

Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

Title: Licensing Support Network Advisory
Review Panel Meeting

Docket Number: (not applicable)

Location: Las Vegas, Nevada

Date: Wednesday, September 18, 2002

Work Order No.: NRC-539

Pages 5-192

NEAL R. GROSS AND CO., INC.
Court Reporters and Transcribers
1323 Rhode Island Avenue, N.W.
Washington, D.C. 20005
(202) 234-4433

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

+ + + + +

LICENSING SUPPORT NETWORK ADVISORY REVIEW PANEL

(LSNARP)

MEETING

+ + + + +

WEDNESDAY

SEPTEMBER 18, 2002

+ + + + +

LAS VEGAS, NEVADA

+ + + + +

The Panel was called to order at the Alexis Park Hotel, 375 East Harmon Avenue, Las Vegas, Nevada 89109, at 8:30 a.m., by Andrew Bates, Chairman, presiding.

COMMITTEE MEMBERS PRESENT:

ANDREW BATES, Chairman

DAN GRASER, NRC, Member

G. PAUL BOLLWEEK, II, NRC, Non-Voting Member

MITZI YOUNG, NRC, Office of General Counsel

ROD MCCULLUM, NEI, Member

MARK VAN DER PUY, DOE, Member

STEVE FRISCHMAN, State of Nevada, Member

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 COMMITTEE MEMBERS PRESENT: (cont.)
2 ABBY JOHNSON, Eureka County, NV, Member
3 MAL MURPHY, Nye County NV, Member
4 ENGBRECHT TIESENHAUSEN, Clark County NV, Member
5 JUDY TREICHEL, NNWTF, Member

6

7 ALSO PRESENT:

8 JEFF CIOCCO, NRC

9 MARGIE JANNEY, NRC

10 PAT MACKIN, NRC

11 JASON PITTS, Lincoln & White Pine Company

12 JIM SCHAEFFER, NRC

13 MATT SCHMIT, NRC

14 JOSEPH TURNER, NRC

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I-N-D-E-X

<u>AGENDA</u>	<u>PAGE</u>
LSNARP Chairman's Opening Remarks	
LSN Administrator Progress Report	
On Status of LSN, Panel Discussion	
LSN Project Manager Report	
Matt Schmit	24
Experience of Local Governments	
in Setting Up Website to Make	
Documents Available to LSN	
Jason Pitts	53
Summary of Draft Regulatory Guide	
DG-3022 and Proposed Revision 1	
of Regulatory Guide 3.69	
Jeff Ciocco	66
ID of Participant Training Needs	
Dan Graser	96
Panel Discussion	110
Overview of NRC Information Systems	
Supporting Subpart J Requirements	
Jim Schaeffer	141
Summary of June 25-26 NRC/DOE Technical	
Exchange on Electronic Submissions	
Jeff Ciocco	147

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I-N-D-E-X

AGENDA

PAGE

Impact of Homeland Security Reviews
on Document Access via the LSN

 Dan Graser 168

Open Discussion and Public Comments 179

Adjournment 192

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

2 (8:30 a.m.)

3 (The Chairman presented his Opening
4 Remarks.)

5 MR. GRASER: (Joined in progress.) --
6 during the course of your presentations. The other
7 significant event that is of note that the planning
8 basis for the application, which the NRC, during the
9 course of the LSN design, was still officially from
10 March of 2002, and that was planning basis all the time
11 that we were doing software development, until perhaps
12 a month before the system was scheduled to be
13 delivered by the contractor.

14 And at that point in time, the planning
15 basis was in the NRC for potential submission of the
16 license application, and that was then identified as
17 December 2004.

18 So in addition to having to deal with the
19 Homeland Security type issues, we also had to go back
20 and look at the planning bases for the licensing
21 application and lifecycle, and for the number of years
22 in operation.

23 And as a result of our analysis, and in
24 looking at what it meant as to that license
25 application, or potential license application, might

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 be delayed even more, and so we looked at the LSN,
2 especially the operational schedule, and also at the
3 technology that was in place, with an eye towards
4 determining how a two year delay would possibly affect
5 the LSN.

6 And we went through our analysis in
7 January and February of the 2002 time frame, and we
8 went back through the budget process at the NRC, and
9 identified that we may have requirements for
10 additional years of operation of the LSN.

11 And the trickle down effect on that is
12 that the NRC's collection of high level waste
13 materials would then also, just like every other
14 party's collection, would also have to be continued to
15 be made available through the lifecycle that is now
16 going to be jogging into the future, into that 2004
17 planning date.

18 So we looked at that, and we recognized
19 that additional funds were going to be necessary for
20 maintenance and operation, and we did report that into
21 the NRC budgeting cycle, and we have already started
22 looking ahead for making sure that the funds are
23 available to sustain that operation for as long as
24 necessary.

25 The second aspect of that is that when we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 had implemented the original LSN, at Revision 1.0 was
2 going to be available just in time to support the
3 potential license application in March of '02, and
4 because we were implementing the system in a just in
5 time mode, our lifecycle, assuming a 5 year useability
6 time frame, would have meant that we did not need to
7 do any sort of a technology refreshment on the
8 hardware and software.

9 And as a byproduct now of looking at a
10 2004 planning date, the reality is that we will
11 probably have to do some sort of a technology
12 refreshment, at least an assessment of what sort of
13 technology operations that we may need to do.

14 And we started thinking about when and if
15 it was appropriate to look at those particular issues,
16 and if a refreshment was necessary, try to determine
17 when would be the optimal time to do that.

18 And we have factored that in also into our
19 financial projections that we submitted as part of the
20 NRC budget process, identifying that in the 2003 and
21 2004 time frames, and where we would be looking at
22 performing analyses, and the technology and the
23 infrastructure that we had implemented.

24 And what if any steps would be necessary,
25 in terms of upgrading your hardware or software

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 configurations. And then kind of targeting the time
2 frame prior to June of 2004, so that we would have any
3 technology refreshment fully accomplished from that
4 time frame.

5 And June of 2004, walking backwards, would
6 be roughly six months prior to December of 2004. So
7 we obviously if we were going to be looking at
8 technological refreshment, we wanted to make sure that
9 those are accomplished and the system is fully stable
10 before we get into the summer of 2004.

11 So all of those things were put into the
12 NRC budget planning process, and at this point in time
13 at least, that is in place. So in terms of the
14 advisory panel understanding, we had to have some
15 forward-looking and forward-planning in our budget
16 space to make sure that we had the resources necessary
17 to address those sorts of issues.

18 (Mechanical Interruption.)

19 MR. GRASER: -- and our contractors were
20 using, and so in that regard, the NSA analysis was
21 extremely thorough, going down multiple levels within
22 our support capability to examine things like whether
23 or not you know the name of the guard at the entrance
24 of the computer facility where the servers are housed.

25 And in Virginia, of course, we didn't know

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 their names, because we never go out there, and they
2 didn't know our names. But in terms of the NSA
3 people, we began to identify who was the person, and
4 is that person authorized, and those are the sorts of
5 things that they would look at.

6 And they did make some recommendations to
7 us, and it was part of our procedural nature, and
8 things that our support contractor should be fairly
9 able to implement and respond to things that were
10 identified.

11 The other thing that happened, in terms of
12 overall security, and robustness of the system, is
13 that we participated, or we went out to observe the
14 AT&T web-posting facility in Ashburn, Virginia, who
15 had a disaster recovery or disaster drill, where they
16 actually were in 20 or 25 tractor trailers, and lay
17 out huge cables, and in essence bypass the brick and
18 mortar building and all of the computers inside of it.

19 And set up an emergency telecommunications
20 and computer services replication of that facility.
21 And so as part of our increased awareness of security
22 issues, we went out and we observed that drill for the
23 entire day.

24 And it was the same sort of drill,
25 although they did not actually unplug our application

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 at that point in time. It is the same sort of drill
2 that just two months before that, or a month before
3 that, in September of 2001, AT&T had a major switching
4 facility in lower Manhattan that was taken out as a
5 result of the collapse of the World Trade Center.

6 And that type of capability only recovered
7 the New York City facility in like 48 hours. So it is
8 an extensive capability that we had available to us as
9 part of the underlying support contract, and that
10 proved to be very successful in September of 2001, and
11 the recovery protections.

12 So we had been perhaps overly concerned,
13 but I know we are overly concerned about security
14 these days, but we had been very much focused on it in
15 the Federal community.

16 And of course that rolls down the hill as
17 being a member of the Federal family. So we gained
18 something from having to go through all of that. The
19 other sorts of things that have happened during the
20 year that are of note and of particular interest, is
21 that the NRC is continuing to move forward with other
22 automation activities that are associated with meeting
23 the requirements identified in 10 CFR 2, Subpart J.

24 Specifically, the NRC has put into place
25 electronic information exchange, EIE, capability. It

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 is a phase one title, and that capability is going to
2 be the resource that is available to the participants
3 to perform electronic exchange of information back and
4 forth between the NRC panel and judges, and the
5 various parties, and licensees, and so forth.

6 And it fulfills the capability outlined in
7 Subpart J to provide electronic motions practice, and
8 notification of service capabilities between all the
9 parties for materials that are being sent either into
10 the NRC or on behalf of the NRC to the service lists.

11 The system that is there right now is
12 intended to be our first cut at it, and the designers
13 and developers of that system recognized that once we
14 use that pilot and that capability in a pilot case
15 that is currently before the SOP, and got some
16 feedback on the useability of that system.

17 And at that point in time, they would go
18 back with an eye towards making any improvements or
19 enhancements that might be necessary to make the
20 system more capable and more robust with whatever else
21 was identified at that point in time.

22 So there would probably be a second
23 version of that particular software capability. The
24 EIE capability is available at the NRC home page, and
25 an entry point for submitted materials to the NRC is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 available through that home page.

2 And plans are a foot to start using that
3 capability, and as I said, it is already active for
4 LSNARP, and as soon -- that are responsible for
5 completing it in time for that particular system.

6 The second component -- and again
7 fulfilling an expressed requirement, is for the
8 availability of an electronic hearing docket, and the
9 NRC has made progress during the past year in
10 establishing the electronic hearing docket capability.

11 That would also have the ability to hold
12 protective materials, and as outlined in Subpart J.
13 The electronic hearing docket is also a capability
14 that is available through the NRC homepage, and in the
15 process of designing and developing the electronic
16 hearing docket, I would just bring up the fact that
17 that design process did surface an issue that the NRC
18 has been focusing on for, oh, close to the last year
19 now.

20 And that issue is dealing with large
21 documents. It is not so much a question of getting
22 large documents to the NRC. It is keeping them, and
23 making sure that they can be useable for their
24 intended purposes once they are inside the NRC
25 environment, although there are issues with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 transmitting those large documents across the
2 electronic media as well.

3 But without going too deeply into that
4 issue, we will be having a report later during the
5 LSNARP meeting, and Jeff Ciocco from MNSS, is going to
6 recap a technical -- and let me make sure I get the
7 correct phrasing for this, but a technical exchange
8 that was conducted between the NRC and DoD last year.

9 And Jeff will be reporting on that, and
10 the key focus of that meeting was to outline all of
11 the issues that are associated with handling large
12 documents.

13 And as I said, Jeff will be giving a full
14 session later on that topic. The only other point
15 here, and I wrote myself a reminder, the only other
16 point that was raised in terms of going back and
17 looking at, was the extension of the lifecycle of the
18 LSN, and it was a question that we were not able to
19 answer.

20 And hopefully we will get some feedback at
21 this session when we look at the issue of whether or
22 not any of the parties expect to be coming on line
23 during that time frame between January and June of
24 2004.

25 And if somebody were planning during that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 time frame, and we were planning at the same time to
2 do a technology refreshment, that would be planning
3 and coordination that we would really like to hear
4 about. And I know that sometimes it is hard to project
5 exact dates and materials.

6 (Mechanical Interruption.)

7 MR. GRASER: And the NRC's IT office is
8 working in conjunction with (inaudible), and has been
9 successfully able to go in and extract those
10 materials, and convert them into a web comfortable
11 version of the document if you will.

12 And to populate those materials on a
13 separate server that the LSN software is able to go
14 out and identify and crawl a document collection. And
15 so for the NRC collection, I am able to report that we
16 are at a very advanced stage of integration and
17 testing, and we are at the point now where we are
18 working out some very minor data formatting and fixes
19 that needed to be wrapped up.

20 That work was progressing quite nicely
21 until, oh, I would say around the June time frame of
22 this current year, at which time we had to kind of
23 slow things down and wait for the availability of next
24 fiscal year funding, and so we expect that on October
25 1st, and when new fiscal year funds become available,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 we will pick up that activity, and the folks from the
2 NRC's OCIO and MNSS will be able to nail down the
3 final details, and we will have a successful crawl of
4 an NRC collection of materials.

5 The expectation is that there will be a
6 fairly large number of NRC materials that will be
7 available in a quite short period of time.

8 Because as I said, the majority of that
9 material was legacy materials, and all conversions
10 have been done for quite some time, and there is a
11 very large segment of that collection, and so there
12 will literally be thousands and thousands of documents
13 that can be moved into that server once we get all the
14 details ironed out, and it is our expectation that the
15 NRC, who has a substantial portion of its collection
16 of its legacy materials being populated in relatively
17 short order once we get rolling on that.

18 The issue again with the Federal
19 participant, is when does the fiscal year money
20 actually kick in, and when does it become available,
21 and then of course having contractors in place to
22 actually pick up the work and get all their schedules,
23 and so it may be October, and it may be November, and
24 it may be December.

25 But I expect that in the first quarter of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 this fiscal year of 2003, and in the first quarter of
2 Fiscal Year 2003, we will be able to wrap up the NRC
3 component of the activities.

4 As far the Department of Energy is
5 concerned, again we have had a very successful degree
6 of interaction with the Department of Energy, and not
7 once, but now twice, where we have successfully
8 demonstrated the ability to go into a server
9 containing target selection of materials, and have
10 been able to successfully crawl those document
11 collections and to be able to pull the materials back
12 both into the full bibliographic and full text
13 collections.

