.

9 MR. PITTS: How do you beat that intro?
10 Jason Pitts, Lincoln County.

11 MR. MASSEY: Rex Massey, Churchill County.

12 MR. FRISHMAN: I'm Steve Frishman,
13 technical/policy coordinator for the State of Nevada
14 Agency for Nuclear Projects, and I'm going to have to
15 be leaving early too to get to the other meeting
16 that's been going on all week.

17 MR. GRASER: I'm Dan Graser. I'm with the
18 Atomic Safety License Board panel of the Nuclear
19 Regulatory Commission, and I'm the LSN administrator.

20 MR. CAMERON: Chip Cameron, Office of
21 General Counsel at the NRC.

22 MR. BATES: Paul, did you have some
23 comments you wanted to say?

24 JUDGE BOLLWERK: I just wanted to say a
25 couple of things briefly. This is the second LSNARP

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1 meeting that I've attended. I was at the first one
2 back in October of 1999 when the actual LSNARP
3 actually got going as opposed to the LSS, licensing
4 support system, ARP.

5 At that time I talked a little bit about
6 the role of the licensing board panel as a business
7 sponsor and about our expectations for the system, and
8 at that point we were really in the design -- in the
9 early phases of the design. In fact, we hadn't gone
10 through the agency process in terms of getting funding
11 or any of that sort of thing. Now 22 months later I
12 think we're at a position today where we're hopefully
13 going to be able to show you the system in at least
14 its early -- the design phase is fairly well along,
15 but the early operational stages.

16 We're scheduled at this point to go online
17 approximately September of this year.

18 I just wanted to express my appreciation
19 to the members of the LSN staff that worked in the
20 licensing board panel. Dan Graser has done yeoman's
21 service getting this project going forward after a lot
22 of delays over the ten year period. We're now
23 basically ready to at least begin the operational
24 phase shortly. Matt Schmit and Margie Shepherd and
25 Joe Turner of the LSN staff who put in a lot of effort

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1 and a lot of work helping Dan get to the point where
2 we are today.

3 This has really been a group effort I
4 should say on the part of the licensing board panel.
5 There are people like Jack Whetstine, our program
6 director; Tom Moore, who's not here today, that since
7 the panel was given this responsibility back in the
8 spring of 1999 to get the system online have put in
9 the tremendous amount of work and time. I hope you'll
10 see the fruits of their efforts today as we show you
11 the system. I'll also talk a little bit about how the
12 participants will be able to get into the system,
13 provide access to their documents.

14 But I also want to point out this is --
15 the system is not only something NRC is doing but
16 something the -- is there for the potential
17 participants and the participants to the high level
18 waste case, and we're going to need your input and
19 support as this goes forward.

20 There have been other people in the NRC
21 like Chip Cameron, who's been here for a while and
22 helped us out and done great service for us. I should
23 mention in the audience today are the agency's chief
24 information officer. Stu Reiter is here with OCIO.
25 We've had a lot of support getting the system up and

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1 running. Moe Levin, the former LSSARP -- the LSS
2 administrator, license and support system
3 administrator is here today. Moe's been a great deal
4 of help to us.

5 Other folks like Will Madison, who's
6 working with the NRC documents to get them online is
7 here, and John Skoczlas is going to be giving brief
8 demonstration about EIE, electronic information
9 exchange, which is actually not directly related to
10 the LSN but is nonetheless an important part of the
11 potential high level waste proceeding in terms of
12 documentation coming in and out of the process.

13 As I mentioned before, this has been an
14 effort with not only the NRC but the participants here
15 around the table. A lot of people like Mal Murphy,
16 one of the charter members who's been around for quite
17 a while; Robert Holden, Steve Frishman has been here.
18 Dennis Bechtel is not here today, someone that put in
19 a tremendous amount of effort, Claudia Newbury that
20 you mentioned who was here for quite a while. Again,
21 we see this as a process that's going forward.

22 We're now about to put a system at least
23 out onto the internet, but how that system operates,
24 how the access is gained, how it works is something
25 we're going to need to have continuing input and

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1 interaction with the folks around this table as well
2 as the citizens of Nevada, other people that are
3 interested in the documentation that's going to be
4 part of the system.

5 So again, I wanted to thank the people
6 that have helped us get it to this point, and we're
7 hoping that we'll be able to count on you for your
8 continued cooperation as we get the system up and
9 operating, put the documentation up there that people
10 want to see.

11 Thank you, Andy.

12 MR. BATES: Paul, thank you.

13 Does anybody else around the table have
14 any comments or questions you want to pose at the
15 beginning before we start the presentations?

16 (No response.)

17 MR. BATES: Chip, I think you're next.
18 Dan?

19 MR. GRASER: Good morning. I'm going to
20 spend a little bit of time just updating you at a very
21 high level of the activities that have been ongoing
22 for the last few months. Before I do start going
23 through my presentation I would just like to reiterate
24 that under 10 CFR Part 2 the LSN advisory review panel
25 is intended to provide guidance and advice to the LSN

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1 administrator in the design and operation of the
2 licensing support network, and I see today's meeting
3 as well as the technical sessions that we've been
4 engaged in actually going back to January of this year
5 as just a continuing effort to elicit your involvement
6 and input on issues associated with as I said the
7 design and operation of the system.

8 And I would like to reemphasize that at
9 any point in time that any of the participants in the
10 advisory review panel have any issues that they would
11 like to bring to your attention if there are requests
12 for coordination or consultation with us on how to go
13 about the design and development of your own
14 participant collections automation efforts, our staff
15 will be available to support you in that effort as
16 much as we are allowed to do under various federal
17 rules and so forth, but I do want to emphasize that we
18 are available to respond to those concerns and those
19 issues, and that's a standing offer.

20 I'll just very quickly start going through
21 my presentation material at this time.

22 The system that was presented to the
23 advisory review panel back in February 2000 when we
24 were going through various options and alternatives
25 for general design strategies, that overall strategy

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1 that we moved forward with is represented in the
2 graphic presented here, and in a very simplistic way
3 what the licensing support network architecture looks
4 like is a series of document servers that are
5 maintained and operated by the various parties on
6 which they make available the documents that meet the
7 relevancy criteria and so forth.

8 And those documents and those servers
9 would continue to be under the operational control of
10 the parties, and the licensing support network, being
11 an internet or web-based application, acts very much
12 like a web search engine such as Yahoo allowing an
13 individual to come to the website and using a single
14 interface or a single search screen with a single set
15 of commands that have to be learned allows that
16 software to go out to the various collections and
17 identify any of the documents out there that meet
18 those criteria and serve as a mechanism to request
19 that those documents get sent back to the person who's
20 running the search.

21 So in a lot of ways it runs just like an
22 internet search engine. However, because it's
23 documentary based and we have more concerns about the
24 durability and the integrity of documents we have a

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1 little bit of a stricter regimen than you would find
2 on something like Yahoo.

3 But in general this is the strategy that
4 we presented to the ARP last February. We
5 subsequently presented that to the executive
6 organizations that back up the Nuclear Regulatory
7 Commission. We received funding and go ahead on the
8 project.

9 Next slide -- the contract for the design
10 and the development was awarded December 14, 2000, and
11 at that point in time we were still operating against
12 a version of the rule and a set of projected site
13 recommendation dates that put us under fairly tight
14 time constraints, and so when the contract was put
15 into place we had a target of having release one of
16 the licensing support network available and
17 operational by September 10 of 2001. That gave us
18 basically a nine month, ten month window for
19 development.

20 The contract was indeed awarded in mid-
21 December of 2000. Our contractor successfully
22 completed the design phase on March 30, 2001. The
23 design phase included a number of key documents, a
24 physical design document, logical design document,
25 project action plan, technical integration plans, a

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1 bunch of computer things that basically mapped out the
2 technological solution we intended to pursue.

3 That was essentially wrapped up at the end
4 of March and upon review by the executive sponsor we
5 moved into the actual software development phase the
6 first week in April. The server, the server operating
7 system, and the telecommunications for the licensing
8 support network were subsequently brought up and made
9 operational and tested and debugged from a hardware
10 and operating system and telecommunications point of
11 view in relatively prompt order by the contractor.
12 The LSN website was registered with the General
13 Services Administration as a dot.gov website.

14 We additionally registered dot.com and
15 dot.net extensions to ensure that we did not have a
16 situation such as whitehouse.com spoofing where you
17 think you're going to one site and suddenly you're
18 presented with something entirely very different, and
19 so we did register those extensions as well.

20 The staff went through the process of
21 developing disclaimer statements and notifications and
22 the instructional type material that has been placed
23 on the LSN website, and we went through internal
24 general counsel review of that and also with the chief
25 information officer. And we had a group of sample

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1 screens that were developed and presented to us for
2 our review. We did a lot of juggling around with
3 those sample screen designs, and we subsequently
4 provided that feedback to the contractor who modified
5 all of the screens, added the new language, and
6 basically brought us to the point where we are today
7 where we have a very close to the final product.

8 There are still some technical issues that
9 we are working on associated with using different
10 types of browsers, but in general the core
11 functionality of the system is now up and operational
12 and we intend to start going into the testing phase of
13 the system actually next Monday.

14 The design requirements were locked down
15 on July 7, and that is essentially the test and
16 acceptance criteria that we would use to say has the
17 contractor delivered what they bargained with us for,
18 and at the same time we've been working with
19 representatives from DOE and NRC for getting their
20 document collections and sample documents made
21 available to us, and those are reflected in the
22 database environment that we currently have and we'll
23 be showing you later today.

24 So at this point in time I think I'd like
25 to say that we are on target for release of 1.0, which

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1 is the first production release of the licensing
2 support network portal software. We're on target for
3 September 10, 2001. It may be one or two or three
4 days in either direction. Hopefully I'd like to bring
5 it in early so I could have some bragging rights
6 around the NRC and be able to say we brought this
7 thing in ahead of schedule. I know that's an unusual
8 thing to be able to claim as a bragging right, but for
9 me it's important.

10 We also expect to have DOE and NRC
11 document collection servers connected into the LSN
12 environment in such a way that we can see those
13 document servers, we can crawl the documents, identify
14 the documents, and index the documents on those
15 servers, and we expect those to be basically capable
16 and operational roughly in the same time frame. That
17 does not mean that those document servers would be
18 populated with the full collection of materials, but
19 at least from being able to say our computer can now
20 see their computer on a regular basis. We expect to
21 have those two servers connected roughly in that time
22 frame as well.

23 And I also believe that at this point in
24 time I can say that we are still on target to enter an
25 operations phase for our contract starting January 1,

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1 2002. The distinction there is that in the
2 contractual environment we signed up for design and
3 development and then the option years are considered
4 operational phases of our contract with our support
5 contractor, so that contractual vehicle kicks over
6 January 15 of 2002 into an operational phase where the
7 bulk of the design and integration work is completed
8 at that point in time, although funds would still be
9 available to continue the process of connecting with
10 participants as they bring their sites up and make
11 their document collections available.

12 In other areas, I'd like to focus just
13 briefly on the technical interactions that have been
14 ongoing since last January at very detailed technical
15 discussion levels. We came out with contractors. We
16 had very good and productive exchanges with
17 representatives from all the participant
18 organizations. A number of issues were raised. We
19 attempted to address them by incorporating some of
20 those issues and some of those items and some of those
21 general areas of concern.

22 We attempted to address those in revisions
23 to the rule that were promulgated earlier this summer,
24 and also tried to address them in terms of the LSN
25 administrator's guideline materials.

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1 We've also continued the process of trying
2 to do outreach to the state librarian and archivist
3 organization here in Nevada to try to work with them
4 and establish a workshop environment to assist in
5 training local public librarians and working with
6 their customers on how to get access via the library
7 resources that are available within the state, and I
8 think there are a number of initiatives over the next
9 six months that NRC is also going to be extending
10 further outreach to various organizations that have
11 started to come forward and say we'd like to become
12 more involved in this whole Yucca Mountain licensing
13 activity.

14 So we have a number of initiatives I think
15 we're looking at in the next six month period as well
16 that we're going to continue the process of at least
17 extending to ourselves -- if we can assist you, if we
18 can provide additional training, if we can work with
19 your technical people in address the issue of system
20 availability we will be glad to do that.

21 This is an ongoing effort, and I would
22 just like to report that Matt Schmit and Joe Turner of
23 our staff have been out here Monday and Tuesday and
24 have already had a number of continuing technical
25 exchanges. The Department of Energy has identified a

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1 number of issues with the technical guidelines that I
2 believe we're going to talk about later during the
3 day. I believe the technical representatives for
4 example from NEI have also raised a number of issues
5 that they would like to have address in the LSN
6 administrator's guideline materials, and instead of
7 going through those lists during this meeting I would
8 just advise you all that as those lists are forwarded
9 to us and we will provide answers to them we would
10 include that -- for example the transcript that goes
11 out with this meeting -- so that everybody has the
12 benefit of hearing the sorts of issues that other
13 parties are raising, and we would go ahead and address
14 those in the guidelines.

15 So in that regard the guideline materials
16 are living documents, and they will be updated.

17 In terms of the operational phase of the
18 LSN as I mentioned, operational phase will probably
19 kick in January of 2002, and what will be happening
20 between September and January is that we will continue
21 the process of working with our software that goes to
22 the participant sites, and we will continue validating
23 the sorts of logic checks that that software does to
24 ensure that when it goes to a participant site it
25 finds headers, it finds text files or it finds image

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1 files, and finds only the files that it's supposed to
2 find, so we will continue the process to make sure
3 before we get into really heavy document availability
4 making large number of documents available -- before
5 we get to that point we will make sure that all the
6 logic checks of our crawling software are working
7 properly.

8 And we will ensure that all the links
9 between bibliographic headers in the files work
10 properly so that you get the correct document back
11 that you're clicking on. We will evaluate the text
12 accuracy of the document collections and continue to
13 evaluate any impact that OCR quality would have on
14 search and retrieval so that we could advise the
15 various parties as to what to expect and how the
16 software reacts and how they can take steps to offset
17 anything that we may find.

18 So we will continue to try to identify
19 those issues and keep you all posted of any of the
20 technical aspects that you need to deal with.

21 Between now and January we will also be
22 available to be connecting with other participant
23 servers as the document collections are made
24 available. Between now and January we have the
25 ability to accommodate and be very flexible in dealing

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1 with your legacy information and how data has been
2 structured. After January 15 that availability starts
3 to become a bit constrained because we are then in an
4 operational release of the software. If we have to
5 make changes in our system we have to go through
6 configuration control boards and things like that.

7 It's not to say that we cannot do it or
8 will not do it, but at that point in time it becomes
9 much easier for participants to -- coming in after
10 January 15 to come in with something that we can deal
11 with or that we've already dealt with that we know how
12 to deal with, and the emphasis here is that if you can
13 do it before January 15 while I still have design
14 money that is the -- from our perspective it's the
15 optimal way to approach things. And as I said, this
16 is not to imply that after January 15 we cannot
17 accommodate things, but you do need to understand that
18 the financial environment at that point in time may
19 give us some less flexibility in what we can connect
20 to.

21 So in summary I think the last eight
22 months, nine months since the contract has been put in
23 place we've been very productive. We're going to be
24 doing some demonstrations today, and I think you're
25 going to see a system that is going to be simple, non-

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1 intimidating, but at the same time provides a
2 tremendous amount of power in terms of search and
3 retrieval capability, and I think it's an excellent
4 first step in pulling together the rest of the
5 document collections and making the LSN a fully
6 operational capability system such as was envisioned
7 when the original rule was negotiated.

8 And if there are any questions I can
9 handle them right now.

10 (No response.)

11 MR. BATES: Okay. Thank you, Dan.

12 MR. GRASER: Thank you.

13 MR. BATES: Chip, I think you're next on
14 our schedule here with rule changes.

15 MR. CAMERON: Thanks, Andy.

16 What I'd like to do is to give you an
17 update on the most recent changes to the licensing
18 support network rule, but I wanted to do that in the
19 context of the entire rule, and this may be going over
20 old ground for some of you around the table and in the
21 room, but I know it had a few surprises for me in
22 going back through all of the materials since 1987 on
23 this rule. So I thought it might be useful to cover
24 the fundamentals particularly for those of you in the

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1 audience who might not be familiar with this
2 particular rulemaking work or its requirements.

3 And let me just introduce a colleague of
4 mine from the Office of General Counsel, Mitzi Young,
5 who's right out there, and Mitzi is with our hearing
6 division, and they are going to be the ones who are
7 representing the NRC staff if there is a license
8 application for the repository and the licensing
9 proceeding.

10 In terms of the licensing support network
11 this first slide talks about what is it, and basically
12 it's a distributed electronic database containing the
13 documents relevant to the licensing of a repository at
14 Yucca Mountain. And whose documents are these? These
15 will be the relevant documents of all who would be or
16 might be a participant in the NRC's licensing
17 proceeding on a DOE license application, and a
18 participant can be a party to the proceeding or it
19 could be a state, local, or tribal government who
20 participates as what's termed an interested
21 governmental participant.

22 The original rule that was promulgated in
23 1989 called for a centralized database where the LSN
24 administrator would put all the documents into a
25 central database. To take advantage of the internet

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1 and associated technology in 1998 the commission with
2 the advice of the advisory review panel changed the
3 rule to have the documents of the individual
4 participants made available through each individual
5 participant's LSN website. So therefore that's the
6 meaning of the term distributed as opposed to
7 centralized.

8 And in terms of the issue of parties to
9 the licensing proceeding, interested governmental
10 participants, I'm just going to lump them all under
11 one term, which is LSN participants at this point.
12 And note that when the centralized database was
13 created -- well, when the rule was promulgated that
14 created the requirements for a centralized database
15 this system was called the licensing support system or
16 LSS. In 1998 when we went to this distributed
17 individual website system it was renamed to be the
18 licensing support network or LSN, which is more
19 descriptive of the structure of the system.

20 In terms of the objectives of the LSN, one
21 objective is to allow the NRC -- or to facilitate at
22 least the NRC meeting three year schedule that's in
23 the Nuclear Waste Policy Act for the commission to
24 reach a decision on the DOE license application. And
25 secondly, to provide information to the participants

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1 in a proceeding to allow them to develop focused
2 quality contentions, and contentions are basically
3 disputed issues that will be evaluated in the
4 licensing proceeding.

5 And in a few seconds I am going to ask
6 Paul Bollwerk to just elaborate on the focus quality
7 contentions issue, but I just want to talk a little
8 bit about how these objectives were going to be
9 achieved.

10 One way was the documents of all the
11 participants would be made available in searchable
12 full text, and I think with the internet we're
13 probably all familiar with what that is, but it allows
14 you to search a database of documents by a word or a
15 string of words to find documents that you might be
16 interested in, so searchable full text is one way that
17 the objectives would be met, and secondly, all of this
18 material would be made available before the license
19 application -- the DOE license application came in to
20 the commission.

21 Traditional NRC practice was for all of
22 this discovery of documents that parties might use to
23 prepare their case, that was all done after a license
24 application was received -- for example, a reactor
25 license application -- and our analysis of how much

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1 time that took to go through that process of parties
2 finding those documents indicated that it was a very
3 lengthy process, so we thought that if it was moved
4 before the license application, then that would
5 facilitate not only the -- meeting the time period but
6 also the preparation of each participant's case.

7 Paul, do you want to say a few words about
8 that?

9 JUDGE BOLLWERK: The only thing I'd just
10 mention, I think Chip has outlined -- I don't want to
11 go into all the nuances of NRC adjudicatory practice,
12 but the rules for a number of the years have indicated
13 that for a contention to be admissible it has to have
14 what's called specificity and basis, and those are the
15 two basic guidelines that we look at.

16 And as Chip also mentioned, in most NRC
17 licensing cases what the -- those that are interested
18 in the license application that's come before the
19 agency have available to them are the license
20 application itself, which generally consists of what's
21 called a safety analysis report and environmental
22 report, and it may have other things as well, some
23 kind of physical security plan depending again on the
24 facility that's involved and what the licensing
25 request is, but generally the information -- much of

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1 the information that will be on the LSN would not be
2 available.

3 And when contentions are drafted it's with
4 the understanding in a normal case you have access to
5 the license application, and that's what you base your
6 contentions on. In this situation obviously there's
7 going to be much more information out there, and I
8 guess the only point that I would make is that
9 obviously the more -- in terms of the basis and
10 specificity requirements the more specific your
11 contention is and the greater the basis it has in
12 terms of the technical discussion that's in it, the
13 quality of the contention the more likely it is to be
14 admitted, so that's simply a point.

15 And the information that's out there we're
16 hoping everybody's going to use that as an opportunity
17 to utilize it and to give -- assuming this does go
18 forward to provide the commission with quality
19 contentions.

20 MR. CAMERON: Okay. Thanks, Paul.

21 And we may want to explore all this a
22 little bit more when we go to discussion or questions,
23 but could I have slide two?

24 The requirements for the licensing support
25 network are set forth in the commission's regulations

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1 in Part 2 of the commissions regulations, specifically
2 in Subpart J of those regulations. And the original
3 rule was promulgated -- that is the final rule was
4 issued in 1989, and there's been several modifications
5 since that time, the significant ones in 1998 when we
6 went to the distributed versus the centralized system
7 and then just recently, May 31 of this year, where we
8 clarified the time that participants had to comply
9 with the LSN requirements and also set forth some
10 design standards for participant websites.