14 So from a technology perspective, I think
15 the DoD team is right on top of things, and their
16 ability to present the information in such a way that
17 it can be crawled by the LSN software.

18 And while we were going through all the
19 redesign activities that were reported on earlier, we
20 looked at the way that the Department of Energy is
21 making both text and images available, and we worked
22 with them in doing a refinement on an icon that is
23 present in the DOE collection that will allow you to
24 identify a block of images associated with the
25 document.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And to be able to request blocks of images
2 of documents in small amount of sizes so that it
3 doesn't bog your system down, and I think that is a
4 performance improvement that was suggested by a
5 participant, and that was particularly useful, and we
6 are very happy with the way that works when we have
7 been doing our testing under phase two.

8 We also had a very successful interaction,
9 at least from my perspective, a successful interaction
10 with Jason Pitts, who is working on the Lincoln and
11 White Pines Counties collections, and we are a very
12 advanced stage for the integration testing, and that
13 was successfully crawled, and successfully indexed the
14 materials that have been placed on that web server,
15 and it is a wonderful site.

16 Jason is going to make a presentation on
17 his experiences with bringing up those small
18 collections, and I hope that you will all have the
19 opportunity to go visit his website. He has really
20 done an excellent job in putting that site together,
21 and I love the interface, and I like it even better
22 than the LSN's.

23 He has done a wonderful job, and so I
24 think that as soon as we are at a point where we are
25 ready to roll forward, I think we will also be in a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 situation, at least from a technology perspective, of
2 having everything set in place, and to start
3 populating documents.

4 And the other round of interactions that
5 we had during this past year had some on again and off
6 again interactions with representatives from Clark
7 County, where we are in the process now of getting
8 into the technical level of discussions with Clark
9 County, and meeting with some of the computer staff
10 over or through the auspices of (inaudible).

11 So I think we are getting the ball rolling
12 with Clark County, and also during the year we have
13 had a kind of continuing interaction with Wayne Nesra,
14 who is working on the automation efforts for Clark
15 County, and we are also at a fairly advanced stage of
16 coordination with the link.

17 And so we have a number of the counties --
18 Lincoln, White Pine, Nye, and Clark -- that at various
19 levels of progress and are starting to put their
20 systems together, and achieving success in that
21 progress.

22 On the next slide, and I have kind of
23 already gone through this quite a bit, but we have --
24 and as I said, we have had interactions, especially
25 with our DOE and NRC organizations responsible for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 putting out the data collections, and they have
2 focused very much on security issues.

3 And as a result, as I said, we took a look
4 at the security features in the system, in terms of
5 hardware and software, and we looked at potential
6 impacts on the LSN architecture, and the other factor
7 that we looked at, and I will be talking on this one
8 probably tomorrow in tomorrow afternoon's session, is
9 that we looked at the potential, and this is only
10 potential at this point, in the Office of Homeland
11 Security and what they do.

12 And the potential impact on document
13 accessibility, and I will be going into that in more
14 detail in tomorrow's session. The only other thing --
15 and this again is just a kind of out in right field
16 thought, is that the Office of Homeland Security is a
17 kind of hard thing to get our arms around if you are
18 an IT professional.

19 And it is hard to say what they are going
20 to be doing, in terms of identifying how all kinds of
21 security information ought to be treated. I think we
22 are still waiting for a final call as to where they
23 feel those types of materials ought to fall in the
24 spectrum of classified or unclassified.

25 CHAIRMAN BATES: Thank you, Dan. I believe

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that Matt Schmit is next on the agenda with the LSN
2 project manager report on the status of integration
3 efforts an results of system security risk assessment
4 performed by the NSA. Matt.

5 MR. SCHMIT: I just wanted to spend a few
6 minutes, as Dan kind of went over a few of the things
7 that I am going to cover, and I am just going to go a
8 little bit more in detail, and try and give you an
9 idea of basically what we have accomplished in the
10 last year, and what we hope to accomplish in the next
11 couple of years through the life of the project.

12 I have just a few slides here which I will
13 go through, and then I would be happy to answer any
14 questions that anyone has.

15 In September of 2001, testing and
16 acceptance was conducted by the government, and the
17 contractor also performed testing and acceptance, and
18 we identified 247 defects, and categorized them as
19 high, medium, and low, and we tried to obviously
20 attack the high priority ones, and beginning with them
21 first.

22 And of the 247 defects, we have
23 identified, resolved, or fixed 230 of them, and 17
24 were left either overtaken by events, or unrepeatabe,
25 that fell into that category.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And which at that point on October 18th,
2 2001, we accepted version one of the LSN. We had some
3 sample documents out there that the Department of
4 Energy made available and worked very hard with us to
5 make them available, and accomplished comprehensive
6 testing.

7 And then as Dana noted, in the winter of
8 2001, the Homeland Security Review came into play, and
9 the documents were removed from the site. And on
10 January 15th was the end of our first year of the
11 contract, and basically we moved from a development
12 effort into a operation and maintenance phase.

13 Now that was impacted by the change in the
14 application date and we were working towards March of
15 2002, and we are now working towards December of 2004,
16 and so that had some impacts, and Dan highlighted the
17 fact that we worked to identify and plan these impacts
18 into our budget, and our planning process, and we have
19 a good foundation moving forward.

20 With the documents being removed from the
21 site for the Homeland Security Review, we identified
22 a good time to institute some enhancements that were
23 both -- I think the NRC had some ideas, and the
24 contractor, AT&T, kind of being a little proactive,
25 saw some opportunities to enhance through a couple of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 different measures.

2 And we upgraded or reconfigured the
3 hardware just to increase fault tolerance and utilize
4 the machines better, and we identified through the
5 testing that we did, and the operational period that
6 we experienced before the documents were removed, we
7 identified some areas where systems or servers were
8 not being fully utilized.

9 And also we had a single point of failure.
10 So we developed a plan to go ahead and reconfigure the
11 hardware so that we had everything pretty much being
12 fully utilized, and we also increased the fault
13 tolerance.

14 And what that means to users is that you
15 should never really see the system go down. The
16 system, for example, if the database were to drop, we
17 have another database to come automatically. So it is
18 transparent to the user, but it is something that we
19 found very important.

20 We also upgraded the development platform,
21 which did a couple of things for us. One, we were
22 using it to increase the performance. For example,
23 going through the Department of Energy, who we expect
24 to provide quite a bit of data, is going to be an
25 intensive task.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So we might as well improve the
2 performance of the spider as it goes through the site,
3 and the amount of time that it takes to go through the
4 site and identify changes and have new information.

5 In addition the platform is something that
6 we will be able to move forward several years with,
7 and we want to get to the point where we are using a
8 platform that is -- and I won't say obsolete, but we
9 have a very good platform to move forward.

10 The security assessment, Dan touched a
11 little bit on that with the National Security Agency,
12 and I just wanted to -- because I know that I
13 contacted most of you through e-mail, and there was
14 several steps to that.

15 In the spring of last year, the National
16 Security Agency came out and we identified a time for
17 what they called a pre-assessment, and I think that I
18 invited everybody via e-mail to that.

19 And basically what the pre-assessment did
20 was to identify the data and how the data is used, and
21 the importance of the data for them to be able to go
22 back and do an assessment of what we had.

23 So what we did is we had -- let's see. We
24 had a representative from the State of Nevada, and we
25 had the MNSS from the Nuclear Regulatory Commission on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a teleconference, and we had Clark County on a
2 teleconference, and we had NEI on a teleconference.

3 It wasn't -- and because the National
4 Security Agency brought out the power point slides, it
5 was a little hard for the folks on the teleconference,
6 as we went back and forth interactively with it, but
7 what we did essentially was to go through and
8 categorize the data.

9 And what the National Security Agency
10 wants you to do is to identify three areas, and you
11 break down the elements for the data, and then you
12 classify them high, medium, and low, and we did it for
13 three areas; confidentiality, integrity, and
14 availability.

15 The LSN scored high, and the availability
16 and integrity, and what we mean is that we want the
17 data to be of high integrity and also highly
18 available. The confidentiality for the LSN we
19 identified as low, because there is no confidential
20 information going to be made available in the LSN or
21 on the LSN.

22 But we did note that the confidentiality
23 of the licensing hearing, because some of that data
24 will be or could be provided to the judges was high,
25 because there is confidential information from a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 hearing perspective, and for the LSN was low.

2 And so using that information and that
3 classification, the National Security Agency came out
4 in the summer, and met with the NRC, and spent a great
5 deal of time with the contractors, with AT&T, and
6 identifying a prelude to the policies and procedures,
7 and to identifying any potential vulnerabilities.

8 Now, I received a report about a week ago,
9 and a couple of important notes about the report. I
10 specifically identified to them that this would be
11 done on the LSN net.gov, and so that it does not go
12 outside of our walls, or outside of our domain, and
13 there would be no outside participants.

14 One other thing that they after they went
15 through the interview process is that they also had a
16 tool that they use that does a scan of the LSN site,
17 and just to identify if there is any ports that have
18 been left open, or any configuration, blatant
19 configuration issues that could be used in an attack.

20 And that is an attachment in the report,
21 and so we will be working through the report. The
22 report was delivered to us For Official Use Only, and
23 it is not the kind of thing obviously when you do
24 security reviews that you don't make it mostly
25 available, because if there are things that relate to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 vulnerability, you don't share them with people to
2 exploit them.

3 So we will be working through that to try
4 to identify and validate that if they are really
5 vulnerabilities to the system, and if we do, then we
6 will develop a plan to close any of those
7 vulnerabilities.

8 And we expect to do that shortly after,
9 perhaps in the next month or so, and we hope to go
10 through it and identify the validity of what NSA
11 found.

12 Dan also mentioned the disaster recovery
13 drill that we participated with with AT&T, and all of
14 this is being done to make sure that for users that
15 the site is up and available, and that is the key to
16 all of this and why we are doing it.

17 And then AT&T, the contract for the LSN,
18 ended On January 15th of 2002, and we had a delivered
19 product within budget.

20 I just want to talk for a few minutes
21 about a couple of things, and a little bit more detail
22 about what we did this year from an enhancement
23 perspective with an administrative module, which has
24 a couple of additional features from the
25 Administrator.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And when I say Administrator, I mean us,
2 from ASLBP. We will have more control over content,
3 and what does that mean? Well, a help screen, for
4 example. If you go on to the LSN, in each field they
5 have a little question mark next to it, and you when
6 we do this tomorrow, I will show you this, and what we
7 hope to do is through a training process, and feedback
8 in working with you, that if there are areas where we
9 can augment help screens, by giving examples, and by
10 providing more detail, anything along those lines, we
11 will have the capability to go out and do that and do
12 that basically on the fly.

13 The security has been enhanced, because
14 you can go out and add content to the site, you have
15 enhanced the security beyond the module. And it used
16 to be a site with a web-based application, and it is
17 now an application that will now be required to be
18 installed on our machines, and have the CD present in
19 your disk tray to run the admin module.

20 'And we also added features. We got some
21 feedback last year that I will show you tomorrow, safe
22 searches, for example, and we saw in bigger
23 organizations that there may be a need to split how
24 organizations share safe searches.

25 And what an engineer is searching for in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 safe searches and shares with a colleague may not
2 necessarily be something that a lawyer, for example,
3 wants to save. So we can break it down in our
4 organization into several organizations to help try to
5 give you better capabilities with the system.

6 And we also added some capability for
7 tuning the public access. Our concern, and the
8 example that I used in our statement of work -- and I
9 can never remember his name, the owner of the
10 Washington Capitals.

11 Well, he put his e-mail out on WTEM, which
12 is an AM talk radio station in the Washington, D.C.
13 area, and he put his e-mail address out, and there
14 were like 10,000 e-mails in like 30 seconds or
15 something.

16 So I just kind of articulated the concern
17 that we want this site to be available - and I had the
18 same thing happen, for example, when people are doing
19 searches on geneology, and the Morman Church, and I
20 noted that was an article in the Post, and they just
21 got swamped.

22 So we have added the capability where we
23 can tune the public availability to make participants
24 have priority of access. So these are just some of
25 the things that we have done from an enhancement from

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 both a functional and a security perspective over the
2 last year.

3 And a version of 2.0 is what we are going
4 to show tomorrow, and we are still working through the
5 test and acceptance on that, and then I have already
6 covered the security assessment.

7 Now, moving forward, what we will be
8 planning on doing in the next couple of years, and Dan
9 kind of alluded to this with the hardware and software
10 refresh.

11 We just want to be -- that once we get
12 into the meat of this, we want to be able to move and
13 keep this site available for a couple of years as
14 needed, and we don't want to have to go in and upgrade
15 any hardware or replace anything.

16 And if something fails catastrophically,
17 that is a different story, but just from a preparation
18 standpoint, we want to have all the software patches
19 and everything up to date. So we will be doing that
20 over the next two years.

21 We will be looking at additional features
22 that come out from the software vendors, such as
23 autonomy. They release a new version, and it is not
24 just the type of thing that we plug in and run off
25 with it. There is quite a bit of testing, regression

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 testing, and so we will be looking at the features and
2 weighing that against the costs of implementing them.

3 But we want to make sure that we make
4 features available to users that we see people are
5 really interested in getting. Adding participants is
6 going to be a big -- is always going to be at the top
7 of our list, and making sure that we can easily
8 integrate anybody who is ready to have their site
9 available.

10 And I guess the important thing there is
11 -- and Joe is going to talk about this tomorrow, Joe
12 Turner. And it is really a trial and error process,
13 and it is just not just overbearing by any sense, but
14 there are things that no matter how hard we try, we
15 run into.