11 And I think I forgot to mention that the
12 original rule was promulgated through a negotiated
13 rulemaking as Dan had alluded to, and a negotiated
14 rulemaking is where all the interests that might be
15 affected by a particular rule convene together
16 including the agency to try to reach a consensus on
17 what proposed rule would look like. And that's what
18 happened here, and we had the state, local, tribal
19 governments represented. The nuclear industry was
20 represented. DOE, NRC, and several environmental
21 groups were represented on the negotiating committee.

22 There was consensus on not only every word
23 in the text of that 1989 rule but also on every
24 word -- if this sounds like a painful recollection, it
25 is -- but on every word of the -- what's called the

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1 supplementary information to an agency rule that
2 explains what the rule was all about. But there was
3 consensus on all the words of that.

4 There wasn't ultimately a consensus at the
5 end of the process on going forward because of some
6 concerns the industry had about cost, but the
7 commission issued the proposed rule for comments.
8 Comments came in and the agency finalized the rule in
9 1989.

10 Slide three -- we already talked about the
11 structure or architecture of the system, always a
12 little leery about using architecture because I'm not
13 sure I'm using it correctly, but it's a distributed
14 system composed of the individual participant LSN
15 website and a central LSN site that's operated by the
16 LSN administrator that Dan had just mentioned.

17 In terms of slide -- the LSN
18 administrator, slide four, Dan Graser, LSN
19 administrator within the Atomic Safety and Licensing
20 Board panel, who's responsible for overall design and
21 implementation of the LSN. And you can see some of
22 the individual responsibilities that Dan has. And I
23 would just point out that the third line down where it
24 says coordinate the resolution of problems regarding
25 availability of documentary material, that

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1 availability not only talks about access to the
2 individual participant websites but also whether the
3 requirements that participants have to meet in terms
4 of what documents they have to have in the system --
5 that's also included under Dan's responsibility under
6 availability.

7 Integrity means to ensure that none of the
8 documents on the individual websites have been
9 modified or removed, and Dan issues guidance to LSN
10 participants. You're going to hear a lot about that
11 today and particularly on the design standards that
12 were contained in the most recent revision to the
13 rule.

14 And I should add that Dan as the
15 administrator also has the authority to grant
16 variances from the design standards for individual
17 participants.

18 In slide five -- who is required to comply
19 with the LSN requirements? Any organization or
20 individual that wants to participate in the licensing
21 proceeding that Paul mentioned must comply with the
22 LSN requirements. Whether you want to participate as
23 a party to the proceeding or whether you want to
24 participate as an interested governmental participant
25 you have to comply with the LSN requirements.

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1 And under the LSN rule there are some
2 organizations that are granted party status right off
3 the bat. NRC and DOE and also the state, affected
4 units of local government and affected tribal
5 governments -- the local governments, the state, and
6 the tribal governments are automatically given what's
7 called standing, but they do have to have at least one
8 contention accepted by the licensing board to be
9 admitted to the proceeding.

10 The LSN rule in section 2.1014 also lays
11 out the requirements for other organizations, other
12 individuals to become a party to the proceeding. And
13 I would note that affected Indian tribe is a term that
14 is used in the Nuclear Waste Policy Act. It has a
15 specific meaning there, but even if there is not an
16 affected tribe under the NWPA a tribal government or
17 an individual from a tribe can participate as a party
18 to the proceeding if they meet the criteria that are
19 sent forth in 2.1014.

20 Now, what are these participants required
21 to do? Well, the basic requirement is that they have
22 to make their -- what's called documentary material
23 available on -- it's their individual websites in
24 what's called an electronic file. Now, an electronic
25 file is something you can do a full text search on.

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1 There's also something called graphic
2 oriented documentary material, and these are things
3 that are not really susceptible to being captured in
4 full text searchable form. These are things like
5 maps, photographs, computer runs, things like that.
6 They have to be put up on the individual website in an
7 electronic image form. There has to be a
8 bibliographic header for all of these documents,
9 including the graphic oriented documentary material,
10 and to ensure that all of the -- those requirements in
11 terms of identifying documents are met each
12 participant is required to have a responsible
13 individual that will certify to the commission that
14 the requirements have been met and also do things such
15 as conduct training for the employees in that
16 organization in terms of what the LSN requirements are
17 and establish procedures for meeting those particular
18 requirements.

19 So the next point is what is documentary
20 material? I mentioned that the participant has to put
21 all of their documentary material up on the website.
22 Now, in terms of what it is basically I'll read
23 through these and just point out some notable points.

24 Information on which a party intends to
25 rely or to cite in support of a position. It might

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1 take in the licensing proceeding, and that position
2 could be a position that for example states that the
3 Department of Energy did not meet a particular
4 requirement in the commission's technical rules
5 that -- for granting a licensing application.

6 And then there's a second category -- and
7 this is an or. These are not connected with ands.
8 It's information on which a party intends to rely or
9 information that's known to and in the possession of
10 or developed by a party that is contrary to the
11 position that it's taking in the licensing proceeding.

12 And then the last one is a broad
13 requirement that any studies that were prepared by or
14 on behalf of a party, studies or report that are
15 relevant to either the licensee application and
16 something called the topical guidelines -- all of
17 those have to go on to the website regardless of
18 whether they're going to be cited or relied on by the
19 party in its position, and the one thing that I'd like
20 to call your attention to there is that the rule
21 language says for that third provision relevant to the
22 license application and the topical guidelines.

23 In the most recent rule that we issued on
24 May 31 of this year in a footnote we made it clear
25 that that should be considered as an or. In other

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1 words, we don't have the license application. When
2 parties have to make their material available on the
3 website there's not going to be a license application
4 yet, so what has to go on -- in other words, relevance
5 is determined by the topical guidelines, which is an
6 NRC regulatory guide that a lot of you have helped to
7 put together, and that regulatory guide -- the topical
8 guidelines where they were modeled after the format
9 and content guide for the license application that DOE
10 would have to file, so we think there's some
11 correspondence between the topical guidelines and the
12 license application to begin with.

13 But unfortunately when we sent the rule to
14 the Federal Register -- and I shouldn't say we. I
15 guess I'm going to take the responsibility for this,
16 but when the rule went to the Federal Register the
17 footnote not only didn't have and in it it didn't have
18 or either, so there is a correction that's been issued
19 in the Federal Register of June 20, 2001. This is
20 volume 66 of the Federal Register, page 33013, and it
21 flags this class of material, the third class. It
22 specifies the or there although the language in the
23 rule has not been -- the text of the rule has not been
24 changed from and.

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1 I would note at this point for the ARP
2 that the topical guidelines were never revised to
3 indicate or to correspond to the 1998 rulemaking where
4 we switched to a distributive system, so they need to
5 be changed anyway. So if there are questions about
6 are they too broad, should we somehow try to tie more
7 into the license application, that's an issue for the
8 advisory review panel, although I think that another
9 alternative that the panel might want to consider is
10 there another way to try to deal with relevance other
11 than the topical guidelines? So I just put that on
12 your agenda for some point.

13 Okay. Yes?

14 MR. MURPHY: Chip, does that mean that the
15 NRC does not internally plan on reviewing and
16 potentially revising the topical guidelines?

17 MR. CAMERON: No. That is a preliminary
18 item on the NRC's plan is to revise the topical
19 guidelines, and I only say preliminary just because we
20 did have some internal conversations before we came
21 out here, and it was suggested we better explore the
22 full range of alternatives on that. And there's
23 really nothing more that has been done to suggest that
24 we wouldn't do that, but I think what we need is to

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1 get some input from the advisory review panel in terms
2 of what we should do in that regard.

3 MR. MURPHY: Yes. I think that's -- I
4 agree with that, and probably sooner rather than
5 later. The train's about to leave the station.

6 MR. CAMERON: Absolutely.

7 MR. MURPHY: It might also be a good idea,
8 Chip, if you happen to bump into the commissioners in
9 the hallway to adopt the new Part 63 before you revise
10 the topical guidelines too. That would be helpful to
11 the process.

12 MR. CAMERON: Yes. Well, thank you for
13 that mildly stated suggestion. But, yes, that's
14 another --

15 MR. MURPHY: Or reject it. Just do
16 something about Part 63.

17 MR. CAMERON: And I'm not trying to turn
18 any heat away here, but I did want to call attention
19 to the fact that Bill Reamer from our technical staff,
20 who is the branch chief of the high level waste
21 technical branch is with us in the audience today.

22 But that's the other reason that the
23 topical guidelines would need to be revised is they're
24 based on Part 60. Part 63 going forward we would need

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1 to revise them from that perspective. So thank you,
2 Mal.

3 Okay. Exceptions to what documentary
4 material -- exceptions to the requirement that a
5 participant's documentary material has to be put up on
6 their website. The first exception is drafts. Drafts
7 are generally excluded from being put into the LSN.

8 Now, there's something called a circulated
9 draft, and this is a misnomer that -- I don't know why
10 we didn't change the term when the concept was changed
11 in the negotiated rulemaking, but originally the
12 drafts -- the general exception that drafts would not
13 go on there was a part of the proposed rule, or the
14 draft proposed rule, and with the exception of what
15 were called circulated drafts -- and these were drafts
16 that were sent outside of the lowest organizational
17 unit in an organization.

18 For example in the NRC if you looked at
19 the branch level of organization if a draft document
20 of some type was sent out for review by other parts of
21 the organization then that draft would have to be put
22 into the LSN. Now, that was changed to the idea that
23 if there is a draft document on which there is a --
24 what's called in government language at least a
25 nonconcurrence that those types of drafts would be the

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1 ones put in the system and the title circulated draft
2 was kept the same.

3 And the idea there was this whole theory
4 of the smoking gun, the so-called smoking gun that if
5 there was some document that indicated that there was
6 an objection to a particular position that the DOE,
7 NRC or others were taking so there's an objection to
8 that somewhere in the management chain that that
9 document would be there and people could examine the
10 reason for that objection. So circulated drafts have
11 to be put in the system.

12 There's also a bunch of exclusions in
13 2.1005 of the rule for what's called official notice
14 material, reference books, textbooks, administrative
15 materials such as cover letters, budget, personnel,
16 press releases, but note that the statement of work on
17 procurements in the high level waste area need to go
18 in. They're not excluded -- junk mail. And
19 classified material is handled under Part 2, Subpart
20 I of the commission's regulations, and they do not --
21 that does not go into the LSN.

22 The LSN rule also carried forward with the
23 tradition privileges that are available in discovery
24 in adjudicatory proceedings at least on a government
25 basis. Documents that are related to a deliberative

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1 process. In other words, these documents are still
2 being looked at by the agency in reaching a decision
3 so that they won't be released at that point.

4 Keep in mind that deliberative process
5 materials -- sometimes when you hear that term you
6 think well, these are drafts. Well, deliberative
7 process materials can be final documents.

8 Other classic privileges are attorney-
9 client, attorney work product, confidential commercial
10 information, and if a privilege is claimed for a
11 document by a participant they have to put a header --
12 bibliographic header on their website for that
13 document that indicates that a privilege is claimed.
14 That privilege will be evaluated by the
15 preapplication -- prelicense application presiding
16 officer of the Atomic Safety and Licensing Board panel
17 to see whether it meets the requirement for being
18 withheld as privilege.

19 If it does not meet the criteria then the
20 whole document goes on to the LSN. If it does meet
21 the criteria then it goes into a -- what's called a
22 protective order file that is maintained by the
23 presiding officer. And keep in mind that safeguards
24 information is also going to be treated this way.
25 There will be a header for safeguards information and

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1 it will be in a protective order file that the
2 parties -- certain parties have access to, but not the
3 general public.

4 In terms of time of compliance -- I think
5 this is the last slide. This was the focus of the
6 most recent rulemaking in May of this year, and this
7 deals with when does the -- we talked about who LSN
8 participants are. We talked about the requirements
9 that they have to meet. When do they need to meet
10 those requirements? In other words, when does all
11 this material have to be available to the other
12 participants and to the public generally?

13 Under the new rule each participant has to
14 make what's called an initial certification. This is
15 made by that responsible official that I talked about
16 earlier. DOE's initial certification that the
17 documents -- the relevant documents are there on their
18 system and in the format design standards that Dan is
19 going to be monitoring -- for DOE that initial
20 certification has to come six months before the
21 license application is submitted that is tendered to
22 the NRC.

23 The NRC has to make its material available
24 30 days after the DOE certification, and all other
25 participants have until 90 days after the DOE

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1 certification. And we got a lot of comments. The
2 proposed rule had a time of compliance that basically
3 was held over from the 1998 rulemaking that said that
4 DOE had to have all their documents out there 30 days
5 after the site recommendation went to the president,
6 and then there was a cascading set of requirements for
7 when others had to have their documents in.

8 The comments on the proposed rule that we
9 got from Nevada, the nuclear industry, other players,
10 DOE, overwhelmingly recommended that we tie
11 availability to the license application rather than to
12 the site recommendation to the president, so what the
13 commission did -- and this was brought up in the
14 comments -- was to balance the need to have some
15 amount of time where those documents were going to be
16 available to all the participants before the license
17 application came in.

18 In other words, you're not going to be
19 able to develop focused quality contentions if you
20 only have two weeks to look at how many million pages,
21 so that it has to be available for some reasonable
22 amount of time. So the commission balanced that need
23 versus the -- avoiding the perhaps unnecessary expense
24 of having everybody run around and create these
25 individual websites and meet these requirements when

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1 there wasn't much certainty that there would be a
2 license application at all.

3 So what the commission did is they tied it
4 to the license application, and as I said for DOE it's
5 six months before the license application is
6 submitted, and then everybody else takes their cue
7 from when DOE makes its initial certification.

8 Sanctions -- if DOE doesn't make its
9 initial certification at six months before it submits
10 the license application then the commission will not
11 docket the license application until at least six
12 months of availability has been had for the DOE
13 documents, and for those of you who are a little bit
14 unfamiliar with the process a license applicant
15 submits a document to the agency. The agency has to
16 do -- the technical staff does a review of that
17 document, that license application to see if it's
18 really provided the information necessary to
19 evaluation whether a particular requirement is met.

20 If there is enough information there then
21 the agency will do what's called docketing of the
22 application, and that's when the licensing board is
23 created and a notice of hearing goes out. So this DOE
24 license application will not be docketed until at

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1 least six months of availability of DOE information is
2 there.

3 In terms of other participants, unless you
4 can show that you're in substantial and timely
5 compliance with the requirements in the LSN rule you
6 do not get into the licensing proceeding either as a
7 party or as an interested governmental participant, so
8 you have to meet these requirements to come into the
9 proceeding.

10 And I should note that although obviously
11 we want to encourage all of the participants to meet
12 their initial certification requirements we realize
13 that some organizations some people may not know
14 whether they're going to be parties until that license
15 application comes in, so that this 90 days after the
16 DOE certification requirement there may be
17 participants who don't meet that, but they can come in
18 after the notice of hearing, in response to the notice
19 of hearing, but they need to show that they meet the
20 requirements at that point to be admitted to the
21 proceeding.

22 In terms of enforcement, this is all left
23 to the Atomic Safety and Licensing Board panel. There
24 will be a board or boards for this particular
25 proceeding, and as I mentioned that in the prelicense

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1 application period there's a prelicense application
2 presiding officer. And that by the way is if Dan, for
3 example, as the administrator, sees problems with an
4 individual website in terms of availability or
5 integrity Dan would report that to the prelicense
6 application presiding officer.

7 So that's sort of a walk through of the
8 rule and the recent changes, and I'd be glad to answer
9 any questions, go to Dan for help, discussion.

10 Judy?

11 MS. TREICHEL: Judy Treichel, Nuclear
12 Waste Task Force.

13 What you have just explained there there's
14 things that appear to be cart and horse. It was
15 explained in an order to be a party you had to come
16 in -- well, you had to show standing, and other than
17 those that had automatic standing you had to be
18 granted acceptance in there, and anyone coming in
19 having to participate must have at least one
20 contention, and there are rules about what contentions
21 are allowed and what are not, and we got a crash
22 course in that when we visited the hearing up in Utah
23 and saw how many got tossed out, but -- so you don't
24 know if you have acceptance.

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1 And then there are these time schedules
2 and you said there were -- you seemed to say that
3 there were exceptions to the rule, but it looks as
4 though the penalty for DOE is far less severe than for
5 anybody else. They just don't get docketed, but they
6 can come running back in a week or a month or six
7 months or something having gotten all their stuff on,
8 and then they get docketed. But for others who didn't
9 make the grade, they're just out, and so I don't
10 understand how that can happen.

11 If DOE makes the grade according to
12 whoever the officials are and who make these decisions
13 then they're off to the races and they're going. If
14 somebody else doesn't you don't get a second chance.

15 MR. CAMERON: I should clarify that it
16 is -- and I'll go to Paul for help on this, but it is
17 possible for a participant who does not meet the
18 requirements at the notice of hearing stage to come
19 back in and cure that, just as DOE gets to cure it.
20 And DOE -- basically if it's not docketed there's no
21 proceeding. But I should have indicated that it's not
22 like you only get one chance and you're out.

23 But your second point is an interesting
24 one in the sense that -- and I'll need to turn to Paul
25 on this one -- is that it looks like you need to show

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1 that you meet your licensing support network
2 requirements before you know whether you're going to
3 have an admissible contention, so theoretically you
4 could not get standing in a proceeding -- well, you
5 could not get into the proceeding because you don't
6 have an admissible contention even though you have
7 your documents up on the website.

8 Paul, do you want to talk about that, that
9 sequencing?

10 JUDGE BOLLWERK: I'm not here today to
11 rule on who gets in and who gets out. The point I
12 think is that there are levels of certainty involved
13 in the process. If you want to get into the
14 proceeding then if you comply with the rules at the
15 appropriate times in theory that will increase the
16 level of certainty that you will get into the
17 proceeding. If you're not in compliance with
18 particular requirements of the rules then that level
19 of certainty goes down.

20 I think the point Chip has made is does
21 that say you won't get in for sure? No. Does it say
22 you will get in? No. I think what you need to deal
23 with and be prepared to address is how certain do you
24 want to be that you can get into the proceeding? If
25 you want to make it absolutely positive, follow the

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1 rules, meet each one of the time deadlines, and in
2 theory then you will be admitted to the proceeding.

3 If you don't then the level of uncertainty
4 goes up. You're more into the process of looking at
5 each -- why didn't you? What were the factors that
6 were involved? There's a weighing and balancing that
7 goes on there that increases the level of uncertainty.
8 That's the best answer I can give at this point.

9 MR. MURPHY: And I agree with you -- this
10 is Mal Murphy -- I agree with you 100 percent, Paul,
11 but the rule itself does create a problem for all of
12 us, and I think it may create more of a problem for
13 Nye County and perhaps the state than it does for
14 others, and that is because we generate lots of
15 documents. In our independent scientific program, our
16 drilling program, we generate you wouldn't believe how
17 many documents, and we're not going to put all that
18 stuff on the LSN. Absolutely not.

19 It would take half of our oversight budget
20 to put all that documentation on the LSN.

21 What we are going to do is to comply with
22 the definition of documentary material and put on the
23 LSN in full text -- and we may have headers pointing
24 to stuff and all those things -- and we also have
25 contractual obligations to the Department of Energy,

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1 who kindly gave Nye County the money to conduct the
2 drilling program to post information on a website. So
3 if we're going to post it on a website somewhere why
4 not post it on the LSN website et cetera?

5 But basically we are going to put on
6 documentary material which is relevant to contentions
7 that we're likely to make in licensing, and yet we
8 have to do that 90 days before we see a license
9 application, so I'm required to guess. After 18-20
10 years in the process the guessing isn't all that
11 difficult, but still, we're required to make judgments
12 about what documents we post in text searchable form
13 on the website before we see the license application
14 and thus before we can make the final determination
15 about whether or not we're going to file a contention
16 is this area or that area.

17 We've got -- everything we do in the
18 drilling program has got something to do with site and
19 regional hydrologic conceptual models. Everything.
20 And so if we want to make -- if we thought there was
21 a possibility that we were going to challenge the
22 DOE's regional hydrologic model I suppose that means
23 that every single document other than excluded
24 documents that we've produced in our drilling program

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1 has got to be posted on the website 90 days before the
2 license application.

3 Then the license application comes in and
4 they've tweaked this and changed that, and my
5 hydrologists say, I can't argue with that any more, so
6 I've put 10,000 documents on the website that I no
7 longer need.

8 So -- and that's of course when we have to
9 make lawyers' judgments and go talk to Paul and say,
10 Hey, Graser says I'm not in 100 percent compliance
11 because I've got 10,000 documents and I've only got
12 6,500 on the website. But trust me. Those other
13 3,500 documents I'm not going to use. And Paul says
14 right. Admit it.

15 MR. CAMERON: I think -- I agree with you
16 Mal, in the one point of -- it may be very difficult
17 to know what you're going to rely on for a cite at the
18 time that you have to make initial certification.
19 Keep in mind that besides the initial certification
20 there has to be a certification when for example DOE
21 comes in with a license application that all of the
22 documents -- all of the relevant documents between
23 initial certification, all those that were created
24 between then and the license application, which there

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1 will certainly be, that all those are in the system
2 too.