16 And the example I will give is filing
17 extensions on one participant's site, and something
18 that you don't think of, but when the system goes
19 through and it tries to open a Word Perfect document,
20 and it has an extension of .rev or something like
21 that, all you see is the extension, and this is
22 something that is not a major problem, but it is just
23 something that you can find through that trial and
24 error process and you actually start working with a
25 participant.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And I guess the other big thing that we
2 will be working on over the next few years is focusing
3 on scaling, and as I mentioned before DOE will be
4 putting a lot of information out, and we want to make
5 sure that we are not going to run into any thresholds
6 that we might not be able to handle, and to
7 accommodate everybody in a timely manner.

8 And to run into any problems as we scale
9 up to a bigger datasets, so that we indeed focus on
10 that, in addition to getting participants data. And
11 then in Fiscal Year '05, which starts off in year
12 2004, we will really be focusing on what I just called
13 user support, because we will be moving from -- all
14 the participants will have their systems available,
15 and users will be trying to do their discovery work,
16 and we are going to want to make sure that we have
17 people available if there are any problems
18 encountered.

19 And if anybody needs to specific help on
20 specific issues, and so that is really going to be the
21 focus in FY '05, and that is kind of a transition, and
22 a license application will be coming in in December.
23 So we expect that to be a very (inaudible) time, as
24 far as the use of the system is concern.

25 And then FY '06 and beyond, it is just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 basically maintenance and operation, and keeping up
2 with the COPS software that we have occurring, and
3 just keeping it in the system available.

4 The final bullet we have on here just
5 impacts the parties, and we don't expect any of what
6 we were outlining here to impact the parties in any
7 way. We obviously if anyone had a problem or saw
8 something, we hope that they will contact us and we
9 will work through it.

10 But with what we were doing, we are trying
11 to make sure everything is internal, and doesn't
12 affect our participants. Basically, if you can hook
13 up with us today, we expect you can hook up with us
14 two years from now, and basically we are trying to
15 approach it.

16 But again that is where we are doing work,
17 and going back and forth and doing tests, and stuff
18 like that, we have found to be very useful. The last
19 thing that I want to try and touch on real quick is
20 the baseline requirements. There was just a final
21 version put out, and I just wanted to outline the
22 changes for you real quick.

23 There is just four of them here. We had
24 a requirement where if you were going to have limited
25 access, or had only documents that you had to keep in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a separate area, and we have eliminated that
2 requirement and we expect to be able to do that with
3 the search and retrieval process so that we can
4 identify them.

5 So we won't have a spider performing that,
6 like going out and saying that this directory over
7 here should have all of the protected information
8 through the entry in the header, and there would be no
9 protected documents, and we expect people to use that
10 feature to be able to identify these documents.

11 I am going to read this one verbatim.
12 Document requirement. LSNDRG2 is revised to include
13 that DOE must, and this is in quotes, must follow text
14 and image standards for submission of documents via
15 the electronic docket as specified by NRC Office of
16 the Secretary.

17 And the third change is the LSN accession
18 number, which doesn't impact participants. We
19 generate that one and we bring it into the system, and
20 it is what it is. It is a unique piece, and so you
21 can go to any document in the system, and we just did
22 this on the pretext that two participants could
23 actually have the same internal numbering system.

24 And if you went out and did a search that
25 you could get two documents. So we assigned a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 document number on our spider search, where we
2 assigned a unique document ID, and we just increased
3 the length of that from 10 to 12 characters.

4 And then the non-digital media, there is
5 an indicator field which is now called non-digital
6 media, and when it was first envisioned it was kind of
7 a checkbox, and hence an indicator, and now you can
8 actually enter text.

9 Like, for example, non-digital media,
10 means that it is not available. It could be a rock,
11 or for example, a sample, and something like that.
12 You can actually enter from your field, and you
13 could enter information into that field.

14 And that is it for the changes to the
15 requirements. That is really all I wanted to talk
16 about. Is there any questions about anything?

17 MR. GRASER: Matt, you might want to go
18 back for a second and revisit the NSA events of early
19 August.

20 MR. SCHMIT: Well, part of that scam that
21 they did was it goes through the system and does some
22 things -- and we have a contractor that does our
23 retrieval detection, and they work with the networking
24 facility together, and with the contractor, and so NSA
25 made a plan to do this basically scan of the site, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 from a perspective of a security perspective from a
2 professional, they looked at this as threatening.

3 And what NSA was doing was that it looked
4 threatening, and it looked like they were trying to do
5 something malicious, and so an e-mail came through my
6 mailbox.

7 And I knew that they were doing it that
8 day, and I didn't tell anyone, and that this site is
9 doing this, and that it looks like it is malicious in
10 nature. So we blocked the IP and they could no longer
11 get to the site.

12 So the point of contact from NSA called me
13 and said good job, and you can continue your work, but
14 it was just important to us (inaudible).

15 CHAIRMAN BATES: Anything else? Any
16 questions? Judy.

17 MS. TREICHEL: You said that the NSA
18 pulled documents off of the system. Do they go back on
19 and who makes the decision as to what stays off and
20 what goes back on?

21 MR. SCHMIT: I will just tell you from my
22 perspective what I was talking about. In December,
23 the NRC and DOE pulled the documents off to start a
24 review, and were removed from the LSN and not
25 available for public review.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And that's the way they are today, and so
2 we put a banner up on the NRC, and I will let Dan
3 address this, too, but we put a banner up because a
4 couple of users called me and said how come there is
5 nothing on the LSN now.

6 So we just put a banner up there that said
7 that because of a security review, all of the
8 documents have been taken off of the site. And only
9 test documents will be available or nothing. So that
10 is the way it has been since then.

11 But I don't know - well, is that basically
12 a Homeland Security review question, or --

13 MR. GRASER: Right. The documents that
14 were up there were - well, the initial set of
15 documents that were up there were documents that were
16 already readily available, I believe.

17 And they were just sort of some of the
18 standard documents that they had already had out, and
19 we just had a version of those documents sitting on
20 the server, and that initial collection that we were
21 using for testing, that was the collection that was
22 pulled down.

23 And that was pulled down not at the
24 request of NSA. It was pulled down after a request by
25 the Department of Energy at that point in time, simply

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 because they had received word that they needed to
2 pull everything back until they could get procedures
3 in place.

4 And the NRC had a very similar situation,
5 and so none of the documents that were out there were
6 out there for any purpose other than that additional
7 testing at that point in time, and subsequent to that
8 nobody has put out any documents saying that we are
9 ready to publish our official collection.

10 So we have not had live documents out
11 since we took that action last year.

12 MS. TREICHEL: By that are there a series
13 of hurdles that a party has to go through to post
14 anything?

15 MR. GRASER: Well, the only hurdles that
16 the parties have to go through are the DOE and NRC at
17 this point in time, in terms of us as Federal agencies
18 implementing the direction that we get on doing the
19 screening.

20 MS. TREICHEL: And you don't have that?

21 MR. GRASER: Well, yes, we do. The NRC
22 does at this point have criteria that the Commission
23 has given to the staff, and various staff offices at
24 the NRC are in the process of putting the procedures
25 in place to meet those criteria requirements that the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Commission has given.

2 MR. MCCULLUM: This is Rob McCullum, and if
3 I could qualify that. It is simply a matter of DOE
4 and the NRC having the right procedures to finalize
5 them, and that essentially what exists here.

6 MR. GRASER: The procedures are -- yes, I
7 guess that is a fair way to say it; that when the
8 procedures are finalized, and the people start doing
9 it, then the documents can continue. It is a review
10 process.

11 MR. MCCULLUM: And so it is not something
12 that other participants have to do. It is just
13 something that when everything is in place and
14 finalized by the agencies.

15 MR. GRASER: That's correct. I know that
16 the folks from Nuclear Materials Safety and Safeguards
17 are actively working on that, and I know that they are
18 working on that right now with the CNWRA contractors
19 down in Texas. So that in the works as we speak.

20 MR. MCCULLUM: But there is no time period
21 set for that?

22 MR. GRASER: As I said in my presentation,
23 all of the indications that I am getting is that
24 sometime in the first quarter of the next fiscal year
25 that they are going to be having documents that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 successfully made it through that review process, and
2 will be published, and they will be the first
3 documents coming out of the NRC, sometime in the first
4 quarter of the next fiscal year, sometime between
5 October and December of this year.

6 MR. MURPHY: Mal Murphy from Nye County.
7 Dan, has any thought been given -- and just let me
8 pose a hypothetical. We are now dealing with
9 documents that have traditionally be made publicly
10 available prior to now, and not clearly safeguarding
11 security documents.

12 But the documents that were previously
13 publicly available were identified through the
14 Homeland Security process as being sensitive and kept
15 off the NRC or DOE universe, but it is a document that
16 the State of Nevada, or Nye County, or even Clark
17 County, or someone else, is something that can support
18 their licensing case, and so it is on their website.

19 And your answer could seriously affect the
20 success of the licensing process, and so think about
21 it.

22 MR. BOLLWERK: In any licensing process
23 that we go through, there are always documents that
24 have different classifications, whether they are for
25 public information, or are sensitive in some way or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 classified, and we have to deal with those in each
2 instance.

3 There may be ways to have access to them,
4 and in theory that is the way we will deal with them
5 from this end. There may be certain documents that
6 are identified as being Homeland sensitive, and there
7 may be certain protective orders that have to be put
8 in place, and people have to have access to them, or
9 will have to go through certain procedures in order to
10 get access to them.

11 If the question that you are raising is
12 whether a document that has been identified by the DOE
13 or the NRC previously with reflecting Homeland
14 security, in theory, one of the things that Dan has
15 actually raised in terms of the NRC is how to deal
16 with that situation.

17 Do we need to be crawling and trying to
18 identify (inaudible).

19 MR. MURPHY: But that is only part of the
20 problem. The other part of the problem is that for
21 many cases, or in most cases I would think -- and this
22 issue may never even arise. None of these documents
23 may never be identified, but if one were to be
24 identified, in most cases we already have them.

25 And unlike a reactor license (inaudible),

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 your experience with this is easily applicable to
2 future cases. But in reactor licensing, you have kept
3 20 years worth of people getting access to, and
4 working with, and dealing with potential applicants
5 for reactor licenses.

6 Here many of the documents that could
7 conceivably, or most of the documents that could
8 conceivably be identified as possibly sensitive in
9 some way, actually they are already in our files. And
10 what do we do about that?

11 And I think the State of Nevada is going
12 to say, oh, we want to be sensitive to your
13 sensitivities, but we are not going to raise that
14 issue.

15 MR. BOLLWERK: It is not a question of
16 raising the issue. It is a question of how we deal
17 with the document once they are identified that way,
18 and in theory, if there really are Homeland security
19 sensitive, and they can't be publicly distributed, or
20 publicly made available, then we have a hearing
21 session where we have to close it to only those folks
22 who have a need to know.

23 Perhaps you have an issue on it, and the
24 Board would have to know, and obviously the other
25 parties would have to know that they are involved with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 it. And we do that all the time, and it is not
2 unusual. There are certain sessions of our hearings
3 that are closed, and that is what we do.

4 MR. MURPHY: I am not talking about
5 closing the hearings. I am talking about the fact
6 that a document that Federal Agencies might somehow
7 identify as being sensitive, is in the possession of
8 non-Federal participants. How are you keeping from
9 making those folks from not making that document
10 public?

11 MR. BOLLWERK: Well, hopefully we would
12 ask them not to do that.

13 MR. MURPHY: Well, it has been made public
14 for 15 years already. I mean, what is --

15 MR. BOLLWERK: The situation has changed,
16 and that is one thing.

17 MS. YOUNG: Well, I don't know, but there
18 may be guidelines from the Office of Management and
19 Budget on how to handle sensitive and unclassified
20 information and that may address that.

21 Up until now the Commission has not
22 addressed where homeland security sensitive
23 information could be in the hands of others right now
24 and what to do.

25 We are focusing on the DOE and NRC documents that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 identify the information, and past that, we don't
2 really have anything that we can give you.

3 MR. BOLLWERK: And as you said, this is
4 hypothetical, and there may be a document out there
5 that is on the table, and I don't know of anything at
6 this point that exists, but you are right to raise it,
7 and we have been thinking about it, and that is
8 something that we are going to have to work with
9 people with all through the process.

10 And I hope that you will be sensitive to
11 it, as we are sensitive to it, and we can work on the
12 process. It's not a question that you all have access
13 to it. It is a question --

14 MS. YOUNG: And theoretically if there is
15 a pre-license application presiding officer that is
16 somehow appointed to handle LSN related disputes, and
17 handling such things as Homeland security information.

18 MS. TREICHEL: This is Judy Treichel from
19 the Nevada Nuclear Waste Task Force, and I think a lot
20 of this comes up because of the need or the
21 requirement to get everything up on the system so far
22 in advance.

23 Whereas, somebody can't come to you as a
24 judge, and say we want to bring up this issue and then
25 you can discuss it. It has to have already been out

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 there if you want to use it, and I guess that is
2 different from what is happening currently.

3 MR. GRASER: I would just like to respond.
4 The point that Mal is getting at boils down to if a
5 non-Federal party chooses to post a document that has
6 subsequently been identified, there would be no way
7 that I would know where the LSN software or the LSN
8 administrator would know that a document that has been
9 posted by Nye County or Clark County, or the State,
10 had subsequently been reviewed and sections of the
11 whole document.

12 There is no way that the software would
13 know that, and there is no way that I would know that,
14 unless the party went back to the original source of
15 the document and verified with them has this document
16 been subjected to homeland security review, and then
17 the parties subsequently determine, yes, we will put
18 something in the bibliography.

19 But if a party doesn't do it, I would have
20 no way of knowing it, and the software would have no
21 way of identifying it. So that document would go out.
22 To the best of my knowledge, there is probably no way
23 we could ever afford to do a match and compare of the
24 DOE version of a document that has been screened,
25 versus its counterpart that may have been submitted by

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 another party.