3 And I don't know whether that's the way we
4 get out of this dilemma of not knowing what you're
5 going to rely your cite on. Maybe that happens when
6 you come in with the license application.

7 MR. MURPHY: Or when you file -- and you
8 may have a little statement on the bottom of your
9 petition and list of contentions saying we certify
10 that all the documents relevant to these contentions
11 have been posted on the LSN. But still at that 90
12 day -- DOE has no problem because they have --

13 MR. CAMERON: That's right.

14 MR. MURPHY: -- to follow the six months.

15 MR. CAMERON: Yes.

16 MR. MURPHY: They file the certification
17 with Dan whenever they're ready to and start counting
18 to six months.

19 MS. TREICHEL: I guess I'm more concerned
20 about the contention issue than I am the millions of
21 pieces of paper, because it would seem to me that for
22 novices in this, which many of the parties or hope to
23 be parties would be there should be some sort of a
24 tickoff list that if you do -- if your contention

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1 meets this and this that constitutes basis and
2 specificity.

3 But I'm not sure how that works -- and
4 maybe this is a gap in knowledge that I shouldn't
5 have -- but it sounds as though you come up with a
6 contention that may be for you the most important
7 thing in the whole world, and it gets thrown into a
8 room with four guys who flip a coin. I don't know how
9 it works --

10 MR. CAMERON: Is that how it's done, Paul?

11 MS. TREICHEL: As to whether or not --

12 JUDGE BOLLWERK: Not in my experience.

13 MS. TREICHEL: No. But in Utah they had
14 hundreds of contentions, many of which those people
15 who were absolutely clearly concerned and involved in
16 this thing thought were very valid contentions, and
17 they took off like the seagulls. So I think there
18 needs to be more assurance for people rather than just
19 a game.

20 MR. CAMERON: And, Judy, you're raising
21 two aspects of the issue. One is apart from the LSN
22 how does someone who's new to the game have some
23 assurance that their contention is going to make it?
24 That's important apart from the LSN requirements, and

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1 there may be ways to try to provide that assurance.
2 I don't know.

3 But the second aspect is just the timing
4 issue. Is there some what that a party would have a
5 ruling on whether their contention was going to get in
6 before they had their documents available, and that's
7 a question that goes to the whole purpose of the LSN
8 in terms of trying to eliminate delay after the
9 license application comes in, because if you said,
10 Well, you don't have to demonstrate that you meet the
11 LSN requirements until we know that you're into the
12 proceeding, well then how long would that take then
13 for that to happen?

14 MS. TREICHEL: Well, in DOE's case it
15 doesn't matter.

16 MR. CAMERON: Right, and that's where the
17 bulk of the --

18 MR. MURPHY: We also have to remember that
19 for all of us I think most of the documents we cite in
20 support of our contentions are going to be DOE
21 documents, and we're going to cite -- if we're going
22 to cite some Nye County documents, Steve's going to
23 cite some Nevada documents, Judy may cite some
24 documents that some independent experts that you're
25 associated with have done for you, et cetera, but

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1 we're all going to be citing lots of DOE documents in
2 support of our contentions, and they're going to be --
3 that's the whole point of this process, this LSN, is
4 for us to have access to April's documents early on.

5 MR. CAMERON: That's a good point, Mal,
6 and I guess, Judy, we'll just have to go back and
7 think on this.

8 But I would want to point out, in
9 reference to what Mal said, is that besides the
10 reliance factor for identifying documents there is
11 that catch-all in the third about all reports --

12 MR. MURPHY: Oh, yes. That's pretty
13 clear.

14 MR. CAMERON: Okay. Fine.

15 MR. BATES: Robert.

16 MR. HOLDEN: Robert Holden, NCAI. As I've
17 said all along through this process, you know we're
18 here -- we can't directly represent the tribes;
19 however, we do present certain policy perspectives,
20 and one of those is regarding the timeliness and the
21 participation of tribal governments, you know.

22 Many of the counties here appreciate that
23 they're involved in the process, and the tribes here,
24 as we've said, should have automatic participation.
25 However, they're prevented from actually not only

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1 being here at the table but also in accumulating their
2 own reports, their own analysis, for lack of
3 resources.

4 And that's not to say that they shouldn't
5 be here or shouldn't be entitled to those resources.
6 Department of Energy and the Congress has decided to
7 provide funding for tribes for oversight activities to
8 counties and the state but not to the tribes, so we
9 see that as inherently unfair from NCAI. But also the
10 timing of this thing.

11 As you're aware some tribes have just
12 begun to seek affected status and how that comes out
13 no one knows, but still, the timing of that decision
14 is in the future, and we can't dictate or move LSN
15 activities on what's to come. I guess these deadlines
16 and these things that we have to be guided by, there
17 certainly needs to be the tribal nuances involved in
18 that.

19 MR. CAMERON: Thanks, Robert. And I don't
20 want to minimize the importance of the resource issue
21 you raised to enable tribes to do the types of reports
22 and studies to be able to evaluate the license
23 application.

24 I guess I would -- one issue not just from
25 the tribal perspective but from other perspectives is

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1 that other governmental perspectives -- if you
2 participate as an interested governmental participant
3 as I understand it -- and Paul or Mitzi correct me if
4 I'm wrong -- is you do not have to have a contention,
5 you do not have to offer a contention so that eases,
6 but you can still take -- you can still participate in
7 the proceeding.

8 And I suppose it's possible that a tribal
9 government may -- if they were participating as an
10 interested governmental participant and there was no
11 documents that they were relying on citing and they
12 didn't have any reports essentially they would not be
13 not in compliance with the LSN requirements, and I'm
14 not sure that we've explored that before, but you're
15 raising a larger issue also.

16 MR. BATES: Chip, as a point of
17 clarification at least for my part what does
18 participation mean if you do not have a contention in
19 the context of the proceeding? What do you do? What
20 does a participant do or have the rights to do?

21 MR. CAMERON: The way I understand it is
22 that a participant can question other parties. They
23 can introduce evidence.

24 Paul, is it legitimate for you to address
25 that generic issue about what an interested

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1 governmental participant can do, or should we have
2 Mitzi talk to it?

3 JUDGE BOLLWERK: Do you want to say
4 something, Mitzi, or do you want me to --

5 MS. YOUNG: Go ahead.

6 JUDGE BOLLWERK: All right. A
7 governmental participant is opposed to a party is
8 generally considered to be -- and again, they have to
9 be a governmental entity or a state, local, a tribal
10 government -- they're there in the proceeding. They
11 don't have to have admissible contentions. In other
12 words, they don't have to have issue statements that
13 they have put into the proceeding, but they can
14 participate basically for all other purposes. They
15 can file pleadings. They can cross-examine witnesses.
16 They can take positions.

17 But for instance if the contention that
18 they're interested in -- if the party that supported
19 the contention, that put it in and had it admitted,
20 withdraws the contention, then their participation
21 goes away: Whatever they've put in, the contention is
22 gone and there's really nothing there.

23 So that's the distinction. They're there
24 for the purposes of participating, but they have not
25 good a set of defined issues that are theirs, and if

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1 those issues are withdrawn, resolved, settled in some
2 way, then the issue disappears.

3 MS. YOUNG: I would just add that they can
4 also participate on appeal.

5 MR. MURPHY: She said that the interested
6 governmental participant can participate on appeal of
7 any issue that --

8 MR. BATES: Correct.

9 MR. MURPHY: So their participation
10 doesn't end at the --

11 MR. BATES: Could you come to the mike or
12 speak loudly enough so we can hear, identify yourself.

13 MR. ELZEFTAWY: My name is Atef Elzeftawy,
14 and I'm helping the Las Vegas Paiute tribe here in
15 Nevada, and I just want to make one comment at this
16 point. I don't think we have any problem being
17 qualified as a participant in the rulemaking since we
18 are a federally recognized tribe and so on and located
19 here in the valley and we have an interest in the
20 problem of the Yakima Mountain, but I just want to
21 second the gentleman over there in terms of the
22 resources.

23 When we have -- in the future when we will
24 have a contention we have to look at resources to help
25 the tribe to present all these contentions as well as

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1 being a participant, and I think the Nuclear Waste
2 Policy Act a long time ago talked about the affected
3 tribe, but here it is for 20 years the DOE is not
4 supporting at least our tribe in terms of resources.

5 And my question to Chip here is the NRC
6 planning for the future for those participants who are
7 not getting any resources, that they will be able to
8 get resources from NRC or that's only the Department
9 of Energy?

10 MR. CAMERON: I guess I should start with
11 sort of the furthest end of the process, where once
12 the license application is submitted, once there's a
13 proceeding is that the NRC is prohibited by statute
14 from providing any assistance to what are known with
15 the statutory term as interveners in the proceeding,
16 so that's -- just put that boundary out there.

17 In terms of trying to assist the tribes,
18 there's no provision in the Nuclear Waste Policy Act
19 that calls on the NRC to provide resources to a tribe
20 that is designated as affected by the Department of
21 Interior under the Nuclear Waste Policy Act. But we
22 do have a Subpart C part of the Part 60 rule that lays
23 out our technical criteria for licensing. In that
24 rule -- and it is carried forward into Part 63 that
25 Mal had mentioned earlier -- provision of assistance

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1 to tribes that have been designated as affected, and
2 so we've never -- that's never been called into play
3 in terms of what type of assistance.

4 But I know I can speak for the commission
5 and the NRC staff is that we want to try to provide as
6 much assistance, information, and I think that maybe
7 we can be creative about this. We've never really
8 gone through and identified all the ways that we might
9 try to provide assistance to tribal governments
10 generally that might be impacted by the high level
11 waste repository. But we're in the process of trying
12 to explore how we can do that.

13 The traditional ways that we've done it
14 it's been through provision of documents, provision of
15 information, sitting down with a particular tribal
16 government to explain what our regulations are, how
17 they can participate in the process, but I thank you
18 for raising that point because we're very sensitive
19 and very mindful of that need, particularly at this
20 time.

21 MR. ELZEFTAWY: I appreciate your comment,
22 and I think I would like to just make a comment on
23 that and say that the last meeting we had with the
24 chairman of the NRC and the chairman of our tribe he
25 verbally promised to look into this particular

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1 resources impact on the Las Vegas Bayou Tribe here in
2 Nevada, so I appreciate your comments here. Thank
3 you.

4 MR. CAMERON: Thank you.

5 MR. BATES: Thank you.

6 Other questions, comments?

7 (No response.)

8 MR. BATES: Steve?

9 MR. FRISHMAN: Steve Frishman, State of
10 Nevada.

11 I'm thinking more and more about the
12 points that Mal made that we have discussed before,
13 and it just occurs to me that there's going to have to
14 be some flexibility in the whole system at the time
15 when a license application is actually submitted, and
16 that's primarily because the program -- the DOE's
17 program itself is relying on tremendous broad
18 flexibility.

19 And just to give you an example, in the
20 series of meetings that have been going on for almost
21 a year now and which are actually going on this week
22 and right as we speak there's an attempt to resolve
23 some of the NRC staff issues, the key technical
24 issues, and they're making formal agreements -- DOE is
25 making formal agreements about information that will

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1 be provided so that the staff believes they have no
2 more questions on that particular licensing issue.

3 Many of those agreements are cast in not
4 only substance but also in schedule. The schedule on
5 many of them is that the information will be provided
6 by the time a license application is submitted, and a
7 number of those will probably appear as a virtual
8 flood in that six month period, and I don't think that
9 I'm guessing beyond reality, am I, April? After the
10 initial certification and before submission of a
11 license application.

12 MS. GIL: I hesitate to respond to a
13 hypothetical, Steve, but let me just say that if the
14 department decides to go ahead with the license
15 application we would have to have that license
16 application ready in draft form for internal review
17 well before the six month period required for LSN
18 certification, so we're going to know quite well in
19 advance what documents we're basing our license
20 application case on, and those documents would be the
21 core of what the NRC staff has asked to see.

22 So I don't believe that the documents will
23 be a flood at exactly six months prior to the license
24 application submittal by DOE, and we're making all of
25 our documents available on the world wide web now.

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1 All of our analysis model reports and the process
2 model reports in addition to our total system
3 performance assessments. Virtually all the technical
4 documents that Department of Energy is preparing are
5 available as soon as possible on the world wide web.

6 MR. FRISHMAN: But you also are committing
7 to the NRC staff such things as many updated AMRs that
8 have -- will be substantially different from the ones
9 that are there now, and from my perspective may or may
10 not be available at six months prior to license
11 application.

12 MS. GIL: It is true that we are
13 committing to the NRC that we will complete various
14 technical work and document this technical work in
15 formal reports from the Department of Energy prior to
16 license application, and in my mind the vast majority
17 of the more recent agreements from the key technical
18 issue technical exchanges have been for work to be
19 completed in 2002 and 2003.

20 MR. FRISHMAN: Okay. Well, I still can
21 foresee a problem that is going to require
22 considerable flexibility on the part of all other than
23 the Department of Energy at the time a license
24 application actually is submitted. If things follow
25 as they have been the design of the repository six

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1 months prior to license application will likely not
2 resemble the design at license application. But for
3 some strange phenomenon there would have been a site
4 recommendation already based on a design that does not
5 resemble the design that is being discussed today and
6 based on a design -- well, the design being discussed
7 today was not being discussed publicly a month ago,
8 and it is drastically different and the performance
9 assessment is drastically different.

10 So I think we can expect that there's
11 going to have to be -- on the schedule for compliance
12 there's going to have to be a lot of leeway on the
13 part of those other than Department of Energy, and at
14 the time of determination of compliance that is
15 applicable on whether you could even file contentions.
16 Now, there's going to have to be sort of broad notice
17 of the fact that DOE's program never stands still and
18 the license application will only be as they put it,
19 a snapshot in time.

20 MR. BATES: Thank you.

21 Other comments, questions, issues? Chip,
22 that was I think the end of what you had.

23 MR. CAMERON: Yes.

24 MR. BATES: I think on our schedule we are
25 a little bit ahead of what we had planned.

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1 Dan, do you have a lead in to the next
2 area?

3 MR. GRASER: Yes. Just to pull us back up
4 a couple of levels here and think in terms of overall
5 what 10 CFR Part 2 requires. The licensing support
6 network is only one piece of the technological
7 solution that goes into the entire licensing
8 proceedings, and back in April of '89 when the final
9 original rule was promulgated it included for example
10 features of a system that had electronic motions
11 practice, which is the exchange of -- the formal
12 exchange of pleadings back and forth between the
13 parties and the judges. It included provisions for an
14 electronic hearing docket that would be used during
15 the proceedings and had a number of other features
16 associated with that original rule.

17 And just so that you all walk away to the
18 break time that's coming up here shortly, to put this
19 back in its full perspective, the licensing support
20 network the intended role of the LSN is to provide
21 that documents availability and discovery process at
22 the very front end of the pipeline at which point in
23 time the various participants would be utilizing the
24 licensing support network to identify materials that
25 they want to move forward in the proceedings, and in

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1 acquiring an original version of that document from
2 the authoring organization would then use that
3 material to structure their communications in the
4 various pleadings with the panel and with the
5 presiding officer.

6 And the materials that the parties would
7 intend to use would be submitted to the electronic
8 docket -- an electronic hearing docket. That could be
9 done in a number of different ways, but the rule has
10 always anticipated that we would be talking in terms
11 of an electronic submission of the license application
12 and electronic submission of motions practice
13 documents, and those materials would come through a
14 process of electronic submission into the court and
15 into the NRC and into the SECY docket environment.

16 And John Skoczlas will be talking about
17 our plans to implement that next piece of technology
18 at the Nuclear Regulatory Commission. John will be
19 addressing that this afternoon.

20 The electronic hearing docket itself is
21 another initiative that NRC has going on right now to
22 provide the full capability and the full access to the
23 official docket materials and to work through the
24 operational way of getting the electronic documents
25 into the electronic docket.

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1 And once we do that I think it's also
2 important for you to understand that part of the
3 longer term strategy within the Nuclear Regulatory
4 Commission is then to address how do we get these
5 documents into a courtroom, and what kind of courtroom
6 environment can we anticipate, and there is an
7 initiative that has -- inside NRC that has gotten some
8 initial approval for us to move ahead with a
9 demonstration capability for an electronic courtroom
10 capability, and to have a case management system that
11 we're calling the DDMS or the digital data management
12 system, and for anybody who's familiar with legal
13 practice it's a case management system for courtroom
14 use.

15 That would facilitate the use of the
16 electronic documents in an electronic courtroom, and
17 that would include things like numbering, marking,
18 cross-referencing with issues, witnesses, and
19 transcripts, and the information that comes out of
20 that courtroom environment is then placed back into
21 the electronic hearing docket and eventually can be
22 pulled together into a case record for any subsequent
23 uses that might be required.

24 The interesting thing about the full
25 digital environment is that it would allow the

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1 commission for example to pump out digital information
2 to various different forms of media access should the
3 commission decide that they want to pursue those
4 options. So, for example, it's not unforeseeable that
5 a proceeding like this in the electronic environment
6 could show up on something like the C-SPAN type access
7 through cable, and if there was enough interest it
8 could be pumped out through the internet so that
9 people would have internet access to it as well, and
10 there a number of things that are possible.

11 We're certainly not committing to them at
12 this point in time as I said. Our digital courtroom
13 initiative is really only at a very early pilot stage.
14 But in the big picture of life the licensing support
15 network is just the very front of the pipeline and 10
16 CFR 2 envisioned all along that the license
17 application, the hearing docket, and the motions
18 practice all would also be in an electronic
19 environment, so I just wanted to bring everybody's
20 mindset back to what the big picture here is and what
21 role the licensing support network plays in the
22 overall proceedings that would be associated with a
23 license hearing.

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1 So at that point I think I'm pretty much
2 finished if this would be a good time for a break. I
3 think everybody's ready for it.

4 MR. BATES: Nobody else has anything to
5 add or comment on at this point?

6 (No response.)

7 MR. BATES: Let's try to take about a 15
8 minute break and come back again. Thank you.

9 (Whereupon, a short recess was taken.)

10 MR. BATES: We're going to move along
11 here. I'll turn the presentation back to Dan for the
12 next part here.

13 MR. GRASER: Next on the agenda is Margie
14 Shepherd. She's a member of the staff at ASLBP, and
15 she has been involved in keeping up to date all of the
16 documentation on the guidelines, functional
17 requirements, and other associated documentation with
18 the design and operation of the system.

19 Margie is going to walk through the LSN
20 administrator guideline materials that were sent out
21 to all the ARP members by -- Andy Bates sent them out,
22 included it in an e-mail I believe at the -- I can't
23 even remember the date.

24 MR. BATES: June 8.

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1 MR. GRASER: June 8, early June. Right.
2 I was thinking June 6. But Margie is essentially not
3 going to rehash a lot of the materials that are in the
4 documentation. However, she is going to highlight
5 some of the materials to draw your particular
6 attention to those issues.

7 As I mentioned this morning I've already
8 gotten some initial feedback that the Department of
9 Energy for example has pulled together a fairly
10 substantial list of comments and items that they had
11 on the guideline materials. I believe the
12 representatives -- technical representatives from NEI
13 also expressed some issues, and if there are things
14 that any of the panel members want to delve into a
15 little more deeply we can certainly do that.

16 But for the sake of the schedule if there
17 are large numbers of items or corrections or comments
18 or whatever else those are the sorts of things that we
19 would handle by taking your list of questions and
20 dealing and responding to them in one large pass, so
21 if there are things that you feel are worthy of
22 specific discussion we can address them today.
23 Otherwise we're just going to walk through as I said
24 at a fairly high level and draw to your attention the

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1 things in each of those areas of the guidelines that
2 you need to pay particular attention to.

3 Margie, I'll turn it over to you at this
4 time.

5 MS. SHEPHERD: The LSN administrator
6 guidelines and the functional requirements document
7 the decisions that have been made by the LSNARP and
8 the technical working group. They followed the
9 revised rule that Chip was discussing this morning,
10 and they also covered technical aspects of the rule to
11 help the participants meet the rules.

12 The baseline design requirements which are
13 dated June 5, 2001, were derived from statements found
14 in the rule, and they cover requirements for the LSN,
15 the LSN administrator, participant sites, document
16 service -- production and service, timeliness, docket
17 requirements, EIE requirements, and they also in the
18 back contain a table of bibliographic header
19 information that is required from the participants.

20 The baseline design requirements reflect
21 feedback received in the technical working group
22 meetings that were held here in January 2001, and they
23 actually serve a different purpose than the functional
24 requirements that were sent out earlier. These are
25 being used -- these baseline design requirements are

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1 being used for the government test and acceptance of
2 the LSN.

3 The licensing support network guidelines
4 document hardware, software, and procedural issues
5 regarding the design of the participant document
6 collection websites. They supersede the LSNA's
7 compliance assessment program guidelines that were
8 sent out to LSNARP members that were dated in October
9 13, 1999, and hopefully they provide some latitude for
10 participants. They give you guidance as to how we can
11 help you, how you can fulfil the requirements of the
12 rule and serve your documents up onto your site.

13 Some of the guidelines covered are
14 technical solution, system availability, passwords,
15 how to search the LSN, public access to the LSN,
16 committing your text files or image files, accuracy.
17 There's an HTML style guide included as well as an XML
18 bibliographic header description. There's
19 requirements for records management and the official
20 docket, and availability of resources for participants
21 and late identified participants, which will be
22 covered a little bit later.