2 It is not on my agenda right now and it is
3 not in my budget space, and it is not a requirement
4 that has been identified, but I did identify that
5 concern to the task force that was initially
6 considering the criteria for NRC's reviews, and it
7 didn't come to closure to my satisfaction that I could
8 give you an answer.

9 The other aspect of that now is the
10 original intent of the rule was that the party that
11 authored the document is the party that is responsible
12 for posting it.

13 MR. MURPHY: The party that is responsible
14 for posting it, but not the party that has the
15 exclusive rights to post it.

16 MR. GRASER: That is correct.

17 MR. MURPHY: I can post any DOE document
18 that I want.

19 MR. GRASER: That's correct.

20 MR. MURPHY: And it is not the intent of
21 Nye County to post any DOE documents, because we are
22 going to have plenty of our own. But if I want to, I
23 can, and certainly if it is attached to a brief or it
24 is attached to pre-filed expert testimony, it is going
25 to go into the EIE.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. GRASER: Yes. I understand the
2 problem.

3 CHAIRMAN BATES: I can maybe add a couple
4 of comments from the perspective of the Office of the
5 Secretary. The problem that we are discussing here is
6 not one just of the LSN or of the licensing support
7 network, or DOE related documents.

8 And the mission of the NRC is to face all
9 the documents after September 11th on its website, and
10 recognize that there were documents that were
11 potentially there that could provide information from
12 a risk standpoint that would release vulnerabilities
13 to various sites, Nuclear Power Plants, and others
14 across the country, in terms of risk assessments, and
15 that showed vulnerabilities to plants, rather than
16 starting the process of reviewing documents that are
17 already up and available and pulling them down one by
18 one.

19 And the Commission made the decision to
20 remove documents until they got a good feeling for
21 what kind of requirements should go into reassessing
22 the documents, and it was in early June that the
23 Commission issued final guidelines as to how to do the
24 review.

25 And subsequent to the Commission decision

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 in June, these documents have been going back up on
2 the system, and additional documents, and the NMSS
3 staff is working with the mountain of DOE documents
4 that we have, using Commission guidelines for their
5 review.

6 And the Commission recognized that there
7 are certainly documents that may be out there in the
8 public, and that members of the public have, and in
9 conjunction with (inaudible) and the whole broad scope
10 of things that the Commission handles that are out of
11 our hands at this point.

12 And the recognition that those documents
13 exist is there, and there has been no decision either
14 within the Commission or as far as (inaudible) --

15 MR. GRASER: It would hard for me to
16 verbalize right now to do that, and we don't have the
17 resources to do that, and there may also be issues
18 associated with whether or not a Federal party would
19 be subject to a homeland security criteria, and I
20 think as was indicated, there are still some
21 unanswered questions that we are still trying to work
22 through.

23 If the sense of the panel is that you feel
24 we need to provide a specific answer back to the ARP
25 participants --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. TREICHEL: No, let's just put that dog
2 to sleep.

3 CHAIRMAN BATES: Anything further at this
4 point? Then let's move on. I think the schedule has
5 us taking a short break here, and then when we come
6 back, I believe Jason Pitts will give a presentation.

7 (Whereupon the meeting was recessed at
8 10:00 a.m., and resumed at 10:15 a.m.)

9 CHAIRMAN BATES: The next item on the
10 agenda is a presentation by Jason Pitts. Jason has
11 worked to get the Lincoln and the White Pine Counties
12 LSN systems up and connected, and has worked with Dan
13 and the LSN staff here, and he is going to go through
14 his experiences and working on those servers. Jason.

15 MR. PITTS: Thank you. As Andrew said, we
16 have set up a Lincoln and White Pine LSN site, and so
17 this presentation is going to talk about our approach,
18 and some of the issues and some of the resolutions
19 that we worked on to set up a small document site for
20 these two counties.

21 First off, we chose to use a discernible
22 web hosting service, and we chose Great Basin, which
23 is one of the largest internet hosting facilities. We
24 chose that for a couple of different reasons, one of
25 which was discussed earlier.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 The fact that these sites might be
2 published in the future or somehow discovered by the
3 larger (inaudible) are small networks and would be
4 overwhelmed by the large amount of traffic.

5 There are also issues with smaller
6 counties about technical staff being there and the
7 turnover, and being sure that match ups and all those
8 things work.

9 So for those particular reasons, as well
10 as bandwidth, and a couple of other things, we chose
11 to host these sites externally from our internal web
12 service. And we chose like I said Great Basin for a
13 number of reasons.

14 The two domains that we used are
15 LSNdocuments.com for Lincoln, and LSNdocuments.com
16 White Pine. And one of the side discussions that we
17 were just having a few seconds ago that we will talk
18 about later on in the presentation was the possibility
19 of adding extra counties, and we talked about document
20 numbers and stuff, but Great Basin, as well as other
21 web hosting facilities, allow you to map pretty much
22 an infinite amount of virtual domains.

23 And sowe could actually add a number of
24 different counties if it comes to that fairly easily,
25 and basically just copy the layout to those. So that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 issues like blocks and other access issues that we may
2 or may not have fixed, would be copied to that, and we
3 would not have to reinvent the wheel for a county that
4 might have only 2 or 3 documents to post.

5 So it made a lot of sense to not try to
6 have every county develop their own and go their own
7 separate ways. So this is one of the ways that we
8 could do it, and in the case of Mineral County, is
9 close to Great Basin's little area of service, and
10 they have already got an account, and so we can
11 transport header directories and stuff like that over
12 to their site, and so it should make it pretty easy
13 for a county like theirs to set up their own site.

14 We did a couple of different things. We
15 set it up basically and fairly easily with the
16 Microsoft Front Page, and we did a little bit of FTP,
17 but mostly we used Front Page to set up the three sub-
18 directories, and it is pretty straightforward to set
19 up to be honest with you.

20 It didn't take us a long time, and we set
21 up documents, headers, and logs, and then we messed
22 around with the way that those appear to the outside
23 world, which you will see later on.

24 We directed Great Basin, and we up a DNS
25 like I said to point the FTP inquires, or the LSN

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 portal inquiries to a separate section than the
2 website, and we did that for the reasons that were
3 discussed earlier about the possibility of people
4 locally and our public going to that site to look at
5 documents, and the need to have the LSN portal
6 someplace else.

7 Because then what would happen is if
8 someone put in that web address, or it was published,
9 or something like that, they would get the three
10 subdirectories and that's all the would see.

11 And there were some issues about whether
12 that was a security risk as well, and as they can see
13 the directories and stuff like that, and this gives a
14 little bit more access.

15 So what happens now -- and going to the
16 next slide, and you can see what we are talking about
17 here. The portal goes to these sites, and the FTP
18 dials documents.com, and they the subdirectories that
19 you see are right behind that.

20 If you just type it into your web browser,
21 we have a home page for each one of the counties,
22 which looks quite similar, and we have a warning to
23 the sites, and it directs it to the portal site for
24 their information pages.

25 And what we put on it was a little search

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 routine, so that if someone wanted to search locally
2 for the documents that we have, we provide a little
3 search algorithm there that they could enter in and
4 just look at the documents.

5 And that was just mainly for local use,
6 and we envisioned that we might need that to go to one
7 of our websites so that people locally could search
8 the documents that we had posted there.

9 And Lincoln County has an electronic
10 document archiving system made by Ricoh, called
11 Ecabinet, and most of our public information is there,
12 and that is one of the ways that we are capturing what
13 FTP wanted.

14 And so that is the website and very basic,
15 but mostly so that if someone goes there and sees
16 that, if network solutions or something like that goes
17 there, it gives them a little more information about
18 what it is, and those kinds of questions, and how to
19 increase web traffic. Next slide.

20 One of the things that we talked about
21 earlier that at least from our site would probably be
22 more difficult to do, but one of the things that we
23 might explore is we wrote a little job descriptor in
24 the local searching, and it may be helpful to put on
25 one of those little search boxes that search the LSN

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 from your locate site, and take you to the portal
2 site.

3 And it doesn't sound like that is going to
4 be too easy from the lynex standpoint, but might be
5 something that we would want to look into. Running
6 the job script, but the LSN portal (inaudible), and
7 the way that it displays, that's really nice, but it
8 would be nice if from a (inaudible) that they went to
9 your local site to have it interface with the portal.

10 But this is something to explore, and it
11 sounds like (inaudible) might be a little bit of an
12 issue with what we are hosting and what kind of
13 numbering system that we are using, but it is
14 something that we have thought about when we were
15 designing the java script, and so the way our stuff
16 portrays it is really basic and the portal way that
17 displays the data.

18 So those are one of the issues that we
19 talked about. The next slide. We don't receive
20 unlike the way that Nye County, and certainly DOE, and
21 probably Clark County, we don't receive a large amount
22 of documents. We didn't have scientific
23 instrumentation taking many, many pages of documents,
24 and so we would probably see a collection of 60 or 100
25 documents on Lincoln County's site, and probably half

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of that in a White Pine posting, and so you have seen
2 that the (inaudible) generator, and what the risk was,
3 because we don't have that many documents.

4 And so I imagine that is why some of the
5 larger document databases will have to work with
6 Access or something for that header, or something like
7 that. But we were able to use the header generator,
8 and it worked nice and worked easy, and it worked
9 really well, and so we just did it that way.

10 So I think for the smaller databases that
11 is going to be an easier way to go, and for the larger
12 ones, you are going to have to probably work with some
13 scripting, and things like that, to increase your
14 already existing document and header information, and
15 that is the way that we did it, and it worked well.

16 Just a little bit on the presentation that
17 we made to the counties about this database last week,
18 but what I didn't talk about was the equipment that we
19 used for White Pine. One piece of equipment was the
20 HP9100 digital center.

21 It is a \$3,000 scanner and it scans
22 directly to PDF. It has pretty decent document
23 feeding, and it doesn't jam, and so we are able to
24 scan some of our larger documents, 200 or 300 page
25 documents, fairly quickly and effectively into multi-

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 page PDF files.

2 And then another piece or device that we
3 used was made by Ricoh, and it is called Ecabinet, and
4 the county uses that for their archiving, and it
5 converts documents into PDF automatically, and so we
6 were able to draw documents off of that device and put
7 it right on the LLSI, and we envision that will be
8 able to do that, too.

9 So those two devices have really be useful
10 for us, and we used it as kind of a server device for
11 access and searching for a variety of different file
12 formats.

13 So we were able to take the PDS off of
14 that, and put them on the LSN website. And one of the
15 things that we talked about during the break is that
16 we have a great deal of documents there, and should we
17 want to make them available, and actually locating
18 documents at different locations, that is something
19 that DOE is going to have to do, and I would envision
20 that Clark and I would have similar situations.

21 Originally, we envisioned just having our
22 documents in just one place, just in the PDFs, but
23 through a little bit of nerd wizardry, we can locate
24 these documents in different locations, and so we may
25 actually keep some documents on the Ecabinet, and then

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 do the SML and make sure that the logs keep track of
2 that, but we really have not approached that, and that
3 is one of the things that we are going to look at in
4 the future.

5 And it is very simple and straightforward,
6 and we will just move the documents off the Ecabinet
7 and on to the LSN site, and the advantages are, as we
8 talked about before, are that it is co-networking on
9 to their networking, and backing up and taking care of
10 those things.

11 So we have not really decided how we are
12 going to do that, but those are two possibilities are
13 out there. So that is the equipment that we used to
14 capture our documents into the PDF format, and quite
15 honestly, scanners range anywhere from \$200, and all
16 the way up to many, many thousands.

17 So we took something kind of at the lower
18 end, \$3,000 and a little more upscale, but we scanned
19 many, many of these documents, and it has been very
20 reliable, and it has worked well for us. Next slide.

21 With all of our issues about compliance,
22 and as I said, those were fairly minor with our
23 website. They had to do with logging, and they had to
24 do with the way we addressed and pointed our site, and
25 the password, and log in names, and stuff. So pretty

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 straightforward.

2 All-in-all, after we worked through it,
3 and they worked with us, I can't imagine it taking
4 more than a day or two through e-mail. It has been
5 very easy to work with these folks, and with what I
6 know now, if I had to go back and do it, this
7 presentation would probably take longer than setting
8 up the site.

9 Like I said, we placed just a handful of
10 documents on the LSN site for test purposes, and you
11 can look at those files, and hopefully in a homeland
12 security sense.

13 But during the break we were discussing
14 how some of the documents come up slow, and so we have
15 a variety of people here today, and if they go to our
16 site, and look at our documents, if they would e-mail
17 me, that would be helpful, so that way we can figure
18 out what is going on there.

19 Because they came out fast for us, but we
20 are on a different network, but we are also local, and
21 so we are trying to understand why the PDFs are coming
22 up slow. Next slide.

23 This fairly fuzzy slide are captures of
24 the LSN's portal site, and we just did a search for
25 Lincoln and White Pine and these documents came up,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and I just took the screen capture. This is mostly
2 for to show those who might not have seen the LSN
3 portal, and what it looks like, and it's slick, and
4 it's nice. Next slide.

5 And then this is the header, and on the
6 left is the header information, and on the right is
7 the actual document, and we just did again screen
8 captures of that just to show what it looks like. It
9 looks really nice. Next slide.

10 And something that I mentioned earlier
11 that we are going to actually discuss now, which is
12 how we might get other counties, other entities, such
13 as another issue with Clark County, and is a much
14 smaller issue in Lincoln County, and perhaps White
15 Pine as well, is that there are subentities in the
16 county, such as cities, that may want to receive or
17 have received oversight funding and does some
18 independent research of their own.

19 There may be a desire to post, and that
20 are kind of a subset in White Pine County, and then
21 there is also the issue of the non-county and
22 (inaudible) that may have just a handful of documents.

23

24 We talked about going into those by
25 ascension number, but given the technical ease there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to create separate subdirectories, and separate domain
2 listings, it sounds like it would be fairly simple to
3 do something like lasvegas.clark.US, or like in our
4 case (inaudible) and do that quite easily, and just
5 replicate a subdirectory.