23 There's an overview of the hearing
24 process, so this document is supposed to help you
25 fulfil your requirements.

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1 Each of these guidelines is going to be
2 independently updated as needed. The table of
3 contents will serve as the revision guide. The
4 guidelines have been e-mailed to everyone. If you
5 don't have a copy please see me or contact me. The
6 guidelines are also going to be posted on the central
7 LSN website on the participant side in case you don't
8 have a copy, and they will be updated as needed.

9 It's also available right now in the NRC's
10 public document ADAMS and the session number is noted,
11 and as Dan noted I'm going to be discussing points to
12 emphasize to the participants and to clarify. You all
13 can read this on your own, but I just want to go over
14 some information that we need from you especially.

15 The LSNA is going to have a page -- has a
16 page on the central LSN site about the overall LSN
17 program and items of interest for each individual
18 participant site. For instance, there will be notice
19 of listings of changes if any to each participant
20 collection. There will be times maybe that your site
21 will be down or unavailable for some reason, so what
22 we would like to ask from you is list of change
23 documents.

24 There might be an instance where you put
25 a document up and you realize that you've missed a

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1 page. We need to know about that, and we're going to
2 post the document that was changed by session number
3 and why -- what was changed and why was it changed.
4 We'd also like items of interest about your LSN
5 website for instance if you have hours of availability
6 issues or scheduled outages as I mentioned.

7 One more thing that we'd like from you are
8 procedures on how to acquire an authenticated image if
9 you don't actually submit the authenticated image
10 online. And as a note, PDF image in hidden text is
11 going to be used in the electronic hearing docket.

12 As part of the responsibilities under the
13 rule the LSN administrator is establishing a system
14 designed to monitor document integrity and system
15 performance. Would you please ensure that your web
16 hosting provider allows a crawler and access to your
17 log files? The participants should also ensure that
18 your LSN websites are available for search and
19 retrieval document delivery between the hours of 6:00
20 a.m. and midnight Eastern Time.

21 Our LSN crawls will routinely be conducted
22 between midnight and 6:00 a.m. Eastern Time unless you
23 have made previous arrangements with the LSN
24 administrator, and the crawls can be scheduled on an
25 intermittent basis, for instance weekly instead of

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1 daily if you have a cost per transfer issue with your
2 provider, and please coordinate that with the LSN
3 administrator.

4 As far as disaster recovery goes, would
5 you please provide us a copy of your current disaster
6 recovery plan or your web hosting provider service
7 level agreement?

8 As far as searching the LSN all users will
9 be able to search the LSN, and each participant is
10 going to have their bibliographic header information
11 perhaps presented in a slightly different way. For
12 instance, one participant may decide that an author
13 organization is Department of Energy. Another
14 participant may decide that it's DOE. Another
15 participant may decide that it's Dep. of Energy.
16 Please be aware of these differences when you're
17 providing bibliographic heading information, and
18 training is going to be key for these differences.

19 We also have a few fields that we could
20 take advantage of pick lists for. They seem to have
21 relatively few entries. Two of those are the access
22 control code and the related record code. If you have
23 a pick list for these coded value fields will you
24 please provide it to the LSN administrator, and that
25 will just help with searching.

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1 All users can search. They can also save
2 their searches. The participants' searches -- if
3 you're a priority user you can store your search for
4 later use, and that stored search will only be
5 available to yourself or to your defined organization
6 if you wish to share it with the rest of your
7 organization. However, the owner of a document is
8 able to see what documents are downloaded.

9 In other words, you can perform a search
10 and the owner of that document -- the owner of the
11 documents that you've gotten from your search results
12 can't see how you were searching but they can see what
13 you actually downloaded.

14 Passwords will allow the LSN web portal
15 the ability to distinguish between priority users and
16 the general public. Logging on will move the priority
17 user to a dedicated server and will provide features
18 that are not available to the general public. Please
19 request passwords through your participant business
20 point of contact who will then request passwords from
21 the LSN administrator staff.

22 The LSN administrator will issue as many
23 passwords and user names as requested. Each priority
24 user will only be allowed to log on to the LSN once
25 per session. In other words, two users cannot log on

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1 using the same user ID and password at the same time,
2 but we will provide you as many user passwords as you
3 want. If some of these user passwords have not been
4 used for six months or so we will notify the user or
5 the business point of contact and ask is this still a
6 valid user, and if they're not then we will delete
7 them.

8 If you have any idea as soon as possible
9 when you have the idea of how many people or
10 especially listing of users who would like this
11 priority access please submit the listing or at least
12 the count to the LSN administrator.

13 In order to facilitate our connectivity
14 testing we would appreciate your providing us the URL
15 of your site that will host your document collection,
16 and we'd also like the contact information from you.
17 Please as soon as possible would you make a portion of
18 your documentary material available to us either
19 online or via sneakernet, and we'd like the documents
20 and headers, text, images, but the sooner we get this
21 information from you the documentary material --
22 samples of it the easier it's going to be for
23 everybody involved.

24 As Dan mentioned earlier, we have that cut
25 off of January 15, 2002, so if you can get samples to

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1 us we can work with you. The sooner the better,
2 please.

3 After August 10, 2001 when you go home you
4 will be able to see the LSN site. You can provide
5 comments and feedback on the actual LSN site to us via
6 the link at the bottom of each page to the LSN
7 webmaster.

8 As Chip mentioned earlier -- he discussed
9 privileged material, all the different classes of
10 privileged material, and you are required to submit a
11 bibliographic header for the different types of
12 privileged material, but please do not add your text
13 or image URL to the header of privileged material
14 because it's going to be out there if you do that.

15 In accordance with the LSN rule each
16 participant must designate an official who will be
17 responsible for administering their LSN
18 responsibilities. This needs to be someone who's
19 authorized by the organization to provide that written
20 certificate to the prelicense application presiding
21 officer. Chip covered the timeliness of this
22 certification earlier, but it is time for each
23 participant to start thinking about who is this
24 official going to be.

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1 The official must certify that the
2 procedures are in place and that they have been
3 implemented and that all of their documentary material
4 is identified and electronically available.

5 Participants are required to identify
6 where authenticated images of their documentary
7 material are available. They are not required to make
8 a text document's image available online, but if the
9 participant does chose to do so the electronic image
10 must meet the standards for an official record version
11 or individually identify that it is not authenticated.

12 So your non-text images must be an
13 authenticated image, whereas your text documents image
14 might only be provided for an image. Please make that
15 clear whether it is the actual authenticated or not.
16 Also please notify the LSNA if you are using non-
17 standard file extensions for your documentary
18 material.

19 Spurious characters, misreads, omitted
20 characters created by OCR software may affect your
21 search results -- the user search results and
22 therefore there's some concern with the effect by the
23 user as to whether you're really providing all the
24 documentary material you have. They might not be able
25 to find it due to the OCR software. Our search tool

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1 also provides for a cut and paste reuse of the
2 material, so if a user is going to cut and paste some
3 dirty OCR they're going to have to edit it and clean
4 it up before they can use it effectively.

5 Also dirty OCR text is not appropriate for
6 our adjudicatory proceedings. As I mentioned before,
7 PDF image plus hidden text will be required for
8 electronic hearing docket.

9 Our text accuracy guidelines are those
10 that were circulated to the LSNARP in August of 2000.
11 We set forth a 98.5 percent overall accuracy objective
12 with 99.95 percent for non OCR documents, including
13 things such as native word processing or HTML rendered
14 directly from the authoring package, and a 99.5
15 percent for OCR documents with a 98.5 percent for each
16 individual page to ensure overall consistency.

17 These are guidelines. It is voluntary but
18 we will be monitoring and performing random sampling.
19 Detailed rationale for the guidance is in Appendix B
20 of the guidelines.

21 As I mentioned before, the participants
22 must make image versions of their documents available
23 when they're non-textual. The revised rule
24 establishes the basic data structure and transfer

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1 standards for participants, and they are in the
2 guidelines and in the requirements.

3 As I mentioned, the participants must
4 identify a point of contact for obtaining
5 authenticated images if they're not provided online,
6 and the participants -- you also need to submit copies
7 of your procedures on how to provide those
8 authenticated images, and those will be posted on the
9 central LSN site.

10 Federal participants are also required to
11 comply with Section 508 of the Rehabilitation Act, and
12 we ask that you provide us a point of contact for any
13 problems that might arise by someone who is using the
14 site and cannot access the documents.

15 The electronic hearing docket, as
16 mentioned before, is the official agency record
17 repository, and therefore it's subject to NARA
18 guidelines and regulations on acceptable electronic
19 formats for material retired to a federal records
20 center or to the national archives. So therefore
21 documents that will be introduced into the electronic
22 hearing docket are required to be PDF image and hidden
23 text or TIFF for graphic documentary material. Just
24 keep this in mind when you're submitting your
25 documents to the LSN.

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1 Documents published on each participant's
2 website may contain hyperlinks to supporting reference
3 documents that also reside on their website, and this
4 permits users to easily navigate within the website
5 and more easily access the references to those
6 documents. However, hyperlinks within these documents
7 are ineffective in the electronic hearing document.

8 When participants submit their documents
9 to the electronic hearing docket all referenced
10 supporting documentation must be submitted in a
11 package with a parent-child relationship so cross-
12 reference capability is contained -- can be contained
13 in your bibliographic header. There is a field in the
14 bibliographic header for cross-referencing to
15 supporting documentation.

16 The electronic system to support the
17 proceedings -- none of the electronic systems to
18 support the proceedings are authorized to transmit or
19 maintain nuclear safeguards or security information,
20 so please prior to submitting privileged classified
21 security or safeguards information coordinate with the
22 NRC's offices secretary.

23 We're asking when you load your LSN
24 documentary material files, your initial load -- do
25 you know yet will it be bulk or will it be incremental

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1 loads? Please give us a heads up. It will help make
2 both of our jobs easier. And after your initial load
3 will you -- what's your schedule for downloading
4 additional information? Do you have dates and times
5 set up? And we're suggesting that it would be between
6 midnight and 6:00 a.m. Eastern Time, which is when
7 less numbers of users will be on the system.

8 And don't forget that you are required to
9 submit documents that are being created during the
10 proceedings reasonably contemporaneous with their
11 creation.

12 If you have any comments or suggestions as
13 Dan said earlier on the guidelines or the design
14 requirements please provide them to me, and I have my
15 phone number and contact information up there.

16 Questions?

17 (No response.)

18 MR. GRASER: Okay. I'll pick it up at
19 this point. The next item on the agenda that we had
20 was a little bit more discussion on one guideline in
21 particular. That was guideline number 14 which was
22 related to the clarification and updating of
23 documents.

24 Let's see. Ancient history on this going
25 back to '89 was I believe a pretty much shared

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1 understanding that if a document had been placed on
2 the licensing support system and that document was
3 subsequently found to be in error or that document was
4 later -- another version of that document was found
5 and was to be placed in the licensing support system
6 the shared understanding was that each of those
7 documents would have its own bibliographic header and
8 that each version of the document that was in any way
9 different was going to be -- once it was placed on the
10 licensing support network subsequent versions could
11 also be placed on the licensing support system or the
12 licensing support network, but the older document that
13 had been originally placed was not going to be
14 removed.

15 And that had always been for example my
16 understanding of the way the old LSS was intended to
17 operate.

18 In the decade or so between then and now
19 a lot of things have changed in technology, and a lot
20 of things have changed in the way the various parties
21 have structured their own record keeping systems and
22 internal record systems, and in the last round of
23 revision to 10 CFR 2 there was some discussion and
24 some commentary placed in the final draft version that
25 was published in the Federal Register, and that

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1 discussion went back to some questions that were
2 raised for example by DOE and NEI on the treatment of
3 documents that were subsequently being updated because
4 there was a revised version of a document.

5 And we are talking about documents that
6 are typically very large multi-chapter type documents
7 where it is a routine practice in electronic
8 publishing mode to publish a replacement page, and
9 iteratively over the course of time -- it's just like
10 the loose-leaf services that you would find in a law
11 office where one page comes out and a new page goes
12 in, and those pose technically somewhat of a different
13 problem because as I said they are more akin to
14 electronic publishing than to a records type
15 application.

16 So there was some discussion on this in
17 the commentary that we published in the Federal
18 Register, and upon rereading of that we realized that
19 maybe we had shifted off the original target because
20 one of the things that we included in that commentary
21 was to state, quote, the second objective was to
22 provide for the entry of updated pages to a document
23 that was already on the system but was not being
24 issued as a new, revised, stand-alone document.

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1 In this case the updated pages must be
2 entered as a separate document with a separate
3 bibliographic header, the implication being that you
4 wouldn't republish the entire new document. You would
5 only publish the replacement pages. And so I wanted
6 to put this before the advisory panel and get some
7 feedback on this.

8 I think it is probably something that
9 though the LSN system can accommodate if people are
10 willing to recognize that this is out there. It just
11 means you have to be a little more fastidious in
12 making sure that you find all of the pieces of the
13 document because in fact the requirement is still
14 there for updating the bibliographic records of all of
15 the other associated documents to let you know.

16 And in addition to that the LSN
17 administrator will maintain a page where we keep track
18 of all of the changes or updates to any documents that
19 have been previously placed on the system, so in that
20 regard I am saying that we can probably accommodate
21 these sorts of situations that will be experienced
22 with this electronic publishing type application.

23 So in terms of the overall consistency
24 with the LSS rule, the old LSS rule, we are still
25 basically saying, Yes, you can update documents. You

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1 would still leave the old documents on the system.
2 Nothing would be taken off of the system. In terms of
3 meeting overall objectives we would still be able to
4 use bibliographic headers and the LSN administrator's
5 update page to address situations where we have this.

6 The one impact as I said is that in your
7 daily use of the licensing support network you might
8 stumble across these documents where you say, Well,
9 goodness gracious. Why am I seeing pages 1, 4, 17,
10 and 3 -- or B-2 of a document? Where is the rest of
11 the document? And that could cause some distress,
12 like what's going on here?

13 The second -- and I think if everybody
14 knows that situation is there and is aware of it and
15 can probably deal with it we can probably live with
16 that.

17 The other thing that I did want to bring
18 to your attention though is that at the very tail end
19 of the process when a party wants to take a document
20 and submit it as a potential exhibit item -- and they
21 will submit that in advance into the docket -- the
22 person who wants to put something into the docket is
23 going to be held responsible for submitting the entire
24 document.

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1 In other words, the people who maintain
2 NRC's electronic hearing docket are not going to be
3 reassembling multiple pieces in order to create the
4 document that you are directing them to put in. The
5 submitter basically has to be responsible for the
6 integrity and completeness of the document as it is
7 going into the NRC's electronic docket.

8 All that being said if a participant
9 therefore requests of another one of the parties that
10 they need a copy of for example a DOE report because
11 they intend to use that or submit it as an exhibit
12 item, that would mean that the authoring organization
13 of that document would need to be prepared to generate
14 the full version of the document, and if that meant
15 reassembling 17 different document units to make the
16 version of that electronically published document at
17 that point in time that would be the responsibility.

18 So even though you may publish it that way
19 in the licensing support network environment if
20 somebody subsequently wants to use that document then
21 the party who publishes the document would be
22 responsible for recreating it, if you will.

23 And so I just wanted to bring that to
24 everybody's attention, and if you feel that any
25 further discussion is going to be needed on the issue

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1 of updated documents and living documents and
2 documents that will be repeatedly revised over the
3 course of multiple years that this would be an
4 appropriate time for anybody to bring it up. But as
5 I said, I wanted everybody to understand the
6 ramifications of that and that this does constitute a
7 slight shift in the understanding of revised documents
8 that some people may have held as far back as 1988,
9 '87, '86.

10 So those were the specific comments that
11 I had on guideline 14, and if anybody has any
12 questions we can address them now.

13 MR. McINTIRE: Dan, John McIntire from
14 NEI.

15 Is there any current provision for
16 updating the headers of documents that have been
17 previously submitted to the LSN?

18 MR. GRASER: The bibliographic header
19 quite frankly -- and if you look at it one should
20 anticipate that a bibliographic header will undergo
21 some update, and that should not be an item of concern
22 because in fact in many computer systems it's routine
23 housekeeping, plus we have the availability of cross-
24 reference fields which if they're utilized properly

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1 would have to be updated to notify this document has
2 been replaced by a newer version for example.

3 So it should be expected that the
4 bibliographic headers could have updates to them,
5 things added to a comments field or cross-references
6 added during the course of the document being
7 published, and I am now stating that on the assumption
8 that you're not implying any change to the actual
9 underlying document itself.

10 MR. McINTIRE: Right. I was possibly
11 suggesting that there might be a way if you could
12 update the header for the original document within the
13 comments section of notifying those people who are
14 looking for a particular document and it's changed
15 that there have been changes made and what the
16 accession numbers are for those documents that have
17 changed. That way you've got some sort of systematic
18 method of people locating all the pieces and parts of
19 a document and what updates and modifications there
20 have been made, and maybe there should be some way of
21 dealing with that in a standard manner.

22 MR. GRASER: That's perfectly consistent
23 with the way I would like to see people handle it,
24 because I think it is the way to go. So I'd say yes.

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1 It's entirely consistent with the way I see
2 bibliographic treatment being handled.

3 MR. McINTIRE: Okay.

4 MR. GRASER: Any other questions?

5 (No response.)

6 MR. BATES: At this point we actually are
7 a little bit ahead of schedule. I think Steve and
8 Judy both left to go to a staff -- NRC staff DOE
9 meeting that's been ongoing for the last couple of
10 days. We had scheduled lunch at this point but we
11 could proceed and go a little later and then start
12 with Joe Turner's presentation on hardware/software
13 cost profile.

14 Do we have preferences on the part of the
15 group here one way or the other?

16 MS. GIL: Whatever is convenient for
17 everyone.

18 MR. BATES: Shall we move ahead then, Joe?

19 MR. GRASER: If we do that now it gives us
20 more time for Q&A at the end of the day.

21 MR. BATES: Want the time at the end of
22 the day? Okay.

23 MR. GRASER: Our next speaker, Joe Turner,
24 is also a member of the ASLBP staff who's working in
25 the licensing support network. Joe is going to be the

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1 person who is actually going to be responsible for
2 reviewing the auditing of the system's performance and
3 the availability of materials, so he's going to be one
4 of the QA auditors of the entire system performance.

5 But today Joe is going to give us some
6 information about further research that he has done on
7 hardware and software cost profiles with a special
8 focus on smaller participant organizations and systems
9 and some of the options that are available for
10 technically meeting the requirements of making your
11 documents available.

12 Joe, do you want to go ahead?

13 MR. TURNER: Sure. Thank you, Dan.

14 First I was going to talk a little bit
15 about the document collection for the participants.
16 One thing I did want to state that -- talk about being
17 a website, I'm going to refer to it as a host site.
18 The document collection -- this needs to be actual
19 documents out there, so we don't really expect any
20 interface or any type of search and retrieval on your
21 part. That's all going to be handled from the central
22 LSN.

23 Some of the things that you'll be needing
24 services for us to communicate with to pick up your
25 documents will be a file transfer protocol, which is

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1 FTP, and the hypertext transfer protocol. The FTP we
2 will actually be going out to your web hosting site
3 and picking up the files and bringing them back to
4 process into the search engine, and then the HTTP
5 portion will be used to actually provide a document
6 once it is found from your site.

7 Another requirement for the system is the
8 directory structure on your web hosting site. We need
9 you to place the documents under a documents
10 directory. The headers will be placed under a headers
11 directory, and the old files will be set under the old
12 files directory, and that allows us to know where to
13 go get the proper information.

14 We will need access to your common law
15 files such as the formats of NCSA format. There are
16 other formats depending on the operating system that
17 you're running. We can work with you to set up your
18 log files and so we can do trending and analysis.

19 The last bullet, communicating with the
20 LSN, essentially that's just for us to actually talk
21 to the server, provide us with some sample information
22 or documents so we can place them into the search
23 engine.

24 The next slide -- actually towards the end
25 of my presentation I'm going to provide a demo on a

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1 header generator. We did demonstrate that on Monday
2 and Tuesday in the technical working groups, but I'll
3 demonstrate that today, and that consists of all the
4 fields from table A and the requirements, but I will
5 do that at the end of the slides.

6 Processing your documents -- I want to
7 talk a little bit about that. Essentially the
8 documents need to be provided in text format so we can
9 use them to place to the search engine. HTML --
10 examples of the formats, WordPerfect and Word. Also
11 image files could be in format such as PDF and TIFF.

12 For the web hosting some of the research
13 I've been looking at I've taken two companies and
14 tried to figure out some of the services they provide
15 and the things that we need for the LSN. The FTP
16 service and the HTTP service is pretty common in a lot
17 of the packages, so you will find that available.
18 They normally allow you access to log files. They do
19 have backup and restore procedures, and it's normally
20 done on a daily basis and then I think they store them
21 to weekly tapes.

22 And also you'll find that a lot of the
23 providers have reliable networks. Their services are
24 up 99.96 percent of the time, which these are all

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1 important things to be part of the participant in the
2 LSN proceedings.

3 I want to talk a little bit about the
4 choices between using a web host provider or actually
5 doing it yourself and the costs. You'll find there's
6 probably thousands of web host providers out there, a
7 lot of different packages and a lot of different ways
8 of choosing. The monthly fees are usually based on
9 things such as data transfer, disk space, other things
10 of that nature.