6 And while other entities and other
7 counties to get certified like that, and so I think
8 that perhaps we have kind of addressed that. So that
9 in a nutshell is our experience, and it was easy and
10 it was quick.

11 And like I said, this presentation took
12 longer to make than it did to put all of this
13 together. And we still have a couple of minor issues,
14 but other than that, I don't think there is anything
15 that is going to be too difficult to resolve.

16 So I will take any real easy questions if
17 you have any and none from Matt or any of the other
18 AT&T or NRC staff.

19 CHAIRMAN BATES: Jason, you referred to PDF
20 format. Could you clarify? My understanding is that
21 there are several PDF formats in text and imaging.

22 MR. PITTS: There is, and it is my
23 understanding that there is, and it is mostly a
24 function of version on how Adobe traces those PDF
25 formats, and the new Adobe programs allow for text

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 searching and stuff like that. But to my knowledge,
2 I don't believe we have encountered any problems.

3 We are using a number of different
4 versions of Adobe (inaudible), and e-cap, and we have
5 got 5.0. So --

6 MR. SCHMIT: You referred to the scanner
7 (inaudible).

8 MR. PITTS: I know that a couple of them
9 are, but I don't recall the impact report was scanned.
10 I believe it was scanned actually.

11 MS. TREICHEL: You need to go to a
12 microphone.

13 MR. SCHMIT: I was just saying that the
14 technology that Jason works, whether it was a scanner
15 or coming out of Ricoh, and the important thing for
16 the LSN is having text in that search when the Lincoln
17 documents come up via a search.

18 MR. PITTS: Well, where we did take a
19 document that was scanned by the HV, and we were
20 amazed that the text was there, and it was so clear,
21 and so I know that (inaudible) is doing text
22 conversion, and it makes the PDF searchable, and that
23 is one of the things of e-cap, as well as creating a
24 search.

25 So I know that both of those devices does

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that, but I am sure that the one document that we were
2 looking at last week was scanned with a 9100, and in
3 other reports and graphs that we did not have
4 electronically.

5 So it that device was doing a pretty good
6 job at it. Anyone else? Abby? Nothing? Well, thank
7 you.

8 CHAIRMAN BATES: Thank you. The next item
9 on our schedule is Jeff Ciocco from the NRC staff to
10 present a summary of the draft regulatory guide DG-
11 3022, and proposed revision 1 of Regulatory guide
12 3.69. Jeff.

13 MR. CIOCCO: Thanks. My name is Jeff
14 Ciocco, and I am with the Office of Nuclear Material
15 Safety, and Safeguards, and I am not with the
16 information technology people here.

17 If you are wondering why I am with NMSS,
18 we did make a revision to the guidelines, and we have
19 overall responsibility for the safety and environment
20 transportation reviews for the Yucca Mountain project.

21 And when it comes to the documentary
22 material, the revisions were based on the (inaudible),
23 and so I work in the Office of Nuclear Material Safety
24 and Safeguards and I work for Janet Schrer, who is
25 here in the audience, and she is my branch chief.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I was not at last year's ARP meeting on
2 August 8th at the Crown Plaza, but I am infinitely
3 familiar because I read the transcript several times.
4 I remember when I was first assigned this
5 responsibility, and the draft regulatory guide, DG-
6 3022, and I have copies in the back of the room, and
7 it is also on NRC's website, and it is in our publicly
8 available record system.

9 And we had a fairly wide mailing campaign
10 for it, and I think (inaudible) as well, but for
11 anybody that doesn't have it, let me know, and we can
12 get you a copy. Next slide.

13 I am going to talk a little bit about the
14 background of the topical guidelines, and the purpose
15 of the revisions to Reg Guide 3.69, and the scope of
16 those, and I am going to go through a few of the
17 details of the changes.

18 The development of the topical guidelines,
19 what I have listed here is a chronology of the
20 guidelines, and this was a (inaudible), and I know
21 that the advisory review panel probably knows the
22 history better than I do since 1988, but it was
23 important for me to go back and look at all of the
24 rule making where the guidelines were first initially
25 conceived, and I really wanted to know why the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 guidelines were like they were, and what I found out
2 quickly that in negotiated rule making, one of the
3 answers in the regulations, in the FRN, and so I had
4 to go to some (inaudible) with Dan Graser, and Chip
5 Cameron, and others, as I took over this task.

6 But let me go through some of the
7 chronology here in the guidelines. I am going to
8 start with August of 1987, which was the formation of
9 your panel, and in November of 1998, there was a
10 proposed rule, which was the draft topical guidelines.

11 And the (inaudible) rule came out in April
12 of 1988, and in '89 were the topical guidelines, which
13 I believe said would be used or more precisely were
14 issued by the NRC as a regulatory guide by our Office
15 of Research.

16 Now, in July of 1993, there were interim
17 topical guidelines published for public comment by
18 the NRC, and then in September of 1996, the topical
19 guidelines were published in a short, 3 or 4, or a 10
20 page document.

21 And then in August of 2001 (inaudible)
22 topical guidelines, and that was your meeting on last
23 August 8th, when Chip Cameron first brought up the
24 issue, and Bill Regersheim (inaudible) our division
25 director, and at that time, Chip introduced Bill

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (inaudible) input, because as Bill spoke that we were
2 going to be revising the guidelines.

3 And as well Mitzi Young and Pat Mackin in
4 the back, who helped us in revising these guidelines.
5 The real (inaudible) in the review panel meeting last
6 August.

7 And in July of 2002, this year, we issued
8 the draft regulatory guide, and Revision 1 is out for
9 public comment, and with the public comment period
10 extending through September 30th of this year, which
11 is about a week away, and that will close the public
12 comment period.

13 And to date I think I have received 1 or
14 2 comments about a month ago on the reg guide. We
15 expect to publish Revision 1 to Regulatory Guide 3.69
16 sometime in the middle of 2003, depending upon how
17 many public comments that we get and we have to
18 address. Okay. The next slide.

19 The purpose of the revision really came
20 about from your review panel meeting last August 8th.
21 The meeting (inaudible) revised, and really what is
22 the basis.

23 And so we decided, yes, they really need
24 to be revised, and we were going to issue it as a
25 proposed revision one into the reg, and we wanted your

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 input from the panel and from the public, and we
2 wanted to ensure consistency with the updated changes
3 to 10 CFR Part 2, which were written in 1996, and
4 there were revisions in 1998, and then later in 2001
5 you had a revised Part 2.

6 We wanted to revise the topical guidelines
7 to be consistent with Part 63, which I believe were
8 issued last year on November 2nd of 2001, and so that
9 was just a few months after your last panel meeting.

10 We wanted to revise the topical guidelines
11 to be consistent with the Yucca Mountain review plan,
12 which I am also the project manager for, and we issued
13 that document back in March of this year for 180 day
14 public comment period, which extended through until
15 August 12th, and it closed, and we received about a
16 thousand public comments.

17 And we are going through the comments and
18 responding to the comments internally, and we are
19 going to work on revisions to that document. So we
20 have Part 2 changes, and Part 63 changes, and the
21 Yucca Mountain review plan, which wasn't in place
22 initially.

23 And we also incorporated some revised
24 guidelines for the environmental testing assessment,
25 and the environment assessment information, which is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Section C of the old reg guide. And we have expanded
2 on that quite a bit. Okay. The next slide.

3 Changes to 10 CFR Part 2. Like I said,
4 from the 1998 rule making, and the 2001 rule making.
5 And these are mostly administrative changes to the reg
6 guide. As far as substance, I don't think there was
7 any.

8 Most of them came because of changes to
9 Part 63 and the outline of the Yucca Mountain Review
10 Plan, which is the format content of a potential
11 license application.

12 So the changes related to Part 2
13 incorporate the requirements of a web based system,
14 and once again that doesn't really impact us a lot.
15 There was a clarified definition of documentary
16 material (inaudible), a definition (inaudible), and we
17 added the concept of the electronic docket, and the
18 concept of the availability of the documentary
19 material.

20 And it talked about access requirements in
21 the web based system. Again, these really don't
22 impact a lot the revisions of the topical guidelines.

23 Okay. This is a requirement of 10 CFR
24 Part 63, and Regulatory Guide 3.69, which was written
25 back in 1996, was based in-part on Part 60, which had

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 all the subsystem requirements, a lot of which changed
2 in Part 63 for the risk-informed performance based
3 regulations.

4 And so what changed from Part 60 to Part
5 63? Well, first we had the EPA standards that came
6 out, and which I believe was in August of 2001, just
7 before the NRC's regulations came out. So now we have
8 radiation protection standards, and we have the
9 reasonably and maximally exposed individual.

10 And there is the definitions of unlikely
11 features and events and processes, and the use of a
12 totally effective dose equivalent.

13 There is (inaudible) safety analysis, and
14 a (inaudible) performance assessment, and (inaudible)
15 requirements, and it really changed the content of a
16 license application, which was the basis of this draft
17 regulatory guide.

18 Okay. We restructured the regulatory
19 guide, Section C, to be consistent with the Yucca
20 Mountain Review Plan that reflects Part 63, which is
21 a requirement for a license application.

22 We had topical guidelines for multiple
23 interactions, and which the assessment in (inaudible),
24 and we added topical guidelines for the (inaudible)
25 for the (inaudible) performance objectives, which

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 weren't part of Part 60, and weren't part of the old
2 regulatory guide reflected in Part 60, and all the
3 existing requirements.

4 And so when we look at the relevancy of
5 the documentary material and we looked at what is
6 going to be relevant for licensing applications, and
7 what information is the staff going to be asking for
8 in Part 63, and that is in the Yucca Mountain Review
9 Plan, and what is the staff guidance on it.

10 In summary, as to the proposed changes,
11 we had the reference to the Part 63 and the Yucca
12 Mountain Review Plan was the most significant, and
13 we added a clarification to the definition of
14 (inaudible) material, and we defined the purposes
15 and uses of the regulatory guide.

16 And saying that the regulatory guide
17 provides a detailed topical index for the licensing
18 report network, and we revised it to be consistent
19 with Part 63.21 with the content of a license
20 application.

21 And that is really the basis of the
22 Yucca Mountain Review Plan in the table of contents,
23 and we expanded it, the topical guidelines for the
24 environment assessments to be consistent with NEPA,
25 and NUREG Guide 1748.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And as I read through the transcripts of
2 last year's meeting, there was a lot of discussion,
3 and Mal Murphy certainly initiated some on whether
4 you needed the environmental assessment part, the
5 EIS part, in the topical guidelines.

6 And we made a decision in this draft,
7 and we would certainly like your feedback, and 63.21
8 required that an environmental impact statement
9 accompany any license application.

10 So what we did, and in Reg Guide 3.69,
11 you had three areas for the environmental impact
12 statement; socioeconomic, transportation, and I
13 forget what the last one was.

14 And so we took those three areas and
15 expanded on what we thought would be relevant
16 documentary material in that area. And so that's
17 when we opened for discussion for public comment or
18 whatever, but we took the initiative to go ahead and
19 make those changes, and really add on to that
20 section.

21 And that is the conclusion of my talk on
22 the regulatory guide, and I would be happy to answer
23 any questions that you may have.

24 MR. PUY: Yes, Jeff, Mark Van Der Pur
25 from the Department of Energy, and (inaudible), and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I understand your concept of how the reg guide (off
2 mike).

3 MR. CIOCCO: Well, the regulatory guide
4 is going to replace the regulations, and (inaudible)
5 in Regulatory Guide 3.69, and we will say it
6 whenever we revise it. It states that it is not a
7 substitute for the regulations and compliance with
8 them are not required.

9 The method and solution is different
10 from those set out in the reg guide will be
11 acceptable, and will provide the basis for the
12 findings (inaudible) of the license.

13 It is a guidance document on what is
14 meant to be relevant documentary material to be
15 placed in the LSN. And if you in various areas of
16 Reg Guide 3.69, and I think it is back in Appendix
17 A, and as I read through the rule making, I was
18 trying to understand what was the basis for a lot of
19 this information.

20 And I didn't change these areas, but it
21 talks about quality assurance records, and external
22 correspondence, internal memoranda, and so the way
23 that I see it is that if this is a listing of the
24 topical areas where you should provide information,
25 or you could provide information to the licensing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 support effort.

2 MR. PUY: How do the text documents
3 relate (inaudible) independently relate to you
4 (inaudible)?

5 MR. CIOCCO: Are you talking about the
6 material listed in 2.2003?

7 MR. PUY: Yes.

8 MR. CIOCCO: And that is the graph
9 (inaudible)?

10 MR. PUY: Right.

11 MR. CIOCCO: And you are saying how does
12 that relate to -- let me get my reg guide here. What
13 part of -- do you mean Appendix A?

14 MR. PUY: No. (Of microphone.)

15 MR. CIOCCO: Well, okay. Well, remember
16 that I read -- I went back to the rule making to try
17 to understand why all those things were excluded,
18 and there was little explanation, but in my mind a
19 lot of those were faulty effective records types, in
20 2.0382, computerized (inaudible) laboratory
21 notebooks, and I saw the connection.

22 And if you look under Appendix A of the
23 regulatory guide under quality assurance records,
24 and I think as I see it, they are kind of public
25 related, and I thought it was in the rule making and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I was trying to understand the basis for all those,
2 and there is a real laundry list of information that
3 you have to include in graphically oriented
4 material.

5 And so I did think it was included in
6 Appendix A under the quality assurance section, and
7 I think the graphically oriented material applies to
8 far more than just quality assurance section.

9 MR. MURPHY: Jeff, I think the
10 graphically oriented material applies to far more
11 than just quality assurance.

12 MR. CIOCCO: That's right. Yes, it does.

13 MR. MURPHY: And that anything that is
14 relevant to the licensing (inaudible).

15 MR. CIOCCO: Right. It is probably a
16 more comprehensive list in the regulations on
17 quality assurance records.

18 MS. MURPHY: How to define and how to
19 deal with the electronic discovery (inaudible)
20 probably takes up more time than the original LSS
21 negotiated rule making (inaudible), and that was of
22 critical importance, and that was somewhere after
23 the original ruling came.