11 There's normally a one-time set up fee.
12 That includes the infrastructure, the communications
13 to the internet, basically provides you everything
14 that you'll be needing if backup and recovery is
15 included.

16 One thing I did want to mention there are
17 a lot of -- well, some free web hosting, but there's
18 a lot of problems with that so I'd be aware. Free web
19 hosting -- there's usually a lack of support, a lot of
20 advertisements. A lot of people are familiar with
21 NetZero. That's one out there that you get a lot of
22 advertisements and things of that nature, so that
23 would cause us problems, so I would recommend staying
24 away from the free web hosting.

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1 And the other option would be to obviously
2 purchase a server, which would be pretty costly. You
3 have to provide the software license and the
4 communication lines. Pricing -- just alone the
5 communication lines seem to run -- at a T-1 it's
6 between 800 and \$1,000 a month, something of that
7 nature, so obviously through web hosting you're
8 getting that service at a lot less cost for a package
9 deal, so it's definitely a lot more economical I think
10 to do it through a web hosting.

11 And some -- analysis say if we're looking
12 at the surveys there were several participants that
13 said they would have about 100 documents or so, and
14 that's kind of what we're basing that on.

15 The next slide talks about some of the
16 fees, and for the recurring costs one of the providers
17 I was looking at the package offered is \$35 a month,
18 and that was for 300 megabytes of disk space. Some of
19 the figures I took are through the NRC document
20 system, and based on a 50 page document it came out to
21 be about 250k, which is about a quarter of a mb, so if
22 you take four 50 page documents as about a mb, which
23 100 documents came out to be 25 mb or so.

24 Now obviously that was text documents. If
25 you have large images -- there were a couple in there

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1 that were larger. There was like actually a 6 mb
2 document. So you have to figure out the size of your
3 collection and what you need, but this service
4 provider was 300 mb, and another thing that was based
5 with this was the transfer -- data transfer. I think
6 that was 20 gbs for the month.

7 And that's something else that you need to
8 figure out, how long -- the data transfer rate and
9 things that like. There are tools out there that will
10 allow you to do that.

11 And then some of the non-recurring costs
12 are the set-up fees. The web hosting site normally
13 had a \$50 set-up fee to set up your account in your
14 area. And then a couple of other things -- for the
15 header generator I didn't really associate a cost but
16 through some of my testing -- what I would do is in
17 the morning I would take an hour or so and type up
18 some -- generate some headers for files and for the
19 documents, and it would take me about four hours to do
20 a hundred or so, so I was basing that on time.

21 And you'll see in the demo that once you
22 get the hang of it it doesn't take too long.

23 And then the system administration fees to
24 connect to the LSN we estimate around 50 hours to make
25 the initial connection and get the system up and

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1 running. And some of that we can also contact the web
2 hosting administrator people and work with them.

3 Another thing I'd like to say -- we
4 haven't done this yet with an ISP so once we find an
5 ISP we can work with I'll obviously pass the
6 information on if everyone -- we find one that works
7 well hopefully pass that information on and we won't
8 have to reinvent the wheel and go from there.

9 Are there any questions?

10 MR. GRASER: Yes. I would just like to
11 add to the -- or clarify a little bit or expand on one
12 of the things that Joe said. He's been talking about
13 the header generator. We have developed a piece of
14 software that will generate what's called an XML
15 format bibliographic header that we know that the LSN
16 is capable of identifying and processing, and we have
17 made that piece of software available on the LSN
18 website, so it's there.

19 You can as a participant download and use
20 that software with a relative degree of certainty that
21 it will result in a bibliographic XML formatted header
22 that we can work with. So we may have shot past that
23 little point of information this morning, but I did
24 want you all to understand that we have already done
25 that, and as Joe has indicated he's already exercised

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1 it a number of times and the thing works with pretty
2 much certainty. It's on the website already and Joe
3 is going to actually do a demonstration of that to
4 show you how that software works.

5 And that's what Joe is going to deal with
6 as soon as he addresses any questions you may have.

7 (No response.)

8 MR. SCHMIT: I'm driving, so I'll just
9 give you a quick demonstration of the header generator
10 system that Joe was talking about. A little caveat --
11 we're going to do the demonstration next depending on
12 the -- if we're going to do lunch before or after, but
13 both the website and this header generator system are
14 actually in beta form. We've got two versions of it
15 out -- prerelease versions of it out, working some
16 bugs out.

17 I'll show you during the website
18 demonstration where you can actually download the
19 generator, but I just wanted to spend a minute in
20 trying to come up with a solution about how can we
21 make life easier for some of the smaller participants
22 who this seems a little overwhelming? Came up with an
23 idea here for this header generator, and I'm just
24 going to -- everyone I'm sure if familiar with the
25 Windows start version -- start menu.

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1 And what you have here is just the basic
2 interface of the header generator system. It's not
3 real exciting. This is actually what you would see if
4 you had already gone in and generated some headers.
5 Right now what you see is we actually have
6 generated -- have one header in the system. There's
7 an icon over here that indicates whether or not the
8 header has actually been -- although we enter it into
9 a database there's actually a separate process for
10 exporting it into the XML format that Dan talked
11 about.

12 So as administrative staff, professional
13 staff that would be generating the headers for an
14 organization you simply click the headers menu and you
15 say I want to do a new document header. Margie
16 discussed the guidelines and that all the fields
17 represented in table A are the fields that will be
18 available for searching in the LSN. From a simple
19 perspective all the fields here -- I'm going to switch
20 technologies here -- all the fields up here on the top
21 are the single value fields, so accession number would
22 be the participant accession number.

23 There's actually an LSN accession number
24 which we generate. When I say we, the LSN system
25 does. When I get to a demonstration it will be

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1 obvious the difference between these two, but I'll
2 actually capture both the participants' accession
3 number as well as generate a unique one, a document
4 title.

5 You move within each field either using
6 the cursor or the tab key, type in the information you
7 want. Pull down menus are available when appropriate.
8 So are check boxes. Where there's simply a flag is
9 the information that will be captured.

10 Again, down here all the multi-value
11 fields. There's help within what's called a flyover
12 in some cases, but it's basically within the pointer.
13 As you move within the items it tells you what fields
14 are available to you. I'm on the author fields right
15 now, so if I click on author you can see that I now
16 have the authoring organization. I also have author
17 available as a menu item up here.

18 One of the ways to enter a new one is
19 right click and say new author. And if I were to
20 enter multiple authors they would continue to fill out
21 the block down here. All the multi-value fields are
22 represented down here. This represents all fields
23 within the LSN. The final field over here is the
24 document URL where we actually point to the text file

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1 and/or image files that will be accessible via the
2 LSN.

3 After you've entered the information which
4 I haven't done a great job here. I've just filled in
5 one or two fields just to give you a flavor of what it
6 takes. We go to the header, hit save, and we have
7 failed to fill in the accession number, and there's
8 four fields that if you review table A actually are
9 mandatory, which means that a header cannot be
10 submitted to the LSN without this information being
11 present: title, document type, date, and accession
12 number. Is that correct?

13 MR. GRASER: Yes.

14 MR. SCHMIT: Thank you.

15 After you -- I'm just going to not go
16 through and enter the information because of my typing
17 speed -- after you're done with entering the headers
18 into the header in you select the header that you
19 entered and you hit file generate file, and it will
20 actually generate a header -- XML header file -- where
21 did we save those two yesterday, Joe?

22 MR. TURNER: Data.

23 MR. SCHMIT: This is the file that's
24 actually generated by the system, and the header -- I
25 didn't save the one because I would have had to type

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1 information in and to save some time -- essentially
2 this is what an XML file looks like with the tags.
3 XML is simply a subset of HTML. It's related to HTML
4 obviously with tags the data in between it, and as Dan
5 indicated earlier we've developed a process that can
6 extract the information out of the XML file and
7 populate it into the LSN for search for retrieval.

8 And XML is becoming a standard for data
9 exchange on the internet, so it was a logical choice
10 and we worked through the technical working group
11 meetings we've been trying to work with participants
12 to ensure this is not going to be a problem, and this
13 system was one of the ways that we thought it might
14 make it a little bit easier for everybody.

15 MR. MURPHY: I want everybody to note that
16 that's a Nye County document he's dealing with up
17 there.

18 MR. SCHMIT: Were there any questions
19 about that? I didn't want to spend too much time in
20 it because we've spent a significant amount of time
21 with the technical working group?

22 (No response.)

23 MR. SCHMIT: Okay. That's it, Andy. I
24 don't know if you want to move on, or --

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1 MR. BATES: I think at this point it's
2 about 11:30, so maybe we should take a break,
3 reconvene at about one o'clock after having some lunch
4 and a break here.

5 Thank you all.

6 (Whereupon, the proceedings went off the
7 record for a lunch break.)

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

(1:00 p.m.)

1
2
3 MR. BATES: The next item that we have on
4 the agenda is a demonstration of the system. It's
5 time to get started again. The next item on the
6 agenda and schedule is a demonstration by Dan and Matt
7 Schmit on the LSN material that they have at this
8 point up on the net and where this system is going,
9 and I'll met Matt get started I guess.

10 MR. SCHMIT: My name is Matt Schmit. I'm
11 a project manager for the LSN and what we're going to
12 do now is run you through a little demonstration of
13 the system, try to hit all the major points.

14 Just a couple of things before we get
15 started. This is -- I think you have a pretty good
16 understanding now that we're about to move into a
17 testing phase. We spent a lot of time trying to get
18 the site as close to what it would look like to a user
19 as possible for our trip put here, so we'll be doing
20 some fine tuning and trying to get some of the pages
21 a little bit more accurate in the presentation and the
22 data, but the overall functionality design of the
23 system -- it's going to give you a pretty good
24 understanding about what it's going to look like.

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1 So it's just a little caveat that we are
2 in pre-release phase, and with that I just want to
3 move through the major pages.

4 First I wanted to acknowledge a couple of
5 people before I move forward. First is the GRCI
6 development team who are responsible for developing
7 this system: Dave Leibson and Derek Weaver and Larry
8 Bradley, who are back in the audience. The
9 participants that have worked with us so far have
10 given us some good feedback. We're in different
11 stages with each of them, NRC, Nye County, some of the
12 affected units of local government.

13 In particular I wanted to thank Dee Jensen
14 and his crew, Jerry Weiser, Harry Leake. They've been
15 a lot of help in working with us and actually
16 providing a live site, which when I go through and
17 demonstrate and actually pull up documents you'll be
18 seeing basically the LSN without a safety net in that
19 we are using live information as we hope to do when we
20 release the application obviously.

21 Okay. So with that the URL for the system
22 is lsnnet.gov. I apologize for those in the back of
23 the room who can't see too well. We've dimmed the
24 lights to try to make it a little better, but you can
25 obviously do this from your desk tops at home or at

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1 work. Obviously speed is going to be -- affect the
2 system from a performance standpoint, and I'll point
3 that out as we move along. We don't have a great
4 connection from here but you'll see that it's workable
5 and you'll realize that it can only get better from
6 here. We're actually running about 2600k.

7 Now, with that I just wanted -- the
8 lsnet.gov URL will bring you to our home page, which
9 is what you see here. I'm going to try to switch
10 between technologies here, and I'll just point out
11 some of the major features of the home page as it is.

12 The banners -- top banner up here --
13 anything with an underline under it is a hyperlink I'm
14 sure of. Anyone who traverses the web is accustomed
15 to this. Privacy, disclaimer notices, and then down
16 at the bottom is another banner with -- of particular
17 interest is an LSN webmaster link, which will allow
18 comments, suggestions, any input to be provided back
19 to the LSN webmaster.

20 We hope to use comments, feedback we get
21 to that to generate -- if you're familiar with FAQ,
22 frequently asked questions, we'll have an area in our
23 help section, and hopefully when we see a trend or a
24 lot of questions in one topical area we can address it
25 there.

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1 You'll see a lot of help features. We've
2 tried to make this intuitive as possible, and
3 hopefully as you work with it and we work with it
4 we'll even fine tune it better.

5 Right below the banner is what we're going
6 to refer to as global navigation buttons up here, and
7 these are local navigation. You'll see it's
8 highlighted with the section that you're on so as you
9 move from button to button it lets you know where you
10 are using a highlighting feature and making that
11 button obviously not available if you're in that site.

12 Over here I just wanted to point out under
13 this heading of site information there's several links
14 available to some information. If you hold the cursor
15 over the links in the LSN for the most part -- and
16 I'll show you also some actual headings. There's a
17 flyover help that will help users understand where
18 they are without clicking. About the LSN, the LSN
19 home page is obviously where we are. The about LSN
20 page is simply a description about the LSN.

21 We've spent a lot of time today going over
22 that. I'm not going to go into these in detail.

23 Calendar of events -- we've loaded a
24 little event in here just as kind of an idea. An LSN
25 advisory review panel that's being held at the Crowne

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1 Plaza, and we'll be updating this as applicable. The
2 LSN participants provides information, definition of
3 the participants for better understanding, the hours
4 of operation. Margie provided some information about
5 that in the guidance document.

6 Announcements -- again, we've broken it
7 into some topical areas. These are both demonstrative
8 and could change depending on what becomes relevant.
9 We may add new sections. In these cases you'll see
10 there's actually hyperlinks out and these are not
11 available yet because we're not -- we don't have
12 information relative to that yet.

13 Change documents is kind of an interesting
14 item. We were talking about going out and being able
15 to see what documents have changed, so we've developed
16 a little page here so you can say I want to know
17 within the last week from all organizations -- you can
18 use the drop-down box here -- what documents have
19 changed, click, run the report, and you get an idea of
20 what has changed from a document perspective. Click
21 home will take us back.

22 We've also developed a quick reference
23 guide, which is simply a link out to applicable pages
24 which are in most cases -- I think all cases outside
25 of lsnnet. NRC -- a lot of links are out to NRC

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1 documents. We'll be updating that as applicable.
2 Feedback through the LSN webmaster -- it would be good
3 if you want to propose this would be really helpful if
4 you could have it on the quick links page we'll be
5 looking at that for some ideas about that.

6 Now, the one thing I did want to point out
7 one other thing before I move on. I'm going to enlist
8 Paul and Andy on occasion or anyone up front if I have
9 a question -- I have my back to everyone -- they can
10 stop me and I can point something out if somebody
11 needs clarification.

12 The one thing I did want to point out
13 about the home page is it is a search page. Hopefully
14 people are familiar with Yahoo, Google, all those
15 popular engines, so we're trying to use that paradigm
16 here from a perspective that if you want to come in
17 and just issue a search it can be done from the LSN
18 home page. And I'm going to go through the couple of
19 different searches that are available.

20 The first thing I want to do -- there's
21 information here about viewers. I'm going to come
22 back to that in a minute. But there's help links over
23 here for each area, for instance, the accession
24 numbers. We talked about that before when I was
25 showing you the header generator, that there was a

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1 place for participants to enter accession number in,
2 and there's an LSN accession number, and that's why
3 you see here there's actually two searches available.

4 These will be used for people who know the
5 document they're interested in, know the accession
6 number, and will offer them a capability to jump
7 straight to that document. And then help over here
8 will be using small windows to provide information to
9 assist users on the page about exactly what function
10 is provided within that particular area.

11 To demonstrate LSN accession number I have
12 an accession number here that I know is in the system,
13 so I just copied it off the notepad so I don't have to
14 retype it. So if you enter an accession number in
15 this is a -- as I told you this is actually an LSN
16 accession number which is system generated. There's
17 a combination of information we use to make this
18 unique LSN wide, so there's only one accession number
19 for a document.

20 This is a Department of Energy. The DEN
21 is because we were not going to use an O for DOE so
22 that people wouldn't mistake it for a zero just to try
23 to make things a little easier and try to minimize any
24 confusion.

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1 So if I enter in an accession number I
2 come up with one document returned, which is
3 consistent with the fact that that is a unique ID.
4 This is a results list. I'm going to close this. I'm
5 going to explain it all in a moment. I'm going to
6 come back to it, but I just wanted to demonstrate that
7 real quick for you.

8 Now, the search -- and when we talk about
9 the power of the system we're talking this content
10 search down here, which Yahoo, Google offers the same
11 type of thing. You're interested in information
12 that's within the document that is contextual based,
13 that is found within the document as opposed to
14 accession number search.

15 This sample I'm going to use is -- I'm
16 going to enter in the word "tuff," T-U-F-F for the
17 rock, and I'm going to click the search button, and
18 this is the results list, the hit list, however you
19 understand the results return. This is the page that
20 is returned. And this is the title bar over here, and
21 again we have some flyover help. If you hold the
22 mouse over these titles they tell you what each title
23 is.

24 This is -- I'm going to come back to the
25 select button here. This is relevancy REL percentage,

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1 and it's basically a machine generated relevance that
2 based on searching for the word TUFF this document is
3 95 percent relevant to that search, and it's machine
4 generated by the system. The source is an indicator
5 of the participant collection, where it came from.
6 This is a DOE document. It just gives you a visual
7 image.

8 And just to give you a little contrast
9 we -- in addition to DOE GRCI is using one of their
10 own servers as a fake participant, and this is the
11 logo that indicates it's a GRC document, so this could
12 be a Nye County. We develop a logo for Nye County,
13 State of Nevada, NRC. But anyway, it's a quick visual
14 indicator of the source of the document.

15 The next is we got title, access numbers,
16 and description. This is actually a composite of
17 information that helps through a quick glance a user
18 to understand what we found. here's the LSN and
19 participation accession number. If the user wanted to
20 note that for later, that I want to come back to this
21 document in the future, then you could use this
22 accession number to issue the search that I showed you
23 earlier.

24 And then the last piece of information in
25 the result is an intelligent summary which the system

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1 is using some intelligence which I won't go into the
2 details of, but basically it's tried to derive the
3 essence of the document and provide you with
4 approximately a three sentence summary of that
5 document. So this is information from within the
6 results page that can help you decide if this document
7 seems applicable to what you are looking for, and then
8 from there we'll move on to actually opening the
9 documents which we actually offer five different ways
10 to do that.

11 The first is you'll see the title is
12 actually underlined. Again, if you hold over it open
13 the document for viewing in the browser -- so I'm
14 going to click on the document title, and what comes
15 up is a couple of different things of note.

16 First is here's the source document that
17 was provided. This is a Department of Energy document
18 that was retrieved off of their server when I clicked
19 on that title. It issued an HTTP request to the DOE
20 server and the DOE server served it up to me as a
21 user. The way DOE's documents are currently
22 configured it's an HTML document and we actually have
23 tags within it so as you're reading the text if you're
24 interested in seeing the image itself you can click on
25 the image, pull it up to see if there's anything of

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1 note that might be handwritten on it. It's actually
2 from the scan of the document.

3 Now, this is a document viewer. I'm going
4 to go back and show you the viewers. This is actually
5 a document viewer that we're going to provide a link
6 to on the LSN. It's a free viewer. It's called
7 alternative you can see up here in the corner, and
8 it's got several features in it that are typical in
9 these types of viewers. If you click on the document
10 itself it will zoom in. You can flip the pages over
11 and zoom out and do all kinds of things as far as
12 viewing the document.

13 I'm going to close that window and I'm
14 going to go back to the results list and show you
15 another -- now, one other thing I should have noted
16 when I brought it up was the document itself is up
17 here. What you see down here is a related document
18 list. Again, what the system has done is analyzed the
19 document you've clicked on and said, Let me see if
20 there's anything else out there based on the content
21 of that document that may be related, and what it's
22 done is found a couple of documents down here. You
23 can see the relevancy. It's not real high, but it has
24 found that -- if you're interested in documents that
25 might be related on the document selected they're

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1 available down here, and obviously you can click on
2 the title and move over to that document.

3 Another way of going to the document is
4 there's a list of buttons over here which are under
5 the command title, and each of these are explained in
6 help. I'll show you later, but if you hold the mouse
7 over it says, View the source document images. So if
8 I click on this what it does is it actually brings up
9 the document in the image viewer alternative that we
10 showed you before, and we've integrated in basically
11 a little click box that allows you to move from page
12 to page or go down, and this document is 67 pages long
13 so you can jump down to the applicable page.

14 So it's a way to get to the source
15 document, the image document, and again, you can see
16 we have the related document list available down here.

17 The next button over if I hold over, view
18 the document's header field information -- so if I
19 click on that these are -- when I was demoing the
20 header generator list this is basically the
21 information that was extracted out of the XML file the
22 Department of Energy placed on their server and loaded
23 into the document available for searching. Accession
24 number, organization, everybody's familiar with these,
25 and I'll show you how I'm going to actually use some

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1 of this information for an advanced search in a
2 moment.

3 The next button is the ASCII content of
4 the document. What this is is basically -- the
5 technology that we're using for search and retrieval
6 is from -- and anybody who was at the meetings in
7 January knows is a product autonomy is the product,
8 and basically what this is is the text as autonomy
9 indexes it. It's stripped of all the hard returns,
10 carriage returns, all the information that would make
11 it useful from a formatting perspective to get it into
12 the index in a compact form, which obviously then
13 translate into speed for users.

14 This may have limited use, but it's
15 available as a way to just read straight through the
16 document without having a whole lot of formatting in
17 it.