24 MR. CIOCCO: Was it in the original
25 ruling, which is based on the environmental

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 assessments, I think.

2 MR. MURPHY: We are not talking about
3 the environmental assessments. We are talking about
4 in any document, such as (inaudible), or a
5 (inaudible), or stuff like that, one part or the
6 other (inaudible) could be very important to their
7 licensing (inaudible), and how to handle that, and
8 how to discover (inaudible), and is a very serious
9 subject (inaudible) in the original LSS rule, and we
10 have to figure out how to get all the missing
11 materials discoverable (inaudible).

12 MR. CIOCCO: Well, I think we are
13 hearing that it is a much more comprehensive list
14 (inaudible).

15 MR. MURPHY: If I recall, there was
16 probably more discussion during those negotiations
17 (inaudible) how to handle the principal investigator
18 (inaudible), and (inaudible), and literally how do
19 we get that information into the LSN if everybody
20 has access to it?

21 MS. YOUNG: And just to clarify things
22 said previously, Mark, the relationship that we are
23 talking about is described in 10 CFR Part 2.1000,
24 and (inaudible).

25 But on the other hand, before we look at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the broad subject area (inaudible), and
2 considerations (inaudible), and more than quality
3 assurance (inaudible), and even graphic oriented
4 materials to try to get the general subject matter
5 area that would be (inaudible) LSN, and over time
6 was always emphasized that there should be a nexus
7 between those subject areas, and what is actually on
8 the (inaudible) application, and it would not be
9 (inaudible).

10 And in theoretical terms, it would be
11 (inaudible) that it had a nexus to the application
12 and (inaudible) application to a central Commission
13 date.

14 MR. CIOCCO: Thank you, and that's why
15 we have based Section C on the (inaudible) license
16 application. Yes, Judy?

17 MS. TREICHEL: It seems to me that this
18 is really confusing and beginning to be sort of a
19 fragile house of cards, because the Yucca Mountain
20 Review Plan is still being revised, and you are
21 still looking at the stuff that you have gotten.

22 NEUREG 1748 is still out for public
23 comment, and being changed probably, and (inaudible)
24 is the subject of litigation, and so everything that
25 you are doing to becoming consistent, everything is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 still in a state of flux.

2 And it seems like it certainly puts the
3 public in a really difficult position if they are
4 trying to comment on stuff, and it is unfair if you
5 have to continually cease becoming consistent if one
6 (inaudible) --

7 MR. CIOCCO: Right. I mean, there is
8 certainly a lot of external events to the regulation
9 and the rule making, and you are talking about the
10 scheduling of the regulatory guide, it was proposed
11 last year in August, and whether or not (inaudible),
12 and people (inaudible) up shortly, and so
13 (inaudible).

14 And you're right, the Yucca Mountain
15 Review Plan is a draft document issued last March,
16 and so we had the rule done last November, and we
17 had a draft Yucca Mountain Review Plan issued for
18 public comment on March 29th of 2002.

19 So we had the rule finalized and a draft
20 Yucca Mountain Review Plan, which I think I say in
21 here that it is a draft, and you are correct.

22 MS. TREICHEL: And 1748 is still a draft
23 as well.

24 MR. CIOCCO: And 1748 is, too. So we
25 issued the regulatory guide in July of this year so

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 we were able to take the final rule, with the draft
2 Yucca Mountain Review Plan, and put (inaudible).

3 We are looking at timeliness, as well as
4 having all of our (inaudible) in place to do a
5 license application review. And the timing is as
6 such that we are working on the response to comments
7 on the Yucca Mountain Review Plan, and we are
8 working on response to comments to the topical guide
9 lines at the same time.

10 And we will certainly have to consider
11 those. I mean, we have the same people working on
12 all of the issues, and there are some other external
13 issues as well in litigation and stuff, and we can't
14 comment on those activities.

15 MS. TREICHEL: Well, it is just as well
16 to see which is the horse and which is the cart, and
17 what should be finalized first, and of course from
18 the public standpoint, it sure seems like this is a
19 real race.

20 And if you are not expecting licensing
21 until 2004 to 2005 for the application, it seems
22 like there might be time enough to give people some
23 sense of the blocks falling into place, rather than
24 all the balls being in the air.

25 MR. CIROCCO: Well, whenever it is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 finalized, we are going to issue a Revision 2 of the
2 Yucca Mountain Review Plan, and it is in its final
3 form, but it is also a living document that the
4 staff can update whenever the information becomes
5 available.

6 And the regulatory guide, it is not rule
7 making, and it is a guidance document as well. So
8 we will certainly have to consider any events beyond
9 the Yucca Mountain Review Plan, and (inaudible) as
10 well.

11 MR. MCCULLUM: Rod McCullum, NEI, and --
12 is done to avoid this kind of confusion in the draft
13 guide. There is a lot of listings, you know, and
14 outlines of the Yucca Mountain Review Plan, and
15 outlines of the EIS, and exclusion (inaudible).

16 And I think this will come forward in
17 our comments that we are finalizing, and rather than
18 simply listing the things that you have struggled
19 with consistently, perhaps incorporating (inaudible)
20 and focus this guidance on how you identify the
21 types of information in those areas that you are
22 incorporating, because those are all living
23 documents.

24 I mean, the repository program is going
25 to be around for 50 years or hundreds of years. And

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 so (inaudible) different changes in the rules, and
2 how do you go about identifying the types of
3 documents that are relevant. I know that
4 (inaudible) do likewise.

5 MR. CIROCCO: Thanks, Rod, and I
6 certainly appreciate (inaudible).

7 MS. YOUNG: And along the same point, I
8 think that it is a misnomer to say that everything
9 or anything is in a state of flux. Part 63 is
10 (inaudible).

11 MR. MCCULLOM: Yes, I know.

12 MS. YOUNG: But this was written as a
13 guidance to implement something in that area related
14 to Part 63. So even though there may be pagination
15 and discussion changes in the review plan, the
16 review plan is based on Part 63, topical guidelines
17 of Part 63.

18 So it is not really a true statement to
19 say that everything is dependent on something else
20 changing. And in that sense, all the guidance is
21 going to have to be consistent with Part 63.

22 MR. CIOCCO: Right, and that is set in
23 stone, and (inaudible) about what are the
24 (inaudible) and how do you identify that
25 (inaudible). Like I said, we (inaudible), and Part

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 63 would be final at the appropriate time, or a time
2 (inaudible) guidelines. Yes, Abby?

3 MS. JOHNSON: Abby Johnson, Eureka
4 County. I have a couple of questions related to the
5 environmental impact statement information. You
6 mentioned in your presentation that in the previous
7 version that there had been a mention of
8 socioeconomics.

9 MR. CIOCCO: Right.

10 MS. JOHNSON: And that that is -- well,
11 that is not in here anymore, and so I was wondering
12 on what basis it was removed. At least, I don't
13 see. Show me where.

14 XX MR. MURPHY: The complaint was not --
15 the socioeconomics I don't think was moved, but our
16 complaint from a year ago was that the topical
17 guidelines categories, that the categories were
18 expressed in Reg Guide 3.69 with respect to the EIS
19 related document guidelines were way too broad, and
20 confusing (inaudible), and were too nebulous.
21 So we wanted to (inaudible).

22 MS. JOHNSON: I guess my comment is that
23 I think socioeconomics is an integral part and
24 socioeconomic impacts is part of that, and I don't
25 see that there is -- I don't see that this list has

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a place specifically for socioeconomic impacts.

2 The reason that I am bring it up is that
3 the Department of Energy, I think, requested to get
4 into the area of socioeconomic impacts, and so I was
5 wondering if this is based on what they have already
6 done, and you are kind of just mirroring it, or is
7 this - well, or not?

8 MR. MACKIN: This is Pat Mackin from the
9 Spent Nuclear Waste Regulatory Analyses. I worked
10 on this with Jeff. If you look at the environmental
11 information, it examines impacts to a number of
12 areas.

13 And incorporated within those areas
14 would be any socioeconomic impacts, environmental
15 justice impacts, and they would be specific impacts
16 within those areas. There was no mention of those
17 from this regulatory guide.

18 MS. JOHNSON: Well, what the analysis
19 said was that before it was too broad, and the
20 direction of the committee last year was to make it
21 more specific, and thinking like the Department for
22 just a minute, I looked at this and said, well, it
23 doesn't say anything about socioeconomics in here.

24 MR. MACKIN: If you were to look, for
25 example, in Section 3.6.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. JOHNSON: Yes.

2 MR. MACKIN: Included among the impacts
3 of transportation in an environmental document would
4 be socioeconomic impacts, and if you look at the
5 outline for the environment impact statement, it is
6 typically prepared that way.

7 So if there are impacts from
8 transportation on the socioeconomics of the
9 community, that is where they would be addressed.

10 MR. MURPHY: Well, I just came up with a
11 comment for my -- for a couple of sentences for my
12 comments next week. I mean, that is the way I read
13 it to, Pat, but you and I have the benefit of
14 history, and if there is any confusion at all, that
15 may be a good point, and go ahead and put it in
16 there, and let's just say it. This is still a draft
17 guide document.

18 MS. JOHNSON: And my next question is
19 that this talks about -- it uses the terminology of
20 environmental assessment in the appendix, Appendix
21 A, 8.1.

22 Now, my understanding of NEPA is that
23 there is a specific thing called an environmental
24 assessment, which is kind of like a junior EIS, and
25 I was asked whether if you have a different

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 understanding of that than I do.

2 MR. CIOCCO: Of what NEPA is?

3 MS. JOHNSON: Yes.

4 MR. CIOCCO: No, I think that is
5 correct.

6 MS. JOHNSON: So if there had been other
7 documents, other environment impact statements, that
8 would not be included in 8.1?

9 MR. CIOCCO: If there were other
10 environmental impact statements?

11 MS. JOHNSON: If there were
12 environmental impact statements rather than
13 environmental assessments. Does anybody understand
14 my point?

15 MR. CIOCCO: I don't understand it.

16 MS. JOHNSON: Okay.

17 MS. YOUNG: But isn't there (inaudible)
18 talking about the final environmental impact
19 statement?

20 MS. JOHNSON: I don't understand what
21 your point is.

22 MR. FRISCHMAN: Her point is that
23 environmental assessment is a term of law, and so is
24 an environmental impact statement.

25 MS. YOUNG: Right. But both are in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 document and to try to make sure that it is covered,
2 but both are there in the list. One is 8.1 and the
3 other is 8.8.

4 MR. CIOCCO: And both are in the EIS,
5 right, both of them. 8.8 is in the DOE Drafts and
6 is in the final drafts of the EIS.

7 MR. FRISCHMAN: I think like with the
8 bullet that you use here, you use assessment in your
9 handout.

10 MR. CIOCCO: In the computation
11 material.

12 MR. FRISCHMAN: And I think all Abbey is
13 trying to say is make clear that you are saying what
14 you mean, and --

15 MR. CIOCCO: Okay. So look off of the reg
16 guide and not my slide then. It says the system was
17 NEPA.

18 MR. MURPHY: Well, there is a non-NEPA
19 environmental assessment that is in this program,
20 too. And the E-8 supported the site
21 characterization decision back in 1987, and were not
22 NEPA documents, and they were exclusively NWPA
23 documents.

24 But they are still relevant, and they
25 don't need to -- they are still covered by the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 guidelines.

2 MR. MCCULLUM: Yes, and what is being
3 talked about here is maybe it is intended to be
4 historic, (inaudible) and presented here (inaudible)
5 (inaudible) and environment assessments (inaudible)
6 by the DOE at this meeting.

7 MS. JOHNSON: I think that is important,
8 too.

9 MR. FRISCHMAN: I think also -- and I
10 know that this is not intended to be a complete
11 list, but there are other guidances that may
12 develop, too, other than just the DOE list.

13 MS. JOHNSON: For example, you might do
14 something with the military that is not related to
15 overflights, or there could be another Federal
16 Agency whose EIS or EA impacts some kind of decision
17 making in the past, and I just think you need to
18 have some clarification here, and a little broader
19 on the EIS end points.

20 MR. CIOCCO: These were actually
21 materials, carryover materials from 1996 regulatory
22 guide. And are you asking for further
23 clarification?

24 MS. JOHNSON: It is a new day and a new
25 look. I have one more question. On page 3, under

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (d) discussion, under the second paragraph, under
2 the purpose of the regulatory guide, it says this
3 regulatory guide may be used by the pre-licensing
4 application presiding officer in evaluating
5 petitions for access to the LSN during the pre-
6 license application phase.

7 What does that mean, and what does
8 access to the LSN mean? Does that mean that the
9 presiding officer makes a decision on which
10 documents can be admitted? Is that what that means?

11 MS. YOUNG: Well, that is some also that
12 was changed in the previous document.

13 MS. JOHNSON: Well, can you just explain
14 to me anyway?

15 MS. YOUNG: What I think the point is, is
16 that if it is a subject matter that is going to be
17 used to determine what are the requirements of the
18 LSN, and one of the factors to be considered by the
19 pre-license application presiding officer, and
20 whether they provide a document that covers the
21 general subject matter of the (inaudible).

22 In terms of (inaudible), for example,
23 one of the things is whether a party has complied
24 with the LSN (inaudible), and so I think that was
25 written initially to attach to that thought.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. JOHNSON: So if the applicant's
2 documents are potentially way off and not
3 recognized, and kind of listed here as general
4 categories, that would be your reason to say that
5 they can't participate?

6 MS. YOUNG: Participate is not the
7 appropriate word, but (inaudible). I think it would
8 be up to the judge to make that determination.

9 MS. JOHNSON: And I just wanted to make
10 a comment, and I know I sound totally ignorant here,
11 and it's true, but because the guide has only
12 nuclear power plants, we have no experience with
13 these types of proceedings, and so we are just
14 starting out from the very ground level.