18 But really where it becomes interesting is
19 over here in this last button, which is the same thing
20 but it actually highlights the content of the search
21 that you entered. So down here it has highlighted
22 this because it has found that my search on TUFF is
23 actually found within -- to focus your review of the
24 document is this really applicable to what I searched
25 on, and it highlights the area for you so you can go

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1 through and take a look and do a quick analysis about
2 whether it really is.

3 This is a feature you can use if you want
4 or you don't. If you don't want to -- but it's
5 interesting. I recommend you use it on issuing
6 searches and see what kind of results you get if it's
7 close to what you were searching for. We've been
8 issuing quite a bit -- searches testing this out and
9 found some interesting things with it.

10 So I've gone through a search and shown
11 you all the different ways that we can actually view
12 a document result, get information, and actually go
13 out and view the documents.

14 As another example, another search
15 strategy you might want to use -- I'm going to go back
16 into the document that we retrieved earlier, and say
17 I'm scrolling through this and I'm reading it, and I
18 get down to an area down here in the summary and I
19 say, Wow, that paragraph hits home. That's exactly
20 what I'm looking for. What you can do is you can
21 actually highlight that paragraph -- I'm just right
22 clicking doing copy. These are standard Windows
23 functions. Control C will also do the same thing. I
24 believe there's an edit-copy up here on the menu.

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1 So I now have that stored in the Windows
2 clipboard. I'm going to close my results page, and
3 where I searched for TUFF I'm going to overwrite that
4 with that paragraph. I just did a Control V, which is
5 a paste, because I'm not a good typer, so now I've got
6 this entire paragraph here. It's found five documents
7 based on the paragraph that I highlighted and pasted
8 that it felt was applicable to that paragraph.

9 So you can use not only a word. You can
10 use multiple words. You can use thoughts. You can
11 use paragraphs. And in a moment I'm going to show you
12 actually how you can use an entire document to do the
13 same thing. In some cases when you saw that result
14 list down at the bottom it had related documents.
15 That was another way where it was interpreting the
16 document and giving you something else that may be
17 applicable.

18 But there's one other way to do that. I'm
19 going to go ahead and reissue my search for TUFF, and
20 suppose I'm scrolling through here or I've actually
21 read this document for instance that hits right home.
22 Well, this select title if you remember over here use
23 check boxes to select documents for refining the
24 search parameters. I'm going to check that box and
25 down at the bottom is the suggest more, so what you're

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1 saying is I like this document. Can you go out and
2 find more like it?

3 You could select one document. You could
4 select two documents along here. Obviously if you
5 enter more documents and it's really a narrow
6 search -- so I'm just going to enter one document in,
7 and it's come up with a document that it felt based on
8 that was 75 percent relevant, so there's just a couple
9 of strategies there that will allow you to search.
10 And obviously the most powerful feature within the
11 search capabilities that we've integrated into the LSN
12 is the content search.

13 Now, before I leave this page there's a
14 couple of things I wanted to do I did forget. The
15 header generator that I demonstrated earlier -- we had
16 a couple of questions about it. The back end is an
17 Access database, so when you -- the front end where I
18 entered information in -- this is the header generator
19 system -- data is actually stored in an Access
20 database and it writes out the XML files from an
21 Access database.

22 For anybody who's interested in using that
23 under the help menu there's an other downloads button,
24 and it's the LSN header management system. If you
25 click on that it will actually save the program down

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1 to your disk or you can run the program from its
2 current location.

3 Dan, if we save this to disk is it self
4 extracting, or --

5 MR. GRASER: Self extracting, self
6 installing.

7 MR. SCHMIT: Okay. Self extracting and
8 self installing. So you've just got to remember where
9 you saved it and then you can run the executable
10 program to install it, or you can run it from its
11 current location. I just wanted to point that out to
12 everyone.

13 The last thing I wanted to show on the
14 home page was the viewers. We've got a lot of
15 different formats possible in the LSN from a document
16 perspective, document formats, so what we've done is
17 we've developed a viewers page and we're providing
18 some information here and disclaimers of course and
19 basically an explanation. When you saw the source
20 before which basically refers to which participant as
21 it explains here is providing the document what we've
22 tried to do is understand the formats that
23 participants are going to be providing documents in.

24 The Department of Energy ones that we
25 demonstrated use TIFF and HTML, so what we do is we

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1 provide information -- if you click on the hyperlink
2 for TIFF for instance it provides you a little bit of
3 information about what is TIFF for people who aren't
4 familiar with it as a format, and then we have a
5 couple of different things that you can do. You can
6 actually test if you have TIFF installed by clicking
7 on a button and if the image comes up then you know
8 you actually have a viewer installed, and then if not
9 we provide a link to the viewer, which you click here
10 and again is a download and self extracting and
11 installation program.

12 And hopefully as we work with the
13 participants we'll be able to expand this list. We
14 got the information that's on here from surveys we
15 took back in January. I know it's probably changed a
16 little bit since then, but we were trying to get a
17 feel for what kind of documents and what formats
18 people were going to provide them in.

19 Okay. The last thing I want to do is move
20 into the link that's available that we haven't covered
21 on the home page, which is the advanced search form.
22 You'll notice that there's no underlining here. These
23 are not links, but the advanced search is a link to an
24 advanced search page, and this is where we try to
25 bring the power of the LSN to bear in the information

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1 that participants have spent the time capturing and
2 providing to us through an XML file, and this is where
3 participants can refine searches by using multiple
4 pieces of information.

5 Within each you'll see that each tag or
6 field tag is actually highlighted like author name,
7 and if I click on it it tells you what is the author
8 name tag and also actually we try to give you a format
9 of how the name is entered into the system. Possibly
10 we could augment this with some sample searches. We
11 hope to use feedback through testing and possibly
12 through the webmaster link to find out where we need
13 to provide more information.

14 Basically without confusing you too much
15 all the fields in the LSN are available here and
16 searchable. Again, the document content is available
17 as an item here. If you enter multiple fields -- for
18 instance, I'm going to go into author and I'm going to
19 enter the name Hardin, and I'm interested in articles
20 that Hardin has authored that are -- content is
21 related to inflow, so the content contains inflow and
22 it's been authored by Hardin. These two are anded
23 together, so it's authored by Hardin and has inflow in
24 the document content.

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1 Two documents come up. Again, we've
2 already covered all the different areas and different
3 ways to get into the document.

4 Any questions about anything I've covered
5 so far or any point of clarification I need to make?

6 (No response.)

7 MR. SCHMIT: Okay. Last thing I wanted to
8 do is move through each of these buttons up here. The
9 advanced search button is the same as is available
10 down here. We just wanted to make that available in
11 case someone was at another page and wanted to jump
12 right to the advanced search button, wasn't on the
13 home page. It's always available up here as a global
14 navigation item.

15 E-docket -- Dan covered a little bit about
16 this and Margie did too in the guidance discussion.
17 Electronic docket's another part of the LSN function.
18 Access to an electronic docket. What we've done is
19 we've developed a click on the e-docket link. We've
20 developed a little transition page so that people
21 aren't taken aback when they first do this, because
22 it's actually a separate system. The NRC has
23 developed a system called ADAMS that as proposed --
24 going to be used for the electronic docket, so this
25 provides information about the docket to transition

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1 you into it, and then we actually provide a link to
2 the electronic docket file where you can then move to
3 it and get into the electronic docket.

4 The same for E-motion, electronic motion.
5 We've again provided just a little transition page to
6 an electronic information exchange system, which John
7 Skoczlas is on the agenda this afternoon for
8 discussion about that, and I believe he'll also offer
9 a demo I think on a sidebar, not as part of the main
10 presentation. But again, this link takes you out to
11 the electronic information exchange server for
12 electronic motions.

13 Links -- we've tried to set up a couple of
14 categories here of relevant links. The advisory
15 review panel is represented here all with live links
16 to the sites. We're going to do our best to keep this
17 up to date. If you do move your site, change your URL
18 or anything, we'd appreciate just dropping us a line
19 through webmaster or to the LSNA so we can keep this
20 current for people.

21 Again, another way to get into the
22 electronic hearing docket and the electronic
23 information exchange, aka e-motion, e-docket, as we
24 call it up here.

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1 This log in page is the next one I'm going
2 to select. There's just a couple of features that as
3 a participant LSN users will be able to take advantage
4 of. I think Margie I believe in her guidelines
5 discussion talked about we're proposing to have a
6 business point of contact work with us to establish
7 user name and passwords for users within their
8 organization. We've actually developed a process
9 where we do not know the user name and password that
10 will be initially issued to participants. It's done
11 through an e-mail process and in a moment I'll show
12 you how you as a user can change your password, but we
13 won't be aware of your password. What we'll do is
14 offer a service where if you forget or lose your
15 password we'll work with your business point of
16 contact to establish a new one through this e-mail
17 process but we won't be aware of it so we won't go in
18 and change it or know what it is.

19 So I'm going to log in and highlight a
20 couple of things that have changed. Over here you'll
21 see there's a new heading, My LSN. This is popular in
22 the portal sites now. It's offering Yahoo. All the
23 major portal sites are offering My capability, my site
24 capability. It's just a capability to edit the
25 information to your particular need.

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1 There's a couple of buttons here that are
2 available to you, and at LSN profile I'm going to open
3 that. Most of this is straightforward. The only ones
4 I wanted to highlight was number of search results, so
5 right now it's 25. I can set it up to 250 or as few
6 as five. The only caution I would give you here is
7 that if you -- this is all loaded into one page, so if
8 you identify 250 hits the page has got to be
9 developed -- it's written on the fly -- to house 250
10 hits on one page, so that's a bigger page for example
11 than five documents.

12 So this offers you an ability to minimize
13 download time on hits list and also manage the data in
14 a way that you're comfortable.

15 Search relevancy threshold -- if you
16 remember that relevancy button I showed you before you
17 can set this anywhere from 100 down to 5 percent, so
18 if you're searching on something and you don't want to
19 find anything that might be close, you want stuff
20 that's really on the mark as far as the system is able
21 to interpret it you can set a higher threshold and
22 reduce the amount of hits that will be returned to
23 you. So that's just a couple of ways that you can
24 actually go through and modify this system for
25 yourself.

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1 And the last feature in there is change
2 passwords, which is if you need to go in because
3 you're afraid you're going to forget it, or if you
4 want to -- you were recently forced to change your --
5 like I always do. I try to keep my passwords the same
6 from all the different systems I access because I can
7 never remember them, so if your network administrator
8 for example periodically forces you to change your
9 password you can come into the LSN and change it to
10 match that.

11 Okay. The last thing I wanted to do was
12 show you the help feature. I showed you where the
13 header generator is down here and other downloads.
14 What we've tried to do in this help area is -- why did
15 we do this whole LSN, and obviously it's to search and
16 retrieve, so what we've tried to do is provide some
17 information about how exactly I do that in a couple of
18 different areas.

19 There's some general search information,
20 some information about advanced searches. We actually
21 provide an example, go into the different types of
22 syntax you can use in using the content search. Field
23 search information, saved query information, and then
24 down here in the help as I indicated before here's a
25 frequently asked questions where we're trying to

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1 anticipate what kind of problems users may experience
2 and provide a quick way for them to get an answer to
3 that.

4 And then in the future we're going to
5 develop a web-based training, make that available
6 through participants so that they can actually go
7 through a little training module at their desk to help
8 them in addition to some other training strategies
9 which most likely will include us actually coming out
10 and sitting with participants and helping to
11 understand the different functions. But I think for
12 the most part we've tried to keep it as simple as
13 possible using technology that most people are
14 familiar with that have been on the site before.

15 The one last thing I wanted to show is
16 this additional document or link here as logged in.
17 We talked about the different points of contact like
18 to get an image version of a document. This is how
19 we'll try to manage that type information and make it
20 available to participants through a page like this.
21 This isn't exactly how it will end up, but we just
22 wanted to give you an idea about how we can make
23 information available to participants so they can get
24 done what they set out to do.

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1 And I think with that that's pretty much
2 a walk through from all the major functions. Again,
3 we'll be fine tuning. We're going to be moving into
4 testing next week, and I suspect that over
5 approximately the next three weeks to a month we'll be
6 pretty heavy in that, so I guess my disclaimer is that
7 be patient with us while we do that but feel free to
8 go out and take a look at the site, and once we get
9 operational we'll let everyone know and then hopefully
10 we can have a nice site that's up to what everyone
11 expected and can incorporate any future changes or
12 requests through the change management process so that
13 we move out through an operational phase in a
14 structured manner.

15 Dan --

16 MR. GRASER: Save searches.

17 MR. SCHMIT: Thank you. I forgot that.

18 A major area I missed here. Thank you, Dan. Queries.

19 JUDGE BOLLWERK: Explain what a priority
20 user is as well.

21 MR. SCHMIT: Thank you, Paul.

22 We've actually developed the system to --
23 for participants to -- I don't know if this is a good
24 way to put it, but I always saw the LSN as a private
25 system on a public network. I don't know if that's a

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1 good way to put it. But what we've done is we want to
2 make sure participants can get their job done, so this
3 system is actually available to the general public but
4 in case something happens where an article shows up in
5 the New York Times or something, gives out our URL and
6 the public hits the site, participants with their
7 login ID are actually funneled to a separate parallel
8 system that has been basically developed to ensure
9 that they will have timely access and acceptable
10 performance to get their job done.

11 In addition to that we have one other
12 button that I missed in the login, which is the query,
13 and that's the capability for users to actually save
14 and store queries. There's a couple of different --
15 two different categories of searches here. There's
16 searches that were saved and shared with an
17 organization or searches that were saved and used by
18 me, and the search that I showed you before I actually
19 saved that earlier to demonstrate. If you click on a
20 search it goes out and it issues the search that you
21 saved.

22 The two other buttons over here -- you can
23 edit the saved query and you can delete the saved
24 query, so if I was to go to the advanced search page
25 for instance and say I want everything after January

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1 1, 1999, and I'm going to say I want it with a
2 document content related to geology. I can issue that
3 search, and I can go this is all the stuff I'm really
4 interested in and I know that Bob, who sits next to me
5 and works with me, is interested in this too.

6 So actually what I can do is I can click
7 on this save as query, and it asks me for the name,
8 and then there's a button here -- a check box that
9 will allow you to either keep that search only to
10 yourself or you can share it within your organization.
11 So you can see now I have two searches, one for TUFF
12 and one for 1999 geology, so that's another capability
13 that allows participants to share information within
14 their organizations.

15 Okay.

16 MR. GRASER: And that is not seen by the
17 rest of the users of the system.

18 MR. SCHMIT: Right.

19 MR. GRASER: And queries -- saving queries
20 is not available to the general public.

21 MR. SCHMIT: Because there's no way for us
22 to manage the world basically.

23 Okay. I think that's it. Did I miss
24 anything?

25 MR. GRASER: I think that's it.

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1 MR. SCHMIT: Okay. Any questions or
2 comments?

3 MS. SHANKLE: Basically my question is if
4 someone doesn't have access to the TIFF they download
5 the viewfinder. Do they have to download it every
6 time or is it downloaded only once?

7 MR. SCHMIT: The viewer itself you would
8 only have to download once and install it.

9 MR. McINTIRE: Just a quick question on
10 the availability. Do the participants have to come
11 through the public server in order to get to the
12 participant server, and if so if there's an issue with
13 the public servers how will the participants be able
14 to get to their site? Is there a separate URL you
15 will be setting up for that?

16 MR. SCHMIT: The participants do not have
17 to come through the public server. What we've
18 actually done -- Dave, correct me if I'm wrong -- I am
19 wrong. Go ahead. Come up to a microphone.

20 MR. LEIBSON: In order to access this
21 site, everybody comes in to www.lsnnet.gov. From
22 there the login page forces the conversion over to
23 HTTPS and allows you to log in. I didn't hear the
24 second part of the question though.

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1 MR. McINTIRE: The question was will you
2 be providing a separate URL for the participants to go
3 if there's a problem with the public server?

4 MR. LEIBSON: It was not in the design at
5 this time, but we can look at that.

6 MR. McINTIRE: Okay.

7 MR. LEIBSON: The servers that we're using
8 right now are rated at 1 million simultaneous users.

9 VOICE: [inaudible].

10 MR. LEIBSON: Right. Once you've logged
11 in you're moved over to a pair of servers that are
12 acting together, so we should be able to support 2
13 million users with priority access.

14 MR. SCHMIT: Anything else, any other
15 questions?

16 (No response.)

17 MR. SCHMIT: Okay.

18 MR. GRASER: If I can just jump in here,
19 as Matt indicated and I indicated earlier, if you have
20 any thoughts or comments or observations either about
21 the functioning of the system or even something in
22 terms of just how data is presented or how easy it is
23 to navigate or other concerns, for example, what about
24 somebody who's blue-orange color blind being able to
25 view the screens and so forth? You can use the link

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1 on the LSN site that is available now on the internet
2 to go ahead and put a comment like that into us, and
3 we will address those comments because as I said this
4 morning, we are here to present information to the
5 advisory review panel for the purposes of eliciting
6 their guidance and feedback and comments on the
7 progress of the system design to date.

8 So I certainly want to encourage everybody
9 to go home, visit the site, play around with it a
10 little bit and feed us your comments. We would
11 certainly be most grateful for whatever you have to
12 say about the system.

13 MR. BRADLEY: I'm Larry Bradley, GRC.

14 One of the things we are doing is we're
15 testing it for 508 compliance at this point, and we'll
16 make it 508 compliant as we move down the road, so we
17 do have the capability in our development staff to do
18 that and we have the testing tools and remediation
19 tools to make these sites compliant with 508, so
20 that's what we'll be doing.

21 MR. BATES: You might mention what 508 is
22 for those who --

23 MR. BRADLEY: Sorry. 508 is the part of
24 the Americans With Disabilities Act that requires any
25 application provided to the government after June 25

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1 to be compliant -- or to provide the capability for
2 those who are disabled in one way or the other to use
3 the application, so it will be for hearing impaired or
4 sight impaired people to give them the access to the
5 sites without having to do anything unusual.

6 JUDGE BOLLWERK: The only thing I'd add is
7 obviously the demonstration you saw today was based on
8 documents that DOE has given us access to. The more
9 documents we have access to to be able to put on the
10 site the more information there is, the more the
11 searches are run and will reveal information. So
12 again, we all recognize there's certification dates
13 that have to be met, but obviously the earlier the
14 information gets on there the more the system can be
15 used and the better the results of the information
16 it's going to produce for everybody.

17 So I think there's an incentive here. To
18 the degree that people want to see information about
19 how a waste repository, the planning, et cetera, put
20 the information out there on the websites and we'll --
21 that's what the LSN is there for, to identify it and
22 make it available.

23 MR. BATES: Matt, thank you.

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1 I think, Dan, the next item on the
2 schedule is a discussion of the EIE with John
3 Skoczlas.

4 MR. GRASER: Right. Let me just frame
5 this, going back to the one chart that I had up this
6 morning that outlined an overall strategy for an
7 electronic environment for any hearing activities, and
8 I mentioned in one of my sidebar discussions that part
9 of that overall capability was the ability to
10 communicate back and forth with the panel and the
11 various legal counsel and other organizational
12 entities that are communicating in a formal way back
13 and forth with the Atomic Safety and Licensing Board
14 panel.

15 Part of the capability that needs to be
16 put in place is motions practice if you will, the
17 ability to electronically exchange documents, have the
18 exchange be if you will date and time stamped along
19 the way, and also to ensure that the information
20 that's being exchanged is done in such a way that it
21 will withstand tests as to the authenticity and
22 integrity of the document that's being sent back and
23 forth.

24 And part of the way that we are doing this
25 is with this electronic information exchange

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1 initiative at the Nuclear Regulatory Commission. John
2 Skoczlas is going to update the advisory panel on an
3 initiative, and this is actually a second round of
4 initiatives that are related to electronic information
5 exchange capabilities software and hardware that are
6 being developed at the Nuclear Regulatory Commission.

7 So, John, it's your nickel.

8 MR. SKOCZLAS: Thank you.

9 Approximately four years ago I was tasked
10 to develop a system to submit documents to the NRC in
11 an electronic manner that was secure using the
12 internet. The culmination of that effort after four
13 years was the implementation of something that we call
14 EIE, or electronic information exchange, and January
15 25 of this year we came online in a production mode
16 and have been accepting documents electronically in
17 lieu of paper for certain types of documents and to
18 date have received approximately 150 submittals
19 electronically not followed up by paper.

20 The system itself is a certificate based
21 PKI system. We currently use Verisign as our
22 certificate provider, and Pure Edge is our digital
23 signature and form provider.

24 It is an internet-based system, and I
25 forgot to put the URL for all that up there, but if

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1 you go to the NRC website, which is www.nrc.gov,
2 there's a -- in the toolbar there's a place that says
3 EIE. If you click on that then you'll be able go get
4 to our home page and see all the information that I'm
5 going to be talking about today.

6 Basically the system provides for
7 authentication, certification, and digital
8 signaturing. It also has some other features involved
9 such as time date stamping that Dan talked about. The
10 system itself -- if you go to the home page you'll see
11 a process that's involved. The NRC provides the
12 certificates and it provides the forms and it provides
13 the form viewer, so everything is provided to you.

14 We have certain safeguards built in to
15 recognize who our customers are, and once you've been
16 registered then you can go ahead and submit documents
17 to the NRC in a secure manner.

18 Right now the system is only for
19 submitting documents to the NRC, and once I go to
20 system improvements and what we're going to be doing
21 for the adjudicatory documents I'll talk about the
22 process of documents going out of the NRC in
23 electronic mode. Right now the system is only
24 applicable to Part 50 submitters, and that was because
25 of a quirk in the rules that allowed for documents in

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1 Part 50 to be submitted electronically, and we just
2 went ahead and issued a blanket exemption using a
3 regulatory issue summary 2001-5, and that explains all
4 the rules for submitting documents electronically to
5 the NRC.

6 The basic system is pretty simple. All
7 you do is go to the website. You pull up your
8 certificate. You get the web form. You fill out the
9 form. You attach the document just as you would an e-
10 mail. You click on digitally sign it. It asks you to
11 verify that and it checks your certificate, and then
12 it submits it to the NRC EIE server, which is
13 completely separate than any other server at the NRC
14 at this point.

15 Once it hits the server and is
16 completed -- the transmittal has been completed it
17 sends a message back to you that the transmission has
18 been successfully completed and gives you a time and
19 date that it was, and it also time dates -- time
20 stamps that document when the last bit is received on
21 the server.

22 Periodically the server then sends the
23 documents into the agency through the fire wall where
24 they're entered into ADAMS for Part 50 documents and

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1 will go to different locations depending on what the
2 submittal is meant for.

3 So there's a few advantages there. The
4 nice part is that it's not difficult to use. It's
5 very easy to use. The access is provided by the NRC,
6 and it's much like using e-mail and clicking and
7 sending documents, but it is very verifiable for those
8 of you who are familiar with certificate-based PKI
9 systems.

10 What we have now is a proposed rule which
11 has been drafted, is in office concurrence at the
12 moment and will soon go up to the commission. I think
13 it's due by the end of this month, August 31, that
14 says that all documents coming into the NRC may be
15 submitted electronically using this process or CD-ROMs
16 or e-mail, and there's an attachment to it which is a
17 guide that completely lays out the entire process and
18 gives particulars in terms of form and format and
19 stuff like that and certain standards that need to be
20 met.

21 The problem is that the rule currently is
22 not applicable to the adjudicatory and other types of
23 documents such as contract documents and financial
24 documents at this time.

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1 What we're going to do is implement a
2 pilot. It's called the Adjudicatory Pilot System.
3 We've been developing the requirements with ASLBP and
4 SECY since I guess February of this year. And what
5 the pilot will do is specially address the
6 adjudicatory type submittals.

7 Some of the things that we'll include are
8 some of the new requirements that we'll be able to
9 address that aren't currently addressed in the EIE's
10 process is that documents coming into the agency will
11 be able to be sent to multiple addressees
12 simultaneously, so coming into the agency right now
13 the documents only go to our document processing
14 center, which is much like the old document control
15 desk, and then they go out from there. This system
16 will allow instantaneous submittals -- instantaneous
17 multiple addressees the distribution to them right
18 from the submittal process, right from the EIE server.

19 The other thing that we'll provide is
20 document level security. Currently if you have a
21 certificate you send it in using the EIE process. As
22 long as the document's on the EIE server anyone with
23 a certificate can access it. It's really not a
24 problem because right now we're only accepting
25 publicly available documents, so anyone could access

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1 them once they get into ADAMS anyway. But once we
2 start the adjudicatory pilot what we're going to do is
3 provide a way that certificates can recognize each
4 other so that if you're submitting to SECY only SECY
5 will be able to open those documents.

6 We'll be able to allow for multiple
7 signatures. Currently we only have a two signature
8 process. The author can sign the document digitally
9 and the person transmitting the document can sign the
10 document digitally. When we put the adjudicatory pilot
11 in it will allow for more signatures, as many as
12 necessary actually.

13 We'll also develop a process of moving
14 documents around that could be shared by other
15 organizations such as people submitting. We're going
16 to set up the model for doing that, and the reason we
17 do that is if you're going to have multiple signatures
18 you're going to want to be able to move the document
19 with the form from place to place for different people
20 to sign it, and we're going to go ahead and develop
21 the model for doing that that people can share.

22 We're also going to include a lot of drop
23 downs as opposed to people having to type in
24 information, and these will be such things as
25 distributions, types of documents, document format,

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1 sensitivity levels, things like that so that people
2 don't have to sit and type this all out.

3 We're going to customize the form, and it
4 will probably include either additional or other
5 related information because we understand that
6 adjudicatory documents have different field
7 requirements for locating documents or retrieval for
8 entering into different systems. One of the nice
9 things we're going to do is we're going to involve and
10 implement a save form feature so that the basic
11 information on the form can be saved, and then you can
12 reuse that form over and over to make similar type
13 submittals and only have to change some of the
14 information, maybe one field, the date or something
15 like that.

16 But the biggest thing is that currently we
17 do not send documents out of the agency
18 electronically. As part of the adjudicatory pilot
19 what we're going to do is develop a process that will
20 allow documents to flow out of the agency to specified
21 either individuals or to multiple addressees, so it
22 will become a real electronic information exchange
23 process with two-way communication.

24 Again, we provide the certificates and the
25 software. All you need to have is internet access.

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1 The pilot should probably begin about
2 September and go for about six months. Now, our plan
3 at this point is to -- we have the requirements
4 developed to implement the pilot, improve it or change
5 it as necessary over the six months, and at the end of
6 that period of time to go ahead and actually have that
7 pilot become the production system. And once it
8 becomes the production system then that process will
9 be incorporated in the rule and it will be
10 incorporated in the guidance document, so we'll put
11 the whole package together and update the rule and
12 update the guidance document.

13 If the rule hasn't gone through yet of
14 course it will be republished in the Federal Register.
15 If it has gone through then we'll just go ahead and
16 update it with a -- whatever they call it.

17 JUDGE BOLLWERK: Reissue and provide it.

18 MR. SKOCZLAS: Yes. Okay.

19 I'll be available at the end of this
20 session over in the corner to demonstrate the system
21 to anyone who might be interested. We can actually
22 send some documents. You can see what the process is.

23 But it's actually very simple, much like using e-
24 mail.

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1 If there's any questions please contact me
2 or Patty, my assistant, and we'll be able to provide
3 you with any information on submitting documents
4 electronically to the NRC whether it be the EIE
5 process or in CD-ROM or using e-mail.

6 And that's about it. Any questions?

7 (No response.)

8 MR. SKOCZLAS: Very good. Thank you.

9 MR. BATES: Thank you, John.

10 Dan, do you want to say anything further
11 at this point? I would suggest maybe we take a short
12 break here and when we come back Dee Jensen and -- I
13 don't see April at the moment, but DOE was going to
14 give us a presentation with regard to their document
15 management process.

16 Let's take a 15 minute break and be back
17 here -- make it a 20 minute break and make it about
18 2:30.

19 (Whereupon, a short recess was taken.)

20 MR. BATES: I'd like to get started again,
21 please.

22 The next item on our agenda -- April Gil
23 and Dee Jensen from the Department of Energy are going
24 to give a presentation on their licensing support

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1 network strategic approach, so I'll turn it to
2 April -- I guess April starting and then go to Dee.

3 MS. GIL: Thank you. We're going to play
4 tag team, Dee Jensen and myself. And I am April Gil
5 with the Yucca Mountain Project Department of Energy.
6 Let me introduce my colleague, Dee Jensen. Dee is the
7 software, records, and operations team lead, and what
8 we have done in essence is within the Department of
9 Energy Yucca Mountain Project Dee and I have a joint
10 responsibility for DOE's implementation of the
11 licensing support network.

12 And I just wanted to say publicly that
13 it's been a real pleasure to work with Dee and his
14 team in getting our portion of the LSN requirements
15 and policies put in place. I've learned more about
16 gigabytes and HTML than I ever thought I would, but I
17 do appreciate your expertise. And I also want to
18 recognize the team of people who have been working so
19 hard over the last year on understanding and
20 implementing OCRWM's responsibility under the NRC's
21 rule.

22 First off I'd like to recognize George
23 Hellstrom, who's a DOE attorney who works with us
24 quite closely. Also Jerry Weiser, Roberta Stambaugh,
25 Barbara McKinnon, Dave Warriner, Jan Yerden, and Lew

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1 Roberts, and you probably know some of these people
2 have been involved with the LSN much longer than I
3 have had the pleasure to do so.

4 What we'd like to talk to you about
5 today -- just bring you up to date with what the
6 Department of Energy has been doing with respect to
7 the licensing support network. Of course this is a
8 long-standing requirement. DOE has been aware for
9 quite some time and working very hard on making sure
10 that we meet the requirements.

11 About a year ago Dee and I had the
12 opportunity to take over responsibility for the system
13 from Claudia Newbury, and it took two of us to take
14 Claudia's place, so let me just go ahead and start and
15 explain what we've done with the strategic approach.

16 It's in essence a management tool for the
17 Department of Energy. It's very requirements based.
18 It goes through Part 2. It has been updated to
19 reflect the NRC's rule, and specifies those areas that
20 DOE's responsible for under Part 2.

21 It also is divided up into regulatory,
22 management, policy, and information management issues,
23 and this was a way for us to in essence take a bit out
24 of the elephant, because overall the LSN
25 implementation can be overwhelming, especially for

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1 Department of Energy who has huge responsibility under
2 this rule. So we felt that this was a way to clearly
3 define the responsibilities of DOE and then assign
4 those responsibilities within the department to make
5 sure that we meet the requirements.

6 And as I said, it's a management strategy.
7 It contains a lot of DOE policy and management type
8 information. Dee and I spent a lot of time last fall
9 and put together the strategic approach working with
10 a team, and then spoke with all the managers. I think
11 we had 15 or 16 different presentations within the
12 department, both at -- here in Las Vegas with TRW and
13 then with Bechtel SCIC when they took over the
14 contract in February. We also went back to
15 Washington, DC, to DOE headquarters and spoke to
16 managers there so that everyone was aware of our
17 approach.

18 Lake Barrett [phonetic] specifically asked
19 us to share the strategic approach with this panel to
20 get any feedback that you all have before we go
21 forward and make the strategic approach final. It is
22 in draft form right now.

23 We have also established a steering group
24 within Yucca Mountain. It's composed of Dee Jensen,
25 George Hellstrom, myself, and the senior people that

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1 I named at BSC and MTS. We have a series of working
2 groups that take on specific issues and probe the risk
3 benefits for responses to these different issues, come
4 back to the steering group recommendations. We meet
5 on a biweekly basis so we have a very intense activity
6 with respect to LSN.

7 So documentary material -- I feel this is
8 kind of preaching to the choir. This is the group
9 that actually made these definitions, and I think that
10 they've been discussed at length and described quite
11 clearly by previous speakers. In essence any
12 information that DOE intends to rely on or cite in
13 support of a potential license application,
14 information that is known to, in the possession of, or
15 developed by DOE that is relevant to but does not
16 support RLA, and of course reports and studies
17 prepared by or on our behalf including related
18 circulated drafts -- and I wanted to thank Chip
19 Cameron for the discussion on circulated drafts this
20 morning. That was very helpful -- relevant to the
21 license application and the topical guidelines.

22 And we would like to speak perhaps later
23 this afternoon in the round table in some more detail
24 about the topical guidelines, because as we're going
25 through and screening our universe of documents,

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1 making sure that we have procedures in place and
2 available for the certification official we want to
3 make sure that we capture the universe of documents
4 that are needed to go on the LSN. The topical
5 guidelines would be very helpful for us in order to do
6 that.

7 What I'd like to do now with that just
8 brief introduction if there are no questions for me
9 I'll just turn the presentation over to Dee Jensen.
10 Thank you.

11 MR. JENSEN: Thank you, April.

12 Given the definition of documentary
13 material it would be nice if all that the Office of
14 Civilian Radioactive Waste did was generate
15 documentary material. However, there is this universe
16 of documents that are related in records that are
17 related to just the normal course of business. As we
18 went through -- go through the process of identifying
19 documentary material and doing the relevancy
20 screenings and so on one of the things that we had to
21 do was we had to try and figure out just how big is
22 the document universe out there that we have to go
23 through, so the numbers that you see on the board
24 right now would give you an indication of the size of
25 the elephant that April mentioned just a minute ago.

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1 These are approximately numbers but they
2 do represent the universe that we have to take a real
3 hard look at.

4 The first item on there of course is the
5 approximately 5 million e-mails. Now, that's a lot of
6 e-mail to scan, a lot of e-mail to screen. When you
7 factor in the idea that these e-mails also have
8 attachments the attachments have different file
9 formats. The attachments have different constructs.
10 The fact that most e-mail --when you and I send an e-
11 mail we don't put the real subject of the e-mail in
12 the subject block. We just say forwarded for your
13 approval or for your attention or have you seen this
14 and fire it off, so that's a daunting task for us.

15 Along with that we have about 1.2 million
16 records or about 1 million records in the office
17 records management system that -- where previously I
18 had an initial screening done on them as they were
19 generated and sent to the records processing center,
20 but we again have to go back through to do a relevancy
21 screening on those documents and so on. And then we
22 also have to go through our reference materials and
23 make sure that we tag anything that's been
24 copyrighted.

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1 The certification issue was another issue
2 that came up. We have to certify -- DOE has to
3 certify six months prior to submitting the license
4 application, and to do the certification we have to
5 establish that we have implemented the procedures to
6 identify documentary material and to provide the
7 required electronic formats that the NRC has provided
8 for in their guidelines.

9 Along with that initial certification at
10 the time DOE -- if and when DOE does submit a license
11 application we have to do a certification again, and
12 one of the requirements of the rule was that DOE also
13 identify a certification official, and the strategic
14 approach identifies this certification official as the
15 Yucca Mountain Site characterization office project
16 manager, who is Dr. Russ Dyer.

17 The next slide gives you an idea of the
18 connectivity schematic for the OCRWM LSN. The area
19 that we're focusing on is identified by this big --
20 down on the left-hand side this big arc. There's a
21 series of processes that have to take place before we
22 post to the OCRWM LSN. The certification LSN --
23 again, to us the OCRWM LSN is a mission-critical
24 system. Any documents that we post to the OCRWM LSN
25 server have to be -- when we certify that server we

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1 have to protect those documents from inadvertent or
2 intentional corruption. We have to make sure that we
3 track diversions.

4 You heard about adding documents or
5 changing documents as we go through the process. We
6 have to make sure that we have some kind of a content
7 management process that allows us to account for all
8 of those documents as well, so in line with doing the
9 cyber security protection on the OCRWM LSN the
10 certified server we put a file server outside of the
11 firewall, which is this one right here that will --
12 what we'll do is we'll actually mirror image the OCRWM
13 LSN and do what they do MD-5 signatures, which is a
14 security check on a regular basis to make sure that
15 nothing changes on the outside server.

16 If anything changes on the outside server
17 the server is immediately shut down, we're notified,
18 and we just reimaged the server. Those processes are
19 in place -- or have been defined when the process of
20 putting those processes in place and those safeguards
21 in place.

22 So in conclusion the task the DOE is
23 facing is really not an insignificant effort, but
24 we've made really significant progress, especially in
25 the last year in making sure that the infrastructure

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1 is in place, that we have the right team put together,
2 we have the right procedures developed, that we have
3 the work flow processes changed, and we have the
4 quality control steps in place, that we're continually
5 monitoring the process and so on.

6 For those of you who are not aware of it
7 a lot of the major DOE documents and supporting
8 information are available out there on YMP's website,
9 and that URL is there under the technical library.

10 And then to finish up, we're really
11 looking forward to continuing work with the LSNARP as
12 well as the technical working group discussions that
13 we've had over the last couple of months. Those have
14 been extremely beneficial. It's been a pleasure to
15 work with those people, so if you have any questions
16 I'll be happy to answer them or refer them to April,
17 either one.

18 (No response.)

19 MR. JENSEN: Okay. Thank you very much.

20 MS. GIL: This is a very brief
21 introduction. The strategic approach goes into a lot
22 more depth about specific policies, management
23 constructs, those types of things.

24 One thing I did want to say, however, it's
25 been very helpful for us to have in one document a

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1 place where we've got the approach and management
2 approval of that approach, so there's been a lot of
3 work that has gone on over the past years, but the
4 strategic approach has allowed us to have in essence
5 a DOE policy document with respect to LSN
6 implementation, so I think it's been very helpful for
7 us.

8 MR. BATES: Thank you, April and Dee.

9 At this point if there's not specific
10 questions with regard to the DOE presentation I'd like
11 to toss it open for any general questions with regard
12 to what was addressed today at the meeting, and then
13 look for comments from the panel here with regard to
14 what kind of feedback collectively or as a group where
15 there was some consensus advice that we can give back
16 to Dan and the LSN administrator from the standpoint
17 of continuing the development.

18 I think there were at least a couple of
19 things that came up during the course of the
20 discussion this morning with regard to the topical
21 guidelines and the need for update of those; the
22 certification issue that was raised as far as the
23 timing of the certification for some of the potential
24 parties to the proceeding, especially those who may
25 have only a few contentions or may be still trying to

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1 decide whether or not they're going to have
2 contentions and want to be just participants or
3 whether they want to become full-fledged parties and
4 what that timing should be.

5 I don't know whether there are other items
6 so I just thought I'd toss it open here and ask for
7 comments.

8 MS. GIL: Do you want to talk about the
9 topical guidelines first, Andrew, or --

10 MR. BATES: The topical guidelines would
11 probably -- we can start there. What I heard from Dan
12 was there's been apparently some internal discussion
13 which I was not aware of of updating -- reviewing them
14 or deciding -- view the right one or -- whether Bill's
15 been in on that or Chip.

16 MR. GRASER: I think that was Chip.

17 MR. CAMERON: As I mentioned -- are you
18 going to start?

19 MR. REAMER: No. I was going to wait for
20 you.

21 MR. CAMERON: Okay. Well, as I mentioned
22 earlier there's a number of reasons why we need to
23 revise the topical guidelines. One is the soon to be
24 issued Part 63. The second is that the existing

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1 topical guidelines do not reflect the 1998 version of
2 the LSN rule changes.

3 Thirdly, I think that there was some
4 concern that I -- it was expressed by DOE about -- and
5 April just reiterated that about making sure that they
6 know what documents to capture, but I think there may
7 be a more specific concern there about are the topical
8 guidelines too broad vis a vis the license application
9 at this point? Is there any way to narrow that, and
10 that gets into a big debate that goes back to when we
11 originally developed the topical guidelines.

12 Now, I guess the last point I would make
13 is Bill Reamer and his folks would be the ones who
14 would probably have the task of revising the reg
15 guide, and I know that Bill might have some concerns
16 about what other options are there for guiding the
17 selection of relevant material other than the topical
18 guidelines.

19 And, Bill, that's my characterization of
20 what I thought a concern or interest of Bill's was,
21 and I think he can express that better than I can.

22 MR. REAMER: Chip, could you do one
23 thing --

24 MR. CAMERON: Yes.

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1 MR. REAMER: -- which is for those people
2 in the room who might not be completely familiar with
3 the topical guidelines could you describe what they
4 are?

5 MR. CAMERON: Sure. And, Matt, do you --
6 on the LSN site you had the reg guide? If that's
7 there can we --

8 MR. SCHMIT: It's there.

9 MR. CAMERON: -- can we plug into it?

10 MR. SCHMIT: About 3.69, isn't it?

11 MR. CAMERON: Yes. And to give you a
12 flavor of the history of this, when the negotiating
13 committee that did the original LSS Rule addressed
14 this issue the basic issue was we need something to
15 guide the selection of relevant documents, so
16 initially the topical guidelines were issued as
17 interim guidelines and the NRC was later going to
18 institutionalize them in a regulatory guide. And I
19 believe the original topical guidelines came from the
20 environmental assessments that were done on all of the
21 first and second round sites.

22 In doing the reg guide at one point we
23 went through a lot of discussion about whether the
24 environmental issues including socioeconomic and
25 transportation should be in the topical guidelines,

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1 and the answer was a resounding yes from all of the
2 participants around the table, and you'll see that
3 reflected in the reg guide at this point. In other
4 words, there's all of the bases that DOE has to touch
5 in terms of the Part 60 rule, but there's also a lot
6 of environmental categories on there, including
7 endangered species, the Antiquities Act, other
8 statutes that might apply particularly to Native
9 American concerns.

10 And George is giving me a copy of this.
11 This was last done in September of 1996. But this is
12 what we have to try to guide the issue of relevance.

13 Now, when the LSS rule was amended in 1998
14 one of the comments from DOE was can you add something
15 to the topical guidelines? In other words, it was
16 topical guidelines and license application is what
17 they suggested because they were worried that if it
18 was just topical guidelines that you would capture
19 sites that were not longer being looked at or DOE's
20 term was predecessor -- the actions of predecessor
21 agencies.

22 So the commission said in response to that
23 we think that's all understood that you wouldn't need
24 to put information in on alternative sites, but we'll
25 add and license application to try to clear that

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1 problem up, so that's where we are. We have a broadly
2 stated set of topical guidelines, and how do you
3 put -- how do you select those relevant documents at
4 this point in time when you don't know what exactly is
5 going to be in the license application?