15 And the types of questions that I ask
16 are the kinds of questions that are asked of me by
17 people in my county who would like to understand the
18 process. Thank you.

19 MR. MCCULLUM: Robert McCullum.
20 Following up on Abby's questions, is it really the
21 intent of this guidance to be guidance (inaudible)
22 in the licensing process, or is it more just to
23 provide a tool for potential disciplines and what
24 they should include in their LSN?

25 MS. YOUNG: Well, since you asked, that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 sentence is followed by another sentence, which may
2 or may not clarify each other. The first sentence
3 is that this guide won't be used by the pre-
4 licensing application starting off with providing a
5 petition for access to the LSN during the pre-
6 license application phase.

7 And so the guide will not be used as a
8 detailed topical index to determine the scope of
9 contentions that may be admitted during a
10 proceeding.

11 MR. MCCULLUM: I guess given that answer,
12 I guess these two sentences would most likely
13 address (inaudible), and would suggest that this
14 statement (inaudible) doesn't really belong in this
15 guide, and (inaudible).

16 MS. YOUNG: Well, you can make that
17 comment, but both of those paragraphs were in the
18 original guide, and they were taken from the wording
19 and taken into consideration for companies in the
20 first draft of the topical guidelines.

21 MR. MCCULLUM: I understand.

22 MR. MURPHY: If I could just comment on
23 that a little bit. One of the reasons why, and I
24 don't remember who, but when it was first suggested
25 by maybe the original LSSARP at the first one or two

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 meetings that topical guidelines be developed by the
2 NRC, and one of the reasons for the suggestion was
3 to give the participants some sort of basic
4 yardstick to measure whether or not they were going
5 to be in compliance with the LSS departments in
6 order to support a potential petition for
7 intervention for a participant's licensing.

8 And so one of the anticipated uses of
9 the document was to give the participant and the
10 LSSARP just a yardstick to say here is a list of
11 subjects for the topical guidelines, and if you, or
12 local governments, or intervenors, didn't even come
13 close to meeting or covering these topics, then you
14 are not going to be eligible for participation.

15 But I don't think it was ever intended
16 to mean that if you didn't have a document that
17 didn't address every one of these topics that you
18 weren't going to get a bid. It was just a useful
19 yardstick for intervention among other things.

20 The other thing is if you outline what
21 goes into the LSSARP, and this is spider that crawls
22 around (inaudible), and like the quarterback in the
23 NFL, the spider (inaudible).

24 MR. FRISCHMAN: Yes. I just wanted to
25 ask one question. I see clearly the basis for the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (inaudible) reduce of the outline, and I was just
2 wondering for the information for EIS, how did you
3 construct this?

4 It looks very familiar, and what I am
5 thinking is that people talking about socioeconomic
6 and so on, you might need to go to the third tier of
7 this outline, rather than just using to the first
8 two.

9 MR. CIOCCO: Well, if you break down
10 Section 3 into another level of --

11 MR. FRISCHMAN: Well, this looks very
12 much like the table contents through the second
13 tier.

14 MR. MACKIN: Pat Mackin from the Center
15 for Nuclear Waste Regulatory Analysis. Steve, you
16 are correct. There is really three sources for the
17 structure of this part of the regulatory guide. One
18 is that we wanted to make sure that it was inclusive
19 of DOE's environmental impact statement structure.

20 And the two other new things are NEUREG
21 17-48, and NEPA itself, and what it specifies as
22 requirements for the content of an EIS.

23 MR. FRISCHMAN: That's why I said that it
24 looked some familiar, but what I am thinking is
25 maybe the simple way to get at the question is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 through direct knowledge and to go to the next year
2 (inaudible), and that way rather than (inaudible),
3 it is in DOE's EIS, and the outline may at least
4 have some validity.

5 And in the NEPA guidance, it can go
6 right to the next tier, and I would have to look at
7 17.48, because I missed that, and didn't know about
8 it until yesterday, and others didn't know about it
9 at all.

10 MS. YOUNG: Steve, I think you are
11 correct. I think it is something that might appear
12 on the third tier of the outline, but you realize
13 that this provision took you initially to the
14 categories in the environment impact statement,
15 which the environmental (inaudible) subject matter
16 in the environment impact statement (inaudible) reg
17 guide that is out for (inaudible) for the staff.

18 MR. FRISCHMAN: Well, I think this is
19 being used as a sort of topical guide for
20 organizations within the LSN, and the other is
21 irrelevant. That doesn't give you anything to work
22 with. This is at least trying to give you something
23 to work with, and your suggestion for the third tier
24 I think is -- the way that you capture the interest
25 of people who would otherwise would feel that this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 does exclude them.

2 MS. YOUNG: Okay

3 MR. PUY: Okay. I don't know if this is
4 - well, what is the linkage between the (inaudible)?

5 MR. CIOCCO: The topical guidelines come
6 out of the regulations and (inaudible) and the same
7 (inaudible) guidelines written, and Dan can
8 elaborate on that.

9 MR. GRASER: The LSN administrator
10 guidelines is simply an attempt on my part to put
11 down in writing things that people have discussed as
12 part of coming up with the technical implementations
13 and solutions and memorializing it so that we would
14 have a document record of things that people had
15 talked about, and ways that people have approached
16 certain problems, and findings that have been made
17 by prior LSNARP technical working groups, such as
18 the structure of the bibliographic header which was
19 developed by a technical working group, and voted on
20 in 1994.

21 And all I attempted to do was to
22 organize all those pieces of information that have
23 been floating around for the last 12 or 14 years,
24 and plus new decisions as they became decisions, or
25 documenting things that were working out.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And I just simply pulled all of that
2 information together for the benefit of the
3 potential parties so that they would be able to find
4 and keep track of some of the information.

5 It is intended to be a living document,
6 and sections can be added to that. Additional
7 understandings, or agreements, or techniques of
8 processes can be added to that document as you find
9 that they are (inaudible), and it has nothing to do
10 with the topical guidelines and 3.69.

11 MR. CIOCCO: Of the 20, I would say,
12 guidelines that Dan (inaudible), I don't recall any
13 reference to indexing the Reg Guide 3.69.

14 CHAIRMAN BATES: Okay. Thank you, Jeff.
15 Dan, I guess I will turn the mike over to you for
16 the next topic here.

17 MR. GRASER: Okay. Before I move into a
18 discussion of training, I would like to revisit some
19 of the thrashing around that transpired towards the
20 end of the session just prior to the recess this
21 morning, and I would like to clarify for the record
22 the baseline design requirement, baseline version
23 1.0, and those are the design requirements that we
24 used in testing and accepting the software
25 functionality for the system.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Those were baselined in Version 1.0 on
2 June 5th of 2001. Matt discussed four items that
3 would be coming out on baseline functional
4 requirements for these 1.0, and those were the four
5 items that he was just talking about, where he read
6 off the quote about BRE-5.4, and so forth.

7 And those discussions are items that
8 would show up in a dated version of the baseline
9 requirements. The discussion that we were talking
10 about and trying to figure out what happened was in
11 April and May.

12 And that was related specifically to the
13 LSN administrator guidelines, and that was the LSN
14 administrator's guidelines that had been out in a
15 draft form and what transpired in the April time
16 frame was (inaudible) and a draft version of that to
17 a (inaudible) version, so just in case there was any
18 cross-document confusion there, and I just had to
19 clarify that for the record.

20 The next item that I wanted to bring up
21 is the long and short of it, and I am going to be
22 talking about the source of guidance, and I would
23 like to hear from the ARP in terms of dealing with
24 training issues.

25 During the time frame from last August a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 year ago, and until the meeting today, we have had a
2 lot of opportunity to do government testing and
3 acceptance on the software products that are used in
4 the licensing support effort.

5 And in the process of doing the test and
6 acceptance, we have made some observations about the
7 nature of the software, and in fact the software we
8 made structured, and the interfaces, we have tried
9 deliberately to make very simple user interfaces,
10 and also tried to provide advanced user interfaces
11 for very sophisticated and fine-tuned searching of
12 the databases.

13 Now in the process of doing that, we
14 have found that the software, the tech extension
15 software in particular, is extremely powerful, and
16 is extremely flexible, and can be very intimidating.

17 And it also has some reactions that are
18 non-pivotal to those of us who may have been raised
19 on old software packages like Stairs, or Inquire, or
20 those that people may be familiar with something
21 like Westlaw search engines.

22 And in particular one feature that is
23 not available to the general public is that feature
24 for the ability for the users to construct and save,
25 and subsequently rerun their own queries, and also a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 very powerful feature, and it can be extremely
2 productive into organizing and preparing --
3 searching, organizing, and preparing your
4 information.

5 And it is not entirely intuitive how the
6 various groups and subgroups can be clustered, so as
7 to facilitate even within your own organization,
8 some people having access or visibility to share the
9 queries, versus other groups that would.

10 And that is what Matt alluded to. You
11 may have engineers and scientists who are interested
12 in certain types of queries, but you may have
13 different counsel that shares a different group of
14 interests, and in fact may not want to share what
15 they are looking at with other people within the
16 organization.

17 And so there is a certain degree of
18 sophistication that could facilitate getting those
19 groups and subgroups set up properly. As I said, it
20 is not entirely intuitive, and I have identified it
21 as an area that certainly is ripe for providing some
22 additional assistance to the participants.

23 The other thing in terms of looking at
24 the training, and the approach to training, and
25 meeting the training requirements, and meeting the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 training expectations, is to start looking at again
2 at the entire issue of points of contact for the
3 various organizations.

4 And being able to come to an
5 understanding of who is the various organizations
6 that I should be using as a point of contact to set
7 up coming out and doing some training type
8 activities.

9 As in all of the situations, it is not
10 necessarily going to be one individual who acts as
11 the certifying official and as a point of contact
12 for resolving LSN coordination. It may be a
13 different person than the person responsible for
14 doing the training, and there may be another person
15 responsible for answering queries as to where a
16 certified image of the document may be acquired.

17 And there may be 17 different people
18 that I have to be engaged with, but in terms of
19 training, I do need to identify who the primary
20 point of contact will be.

21 Also, in terms of sitting and thinking
22 about the training requirements, it became evident
23 to me that I am going to need to have a better
24 handle on the numbers of users that will be planned
25 participants.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And at the very simplest level, I need
2 to be able to count the number of training materials
3 that they may have generated in terms of tutorials
4 and CD training type of materials, and also in terms
5 of the number of people that we would need to set up
6 in terms of IDs and so forth.

7 And ball park numbers would help us in
8 planning on how we are going to go out and deploy
9 resources to the various organizations. So these are
10 the sorts of things when you are thinking about
11 training that sort of jumped into my head.

12 I am going to walk backwards here for a
13 second in the next slide, and just lay out for you
14 what the original training subjects were when we
15 presented the concept for the LSN for approval to
16 the Commission.

17 At that time we identified that the LSN
18 administrator would pursue a train the trainer type
19 approach, where we would identify one, or two, or
20 three, or four, or five individuals who had been in
21 an organization that we could go out and deal with
22 that focused group of knowledgeable individuals who
23 would then in-turn be able to go out and act as a
24 resource for the rest of their organizations.

25 So one of the assumptions that we made

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 was that we would use that train the trainer
2 approach. Now the train the trainer approach works
3 well in a highly structured organization that may be
4 problematic for less formally structured
5 organizations.

6 And then if that is the case, I would
7 like to elicit input from those less formally
8 structured organizations that can also be served
9 with training as needed and appropriate.

10 The second element of the assumptions
11 that we made is that we would develop a tutorial CD
12 as a leave behind product, and again there is an
13 underlying assumption there that CD is the
14 appropriate technology, and that everyone can have
15 access to that technology.

16 And if that is not a fair assumption,
17 then for example you need to use a CD tutorial
18 (inaudible) and that could be pasted up next to
19 somebody's work station and it could be pasted up on
20 a public library that essentially walks you through
21 the key features of the system.

22 On the other side of it, I don't think
23 our parents would understand exactly what I mean.
24 The system is designed where any 13 year old can
25 operate it, but the problem is that doesn't say much

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 about the rest of us who are no longer 13.

2 We may not pick up the system quite as
3 easily as the kids to, and so we have a relatively -
4 - or not such a relatively simple quick start users
5 guide, and like I said, that all of the 13 year olds
6 would take one look at it and tear off and have a
7 wonderful time navigating the web environment.

8 And that may not be adequate for not 13
9 year olds in the constituency. Another assumption
10 that we made is that the primary contacts would be
11 accomplished through again participant organization
12 representatives.

13 And that if there were problems
14 individual participant organizations would have an
15 individual identified to do some baseline
16 troubleshooting, especially if it dealt with their
17 particular collection of particular documents.

18 And finally also that the LSN website,
19 that the points of contact would know our staff, and
20 they would know my phone number, and they would know
21 Matt's phone number, and Margie, Joe's, and as the
22 case may be.

23 So they would know our telephone
24 numbers, and we would also have a webmaster e-mail
25 capability on the website which is there, and does

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 work, and we have answered a number of messages
2 already.

3 But we would note that on the LSN
4 website, especially on the public side, my name and
5 my phone number don't show up. And there is a
6 reason for that. Generally speaking, we are not
7 currently structured to handle large volumes of
8 phone calls in a 24 hour service desk type
9 capability.

10 And that again was an assumption that we
11 made going in and what we presented to the
12 Commission, and that is what was basically approved.
13 And rethinking the nature of the software, and the
14 system as it has evolved and developed, is that
15 those sorts of assumptions need to go back and be
16 revisited and questioned and we should use this
17 opportunity to do that sometime between now and the
18 summer of 2004.

19 We have an opportunity to do this
20 methodically and to make sure that we have adequate
21 resources to it. There are other systems that are
22 associated with fulfilling Subpart J requirements.