6 So that's where we are, Bill, and I'll
7 pass this to Irene who may not have seen them.

8 MR. REAMER: Now, if I could just say one
9 thing?

10 MR. CAMERON: Go ahead.

11 MR. REAMER: I'd be interested in
12 discussion of whether revision of the guidelines is
13 the right approach. Right now -- I know when we
14 talked about the guidelines briefly a little bit ago
15 I just quickly jotted down what I thought would be
16 some of the obvious tools that lawyers would use to
17 judge relevancy. They are the regulations. There's
18 an EPA standard that's been issued. There's an NRC
19 regulation that will be issued. These are regulations
20 that govern the -- a potential license application if
21 this project goes forward.

22 There is a Yucca Mountain standard review
23 plan which the staff has committed to provide, which
24 is a detailed discussion of how the staff would
25 implement the NRC regulation if it were to get a

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1 license application. There are the key technical
2 issues, which many of you in the room may be familiar
3 with, which the staff has used as a basis to assure
4 that issues that potentially relate to licensing are
5 being addressed by DOE. There's all the information
6 that may support or that would support a potential
7 site recommendation that the department would make.

8 I'm wondering if revision of the topical
9 guidelines is correct or if there's some other
10 alternative way that this might be approached, such as
11 an assembly of those tools -- an agreement on the
12 tools that participants or potential parties would use
13 in judging relevancy. By tools I mean regulations,
14 guidance documents that already exist.

15 MR. MURPHY: Yes. I think there may be
16 other tools, Bill. Let me suggest one here in just a
17 second short of revising the guideline. And of course
18 it's my understanding at least that revising the reg
19 guideline would be easier internally for the NRC than
20 revising the rule. You don't want to go through
21 another rule revision, but there may be a different
22 way to do it.

23 But just to add --

24 MR. REAMER: The reg guide is a guidance
25 document and everything that I've mentioned would be

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1 a potential alternative to that guidance document or
2 maybe there could be a new guidance document that
3 simply listed the existing --

4 MR. MURPHY: Sure. But just to add to
5 what Chip said, for those of you who were around at
6 the time might recall that one of the reasons many of
7 us, myself included, insisted on the inclusion of
8 environmental, socioeconomic, and transportation
9 information in the topical guidelines was the
10 expectancy or possibility at the time that we would be
11 litigating the environmental impact statement
12 during -- as part of the licensing process.

13 And as time has gone on that prospect to
14 me at least -- it's my own personal opinion that
15 prospect has become dimmer and dimmer, that I think
16 the EIS -- DOE's final EIS will probably be fully
17 litigated in the judicial branch before the --
18 certainly before the licensing hearing starts I would
19 guess, and I don't see the ASLB or the commission
20 relitigating a final EIS which has attached to it the
21 big gold seal of the United States courts, and if it
22 doesn't have the big gold seal of the US courts then
23 there isn't going to be a licensing hearing, because
24 DOE won't have a final EIS.

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1 So I don't know that there's the same
2 necessity for having in the LSN the broad scope of
3 environmental, socioeconomic, and transportation
4 information that we insisted on back in the early
5 '90s. And remember, the topical guidelines were
6 written for the LSS.

7 And the other point I wanted to make just
8 to supplement what you said, Chip, is that one of the
9 key revisions which was made by the '98 rule -- the
10 '98 amendments was to remove from the definition of
11 documentary material the classic lawyer's notion of
12 discovery to include documents which might lead to the
13 discovery of admissible evidence, and that was very
14 strongly in everybody's minds as you might recall
15 in -- when we came up with all of the items to include
16 in the topical guidelines.

17 And if the LSN rule no longer requires us
18 to include in the LSN any information which might lead
19 to the discovery of admissible evidence, and that is
20 information which is well beyond information that we
21 might intend to cite or in support of our own
22 contentions, and information beyond the studies that
23 the parties have produced and which have to go on the
24 website then it seems to me the topical guidelines are

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1 probably too broad. They don't fit the rule any
2 longer as Chip said.

3 Maybe the simple way to do it, Chip, is
4 to -- is your footnote. Maybe you need to rewrite the
5 footnote to say topical guidelines or -- topical
6 guidelines and license application; that is -- by that
7 we mean that you should apply the requirements of the
8 topical guidelines to the license application itself
9 and not go outside of the license application. That
10 might be the easiest way to do it is just some sort of
11 an interpretive expression from the commission staff.
12 I don't know.

13 MR. CAMERON: If you -- do you need -- I
14 guess that I'd have to think a little bit about trying
15 to reinterpret as opposed to just making it cleaner in
16 terms of is there a set of documents even by example
17 the type of things that Bill was mentioning that could
18 be used prelicense application to guide the selection
19 of documents?

20 MR. MURPHY: That's another book. You
21 could do that. It might work very well.

22 MR. CAMERON: I guess --

23 MR. MURPHY: I think we all want to avoid
24 putting a bunch of documents up on our websites. It's
25 a bigger problem I think for Nye County than it is for

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1 any of the local government participants because of
2 all the documents that we have generated over time.
3 We all want to avoid putting documents up there in
4 areas where we have absolutely no hope whatsoever of
5 litigating the issue for the NRC. We may have to
6 litigate it for some other body, but we aren't going
7 to litigate it for the ASLB, and nobody is ever going
8 to use it therefore on the LSN. At least they're not
9 going to use it for the purpose for which the LSN was
10 intended.

11 MR. CAMERON: Do you think now that -- I
12 find your point about the litigating the EIS in
13 adjudicatory proceeding pretty interesting. You can
14 raise the contention on whether it's practical to
15 adopt, which is a pretty broad -- could be pretty
16 broad. I don't know how the board will interpret
17 that.

18 But if there were no need to look at the
19 environmental information in terms of anybody wanting
20 to raise a contention on is it practical for the NRC
21 to adopt a DOE EIS, then it would be the types of
22 documents that Bill has been mentioning and the rule
23 itself might be a fairly simple guide to what's going
24 to be relevant. If that played out then that might

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1 make a lot of sense to just do it the way that Bill
2 was describing.

3 I guess the one issue in terms of the
4 environmental impact statement is the consideration of
5 specific other environmental statutes like the
6 Endangered Species Act. Those are all considered
7 within the context of the NEPA statement even though
8 there are substantive responsibilities on the agencies
9 connected to those statutes that are outside of the
10 National Environmental Policy Act, and I'm still
11 not -- it's not clear to me whether there is some
12 additional responsibility on the agencies, DOE and
13 NRC, from those specific statutes --

14 MR. MURPHY: Yes. Might be.

15 MR. CAMERON: That's the one thing that
16 would worry me if we took all of that information out
17 on those other environmental statutes that you could
18 get in a situation where the board would say we have
19 a -- we think that there's some residual effect of
20 those statutes that's not covered under the practical
21 to adopt the NEPA statement, and so therefore we would
22 want -- do you need those documents? I don't know.
23 That's --

24 MR. MURPHY: We might. I haven't thought
25 that through, and of course that's more of a problem

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1 for April and Dan because we don't -- Nye County and
2 Lincoln County and Esmeralda and Churchill and Clark
3 County -- we don't generate those sort of -- at least
4 if we do it's a handful. It's not a great burden.

5 But we've got a couple of thousand pages
6 probably in socioeconomic reports that we've generated
7 over the years by planning information corporation for
8 Nye County that we're not going to get to litigate
9 those issues. I'm just saying this as a practical
10 matter, just as an attorney. I have absolutely no
11 interest in raising a contention for the topic of
12 safety and licensing board saying that it's not
13 practical for the NRC to adopt DOE's EIS after the
14 federal courts have ruled that the DOE's EIS is valid.
15 My mother didn't raise any stupid kids. I'm not going
16 to waste my time with that.

17 I may as a technical matter be allowed to
18 do so under the rules under Part 2, but come on,
19 that's a waste of money and time. So I just don't see
20 those issues -- much possibility of those issues being
21 litigated in this context. They're going to be
22 litigated in other contexts no doubt about it, but I
23 don't see them being litigated a second time before
24 the ASLB, and therefore I question whether or not

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1 anybody should have to spend a lot of money putting
2 that sort of information onto the LSN.

3 The requirements to meet and demonstrate
4 having met other independent statutory obligations on
5 DOE, on the NRC, that's a different issue entirely.
6 You may have to do that in order to comply with your
7 own federal law requirements.

8 But I think whatever way he does it -- the
9 approach Bill suggested might work just fine. Just
10 everybody agree on a list of tests of relevancy.

11 MR. CAMERON: And the issue here is I'd be
12 curious to hear from other members of the ARP
13 whether -- what their concerns and views are on this,
14 but whatever we do it should be done pretty quickly,
15 I guess, because -- so that you can meet the
16 certification requirements.

17 But I don't know if Bill has anything else
18 or if Irene or anybody else has anything to offer on
19 this.

20 (No response.)

21 MR. CAMERON: Obviously we would need to
22 test what we're going to do and to get some comment
23 from people in some sort of systematic way since
24 obviously the state isn't here. Judy Treichel, Bob --
25 Paul, are you going to say something?

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1 JUDGE BOLLWERK: Well, a theoretical
2 construct here -- the topical guidelines as you
3 recognize originally were put out because nobody knew
4 what the issues were going to be, and so the thought
5 was the universe of documents and topical guidelines
6 would -- get all the documents in there we won't have
7 to worry what the issues will be. It will simply be
8 there and it will go in.

9 Now as things begin to get closer I think
10 people are beginning to get a sense of what they are
11 interested in at least in certain respects. DOE still
12 has the same problem that they don't know what other
13 people are interested in, so they're still at the
14 point where they in theory need to put everything out
15 there.

16 I hear Mal saying he's only interested in
17 certain things. Obviously one way you could do it
18 would be to change the certification requirement to
19 say you only need to put documents out about what
20 you're going to put in as issues. But of course the
21 question then is one of timing. If you go through
22 that 90 days before the application comes in how --
23 are you going to be certain enough at that 90 day
24 point what you're going to argue in another say six

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1 months before the licensing board in terms of the
2 contentions?

3 If you change your mind and you haven't
4 met your certification date where does that put you in
5 terms of those types of timing problems? There's
6 different ways to do that, but that strikes me as a
7 theoretical construct of the problem, because normally
8 we don't face this because the issues are framed after
9 the application is in and the discoveries -- and then
10 the discovery tees off of that, but we're not doing
11 that here.

12 MS. GIL: Everything about this program
13 seems to be challenging.

14 I would say just my initial reaction --
15 and of course I appreciate Chip what you said, we
16 would appreciate some time to review whatever proposal
17 the NRC comes up with, and of course we'd want to have
18 reviews by our team, but I would say my initial
19 reaction to Bill's proposal is that that would be
20 fine. My initial reaction is positive.

21 MR. CAMERON: Let me ask Bill what his
22 concern and interest is behind his recommendation,
23 because if I wouldn't have heard that initially back
24 at the agency the course of action that I thought we
25 were on would be to update the topical guidelines to

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1 reflect the -- reflect Part 63 and the 1998 LSN rule,
2 and I'm not sure, Bill, if it was a concern -- a
3 resource concern about revising the guidelines or are
4 there questions about the broad application of the
5 guidelines? Can you shed some light on that?

6 MR. REAMER: Yes. First off, it's not a
7 proposal that I was suggesting. It's an idea. I
8 don't know whether it's a better idea or a poorer
9 idea, and so everyone should react to it the way
10 they -- the way it strikes them and not any other way.

11 It occurred to me that if -- and the
12 guidelines do need to be updated clearly, but when
13 that process was undertaken what would we the NRC
14 consult in developing new guidelines, and it seemed to
15 me that the types of things that we would consult are
16 the things that I mentioned: the EPA regulation, the
17 NRC regulation, the NRC Yucca Mountain review plan
18 when it's issued, the key technical issues that the
19 staff uses in issue resolution. I didn't include the
20 EIS in my deductions, and I think that's something
21 that everyone should be discussing.

22 Mal has expressed a view -- and I think
23 that reflects Mal's view. He's not purporting to
24 speak for anyone other than for himself. Others may
25 see that issue completely differently, but the EIS

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1 would be a potential additional thing that we would
2 consult in updating the guidelines.

3 Well, my idea was maybe that's a two-step
4 process that could be collapsed to one, that being
5 agreeing on what the basic source documents are for
6 determining relevancy rather than to try to digest
7 them all into a second document, which could take time
8 and resources.

9 The other -- if there is a concern there
10 is a resource concern, but that comes after making
11 sure that people have what they need. It's more
12 important to make sure that the people who are
13 potentially involved in this have what they need.

14 But time I think is potentially a problem
15 here. If it takes a year to coordinate revised
16 guidelines, what happens in the interim, more people
17 are trained to make relevancy determinations if they
18 are, stepwise, and DOE may be needing to make
19 relevancy determinations right now. What do they use?

20 Well, again, I think it's these documents
21 that we will consult -- we, the NRC staff, would
22 consult in preparing revised guidelines.

23 MR. CAMERON: That's helpful.

24 MR. BATES: Paul touched on one of the
25 other issues when he just spoke with regard to the

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1 certification timing. I don't know whether others
2 have additional comments on that from what we had this
3 morning.

4 (No response.)

5 MR. BATES: No?

6 MR. MURPHY: You know when you think about
7 it we -- just by this discussion we may have taken a
8 small step at least toward solving the problem by
9 implanting in Dan's mind what constitutes substantial
10 compliance when it comes time to issue a certificate
11 to DOE or Nye County or Clark County or anybody else,
12 but Dan wasn't listening.

13 MR. BATES: I think Dan may have missed
14 your --

15 MR. GRASER: I'm sorry.

16 MR. MURPHY: I was saying just by this
17 discussion we may have planted a small seed in your
18 mind about what constitutes substantial compliance
19 when it comes time to issue certificates of
20 compliance.

21 MR. GRASER: Yes.

22 MR. MURPHY: Good.

23 MR. CAMERON: I think we have an action
24 item that we need to take back to consider what may be
25 a simple -- there may be a simple way to do this

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1 without going through the process of revising the
2 regulatory guide that we might be able to express an
3 understanding of some type. I don't know how we would
4 do that, but it seems clear that we've gotten some
5 views around the table and that we need to think about
6 that.

7 I'd be particularly interested in hearing
8 the state views also and other views on that.

9 MR. BATES: Anybody else around the table
10 have any other issues they'd like to bring up at this
11 point? If not I'll turn to --

12 MR. MURPHY: I have a question.

13 MR. BATES: Okay.

14 MR. MURPHY: When are you going to make
15 ADAMS usable?

16 MR. CAMERON: What was that about ADAMS?

17 MR. MURPHY: When are you going to make
18 ADAMS so that it doesn't punish the user and scramble
19 your brain and frustrate you and make you run
20 screaming out of your office?

21 (No response.)

22 MR. CAMERON: I'm glad I'm not running
23 this meeting.

24 MR. BATES: I'll turn to the audience and
25 see if any of our CIO officials would like to offer

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1 any comments on ADAMS. I know they have very actively
2 been seeking to improve the system. They've got an
3 action plan with improvements coming along.

4 MR. REITER: I think ADAMS is useable, but
5 it's not as easily useable as we would like it to be.
6 One of the issues that we found with ADAMS early on:
7 When ADAMS was being built, one of the desires was to
8 block public access to the environment, and when ADAMS
9 was in its design stages several years ago, the web
10 did not have the presence that it has today, so the
11 kind of LSN website that you were able to see what Dan
12 and Matt demonstrated is certainly an ideal kind of
13 environment.

14 The situation we've found ourselves with
15 ADAMS is that we refer to two-way technology called
16 SITREX [phonetic], and the SITREX technology has its
17 own user interface, and ADAMS public interface is
18 based on that. And people have had some difficulty
19 working with ADAMS, and it dates back to the client-
20 server application and so on, and so it hasn't been
21 nearly as user friendly as we would like it to be.

22 We're in the process now of looking at how
23 we can migrate ADAMS to a web-based interface, and one
24 of the things that we've done which is available on
25 the web or through the ADAMS public document room is

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1 an ADAMS action plan, and the action plan covers a
2 number of different products.

3 Included in that is migration to some of
4 the newer pieces of the underlying product that ADAMS
5 is built on, and that product has now evolved to a
6 web-based interface, so we're working towards that
7 direction, and we're hopeful that we can get something
8 to the public early on.

9 MR. MURPHY: Good.

10 JUDGE BOLLWERK: Just to make sure
11 everyone knows, this is Stu Reiter, our chief
12 information officer.

13 I think I just saw the website. Isn't it
14 just an announcement about a new ADAMS public release
15 that's just come out?

16 MR. REITER: Yes. There's a new ADAMS
17 public release, but it doesn't provide a web-based
18 interface. We've given actually an update to the
19 ADAMS action plan, and the update to the ADAMS action
20 plan indicates that we're looking at some alternatives
21 that will provide a web-based interface, possibly as
22 early as this fall, but there's still some technical
23 issues that we have to overcome in doing that.

24 MR. BATES: Thank you.

25 MR. GRASER: Thank you, sir.

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1 I would also just like to add a
2 perspective on that. The documents that NRC as a
3 participant organization has been generating over the
4 years are going to be put out on a separate web server
5 that the LSN crawler is going to go visit, and so in
6 that regard, the documents that have been flagged in
7 the NRC internal records system as being high-level
8 waste-relevant documents -- they are going to be
9 accessible through the LSN as well.

10 So that may not overlap the entire
11 universe of NRC documents that you may be looking for,
12 but it may give you -- you know, at least for the
13 technical documents that we're talking about, reports
14 and so forth, it would give you another means of
15 access to that.

16 And as I mentioned this morning, the NRC
17 document collection is also on a scheduled time line
18 to make that document collection, that document server
19 accessible to us in the September time frame as well
20 and over the course of time that document collection
21 would be populated until all of the high level waste
22 materials in the NRC collection have been made
23 publicly available, so there is that other avenue out
24 there.

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1 MR. MURPHY: The reason I raised the
2 concern of course is that you're going to run the
3 electronic hearing docket through ADAMS, and every
4 time I see that word it just gives me the shivers.

5 JUDGE BOLLWERK: I'll just mention one
6 other thing. We talked a little bit today about the
7 DDMS, the digital data management system. Assuming
8 that goes forward one of the ideas with that is for
9 the participants in the proceeding would make that
10 document collection web accessible so that the parties
11 would be able to -- again, that would be populated in
12 large part by things that were in the electronic
13 hearing docket, but it would be to some degree a
14 separate system assuming that goes forward.

15 MR. BATES: We in the office of the
16 secretary have also been working very actively with
17 the EIE process and the board to make sure that we can
18 process documents into the EHD, and we do have
19 concerns about the accessibility of DEHD through ADAMS
20 and data access on the part of the public during the
21 course of the proceeding.

22 Mo.

23 MR. LEVIN: About the EHD, one of the
24 options we're looking at is setting up a separate
25 server just for the high level waste EHD, and that

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1 would be based on the new products from filenet, and
2 that would be fully web accessible. So I believe
3 we're aware and sensitive to that issue, and we've
4 already have that in the plans.

5 MR. BATES: Thank you.

6 I throw it open to any comments or
7 questions on the part of the audience, the public
8 that's out there.

9 (No response.)

10 MR. BATES: If not then I guess I will
11 thank everybody for participating today and the
12 efforts by the staff and by DOE and all the rest of
13 you through today's meeting and through your
14 participation in the working group. I intend to put
15 together a summary of the meeting and I will circulate
16 it to members of the group and ask for your comments
17 back, and we'll address that summary back to the staff
18 to Dan. And thank you until next time.

19 Chip?

20 MR. CAMERON: I just wanted to wax
21 personal for a minute and I just think to reemphasize
22 what Paul and others have said I think that Dan and
23 his staff, Joe, Matt, Margie, others, and obviously
24 the contractual help they had they've done a
25 tremendous job on this, and it's nice after you work

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1 on a project you never know what's going to get put on
2 your plate, but I know personally working on this for
3 a number of years -- in fact it's sort of a joke that
4 if I'm involved in a project it's going to be -- the
5 chances of success may be slim. But I'm glad that Dan
6 and crew have done this, and it just really actually
7 makes me proud of the NRC for doing this, the NRC
8 staff.

9 So that's all I wanted to say.

10 MR. BATES: Thank you.

11 VOICE: Thank you, Chip.

12 MR. MURPHY: -- associate myself with
13 those remarks. I should have said this earlier. I
14 know you've got a lot more work to do on it, but
15 that's a pretty slick system. It looks really -- it
16 looks like it's going to be very useable and friendly
17 and easy.

18 MS. GIL: Yes. And for the record DOE
19 agrees. We're very impressed with the work that you
20 and your staff have done and the progress that's been
21 made in the last year, and we do appreciate Matt and
22 Dan and Andrew and Margie and everyone that's worked
23 on this. I think it's amazing the progress that has
24 been made.

25 MR. GRASER: Thank you all very much.

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1 I would also like to say that I know Matt
2 will be available and John Skoczlas is also available.
3 If anybody wants to we will stay as long as you want
4 to stay and continue. If you want to have a further
5 navigation of the system, more demonstrations, or come
6 up and actually do some hands on we are here for both
7 of those, the electronic information exchange and also
8 for the demo of the licensing support network, so we
9 will be here after the meeting.

10 JUDGE BOLLWERK: If you populate it, it
11 will work.

12 MR. BATES: Thank you all.

13 (Whereupon, at 3:25 p.m., the meeting was
14 concluded.)

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