23 We mentioned before, this morning, as to
24 the electronic information exchange, and electronic
25 hearing docket, and also tomorrow you will hear

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 about the NRC's plans for the digital courtroom.

2 All those systems have their own
3 separate approaches for filling training
4 requirements, and providing the public, and users,
5 and points of contact.

6 And those are not specifically covered
7 in the LSN administrator's training materials that
8 we would leave behind. Moving on to the next slide
9 then, what I would like to suggest to the ARP is
10 that we may want to consider establishing a training
11 issues working group, and I say this insofar as I
12 think it would be extremely helpful for me to have
13 people who don't have preconceived notions go back
14 and revisit those thing, and be able to make some
15 recommendations to a full LSNARP.

16 And that the ARP could then turn around
17 and ask me to respond to, and therefore it is not
18 necessarily the sort of thing that I should probably
19 be leading, although I would still certainly
20 appreciate the opportunity to give some input.

21 The question on the table then is
22 training issues working or needed, and in answering
23 that question, I think we would say that they
24 certainly could be of service in reviewing the
25 training products that we have developed, and are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 intending to use.

2 And to act as kind of a litmus test or a
3 test through if you will to determine whether or not
4 those training materials are adequate. We could use
5 such a group to test our concept of train the
6 trainer.

7 And actually do a dry run train the
8 trainer drill, and see if it works. If in fact a
9 first tier of individuals can then turn around and
10 successfully train second tier individuals, then I
11 think it would be worthwhile to test that all out in
12 some environment before we put all the eggs in one
13 basket and assume that a train the trainer approach
14 will work.

15 I think that such a training issues
16 working group could also be extremely helpful in
17 identifying strategies for outreach to the
18 organizations that I referred to, and the non-
19 formally structured organizations.

20 And in fact they are informally
21 structured by
22 nature, and those are basically who are in coalition
23 type groups and public interest groups, and there is
24 much less of a formal organizational structure than,
25 for example, the Department of Energy or the State

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of Nevada organizations would have.

2 And there may be techniques, and there
3 may be channels of communication that can be tapped
4 in order to outreach and provide training
5 opportunities to those groups that would carry out
6 the participation and suggestions that I am certain
7 that we would pursue.

8 And as I kind of indicated, my
9 suggestion would be that the working group should be
10 led externally to the LSN administrator's office,
11 and simply say that I would have the opportunity of
12 independently if you will, and update other people's
13 consensus and provide some guidance, and which after
14 all is what the LSNARP is all about.

15 If such a working group was put into
16 place, and somebody volunteered to be the leader of
17 such an activity, this would be the sort of thing,
18 for example, that Kurt Malcom did years ago
19 (inaudible) working group, and that actually seemed
20 to work pretty successfully I thought.

21 If such a working group were put
22 together, I think it would not be obvious to ask,
23 well, okay, where would that be convened so as to
24 provide a maximum opportunity for involvement, and
25 when can that be accomplished should be given a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 definite report back due date.

2 And so that that thing does not go on
3 forever and forever, and then I think it should also
4 be tasked with making sure that some clear
5 recommendations and guidance be provided.

6 And so that was the training issue that
7 I wanted to put before the LSNARP, and in fact ask
8 the LSNARP to take some action or consideration on
9 that, and that they include some of the discussion
10 here today as to whether or not you think this is
11 needed, and if in fact there may be other ways.

12 And somebody down the table may say,
13 well, Dan, we have trusted you so far, and why don't
14 you just go and do it. On the other hand, there may
15 be those that say let's not have Dan go out and do
16 it, and that's fine. Either way.

17 But that is what I wanted to put before
18 the group, and there could be a discussion here
19 today, and if the chairman of the panel here thinks
20 it is appropriate, to put this out as a voting
21 action and pursue it with both the consensus of the
22 panel, and so that was basically what I wanted to
23 present.

24 If anybody has any additional questions
25 on the concepts or ideas, I would be glad to engage

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you in a discussion on this if you would like to
2 pursue that.

3 CHAIRMAN BATES: Judy.

4 MS. TREICHEL: Can we wait and have
5 lunch at least and then perhaps do this at end of
6 the day?

7 CHAIRMAN BATES: I think that would be
8 fine, and that would give people an opportunity to
9 think about it a little bit and have some
10 information discussions amongst themselves during
11 the lunch period.

12 Dan did not mention anything in
13 particular with regard to the timing of this, but it
14 struck me during this discussion that thinking about
15 the timing of the working group might be appropriate
16 from the standpoint of recommendations.

17 And I don't know what kind of changeover
18 you have with new people coming in and new people
19 moving out. If we train somebody six months from
20 now, those people would not be available (inaudible)
21 and so what would be the time period for training,
22 and how much (inaudible) in use.

23 MR. FRISCHMAN: Back on the timing, just
24 so we can set a stage to think about it. Is it
25 realistic that people are going to be loading and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 using the LSN and need some training at the time and
2 maybe in a refreshed LSN?

3 Is it reasonable to think that is going
4 to happen before about June of '04?

5 MR. GRASER: All the indications that I
6 have right now is that in the first quarter of this
7 coming fiscal year, sometime between October and
8 December of 2002, this year, there will be a
9 considerable number of NRC documents on the system.

10 MR. FRISCHMAN: And that is just the NRC
11 trying to get a head start on a mountain of stuff.

12 MR. GRASER: Right.

13 MR. FRISCHMAN: But I don't think anybody
14 is going to be using the LSN for serious work
15 looking at NRC documents.

16 MR. GRASER: Well, that is a judgment
17 call on your part, Steve. I think in terms of
18 looking at it and saying whether you have the
19 documents or not, the question is do we put a system
20 out and not train people.

21 And then have situations where somebody
22 says you made the system available, but you never
23 taught anybody how to use it, and how wise was that,
24 versus
25 as Andy indicated, perhaps doing it too soon. So

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that the institutional knowledge is lost.

2 And all I am trying to do is to make
3 sure that I am responsive to people's needs, and if
4 you feel that there is a consensus opinion that
5 training won't be needed until 2004, then I need to
6 hear that as a consensus opinion.

7 And if somebody's else opinion is that
8 we ought to have phased type training, some
9 rudimentary stuff first, and then a bigger push
10 later on, if that is what the consensus is, I would
11 be glad to listen to that, too.

12 I don't just want it that we don't do
13 what we have the dedication to do, and to make sure
14 that we provide training, and when they use their
15 skill that they need it.

16 MR. MCCULLUM: Rob McCullum again. I
17 would want to emphasize that point, that there may
18 potentially be (inaudible) and look at the time
19 frame, and it may be that the NRC wants to get a
20 head start, and there is the appropriation language
21 being tossed around the House right now with
22 reference to new license applications.

23 And having training early and at least
24 having workers thinking about training early, is a
25 very good idea. Most of these training tools are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 things that they can continue on with and continue
2 to distribute these things. And I don't think it is
3 something that we cannot think about.

4 CHAIRMAN BATES: I think we will take
5 those as suggestions and we will think about it
6 during lunch. We can add it either right after lunch
7 as part of the panel discussion, or we can go on
8 with the rest of the agenda, and give you a little
9 bit more time to think about it.

10 And then during the course of the
11 afternoon come back to it at the end of the day.
12 And with that, let us adjourn until 1:15.

13 (Whereupon, at 11:45 a.m., a luncheon
14 recess was taken.)

15
16
17
18
19
20

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

(1:15 p.m.)

CHAIRMAN BATES: The next several items that we have on the agenda deal with panel discussion issues that have been brought up by various people. One question has to do with continuing on during the year and has to do with the relevancy of documents that would be put into the LSN.

And to open the discussion here, I think that Clark County had raised the question again in conversation that they had (inaudible).

MR. VON TIESENHAUSEN: I know that this issue has been addressed many times and (inaudible), and one issue where people have (inaudible), and if I could hear anybody and everybody's thoughts on that matter.

MR. PUY: Mark Van Deer Puy, DOE. Again, I am still new at this, and we are really trying to get our arms around this, and we (inaudible).

MR. MURPHY: Is DOE prepared to talk about the relevancy of (inaudible)?

MR. PUY: Not today.

MR. GRASER: I would just maybe try to trigger some discussion along the way. It has

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 always been my understanding, and someone kick me
2 under the table if you need to, but it has always
3 been my understanding that relevancy was a legal
4 issue, and that was independent of the media type or
5 packaging of the information.

6 And that the information could be found
7 in a piece of correspondence, or the information
8 could be in a report, and could be a paper memo, or
9 it could be on a microfilm, or a encryption card, or
10 a photograph, and so the whole concept of relevancy
11 of material is really very much independent of the
12 media that you are talking about.

13 So the fact that you have e-mails isn't
14 what it makes it germane to the whole question of
15 relevancy. I don't think it ever has and has the
16 information been communicated and in a lot of ways
17 e-mail is no different than the old fashioned junk
18 mail type of thing that they used to use or inter-
19 office memo, or carbon copy, a yellow flimsy.

20 It just depends on how far back you want
21 to go in the technology realm. So it is really
22 independent of the media and the fact that you may
23 have large stores or archives, or collections of e-
24 mail message traffic doesn't really talk to the
25 issue of relevancy.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And at that point what does talk to the
2 issue of relevancy is a weak matter, and I try not
3 to step into those piles. So if somebody did want
4 to pick up on that discussion again.

5 Relevancy has been talked about perhaps
6 four or five occasions and I recollect back to about
7 1989 or '90, and there was another round of
8 discussions in '92, and another round of discussions
9 in '96 on the topic.

10 So there has been a lot discussion about
11 relevancy, and my recollection was that it was
12 always along the lines of Mal Murphy chinning in
13 again and saying that's why you hired good counsel,
14 and that is my recollection.

15 But in terms of the media itself, you
16 could have millions and millions of e-mail messages,
17 but it is up to you to determine what is relevant in
18 the content.

19 MR. MURPHY: Well, let me just for
20 discussion purposes, let me say that first of all,
21 that I think we all have to keep in mind that it is
22 a reoccurring definition that we are dealing with,
23 is a more restrictive definition of relevancy than
24 was found in the original LSN rules.

25 And we talked about that and settled on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 in the LSN negotiations, and in those days we looked
2 at relevance in the classic document discovery sense
3 that relevancy or discovery under the rules of Civil
4 Procedure where if a document was discoverable, it
5 was relevant, or could lead to the discovery of
6 admissible evidence.

7 And since then we have redeveloped the
8 definition of relevance towards potential issues in
9 relation to the process, and not just any
10 conceivable document and everybody files it, and
11 that it might lead to the admissibility or even to
12 the discovery of some other admissible evidence.

13 That stuff is still discoverable through
14 interrogatories, and all the other tools that are
15 available, but it doesn't necessarily have to be
16 placed on the LSN.

17 And so with Nye County and what we are
18 doing in defining our document universe, is that
19 just hypothetically assume that Nye County has three
20 major areas of potential contention in a license
21 application.

22 Any documents that -- well, first of
23 all, we are looking only at documents generated by
24 (inaudible), and we are not even thinking about
25 putting it on the LSN or generated by someone else

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 at Nye County's request.

2 We are not even thinking about putting
3 on our LSN website documents that were generated by
4 other participants in the program. There won't be
5 any DOE documents on our website, or NRC documents
6 on our website, no Clark County documents are on our
7 website, no matter how relevant they are.

8 We are not going to duplicate other
9 documents that other parties have put into the LSN
10 (inaudible) and is their own responsibility. And
11 then secondly, if the document is relevant, and if
12 the document supports an area where Nye County
13 (inaudible), assuming that it doesn't (inaudible).

14 If a document in our possession refutes,
15 or does not support, or is related to, but does not
16 support a contention, an area that Nye County could
17 possibly contend that it (inaudible), it will go on
18 our website.

19 But we will not put documents on our
20 website that we had in our possession which refutes
21 in general some broad concept of the licenseability
22 of Yucca Mountain.

23 But if it deals with an area where we
24 long ago decided that we could with our limited
25 resources spend our money and thus will not raise an

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 issue on licensing, either because some other party,
2 such as the State, or Clark, or the NRC, or someone
3 else, is actually covering that issue, we are not
4 going to put it on the LSN website.

5 And then finally we are putting on our
6 website all reports, or any report that in any way
7 deals with any reports that we generated, either Nye
8 County or its contractors, generated that deals in
9 some way with some technical issue associated
10 (inaudible), and that's it.

11 We are going to have hundreds or
12 thousands of documents in our files that we may have
13 generated, but we are going to have a lot of
14 documents in our files that deal with technical
15 areas that will be hotly contested in licensing, but
16 which Nye County itself will not file (inaudible),
17 and thus we are not going to put them on our
18 website.

19 Most of those documents will, if they
20 were generated to our independent scientific
21 investigation program (inaudible) or early warning
22 program, most of those documents are already on our
23 website, and on the LSN site, because they are
24 already circulated to the world by our posting on
25 the Nye County and .com website.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 But if they don't relate to the Nye
2 County and Nye County potential licensing issues,
3 they aren't going on our website. And obviously as
4 Dan said, that includes e-mails, or maps, or
5 videotapes, or any document in any medium.

6 CHAIRMAN BATES: If there is nothing
7 further on this topic, then maybe we should move on
8 to the next question that was raised, and if there
9 is nothing further on this topic, then we should
10 move on to the next question that was raised with
11 regard to the rural county licensing.

12 And there is some distinction between a
13 party with standing and as an intervenor, and the
14 roles that each play, and (inaudible).

15 MS. LARSON: Josie Larson, White Pine
16 County, and these are some questions that we had
17 asked at NRC meetings in February of this year when
18 we met with Dan and Janet, and some of the other
19 folks over at the NRC.

20 And we are just looking fore some more
21 clarification as far as the distinction between
22 parties with standing and intervenor, and
23 (inaudible) intervenor, and what considered an
24 interested governmental party.

25 And then this is kind of related to it,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 an NRC presentation that says to be granted party
2 status as an intervenor, or as an interested
3 governmental participate, potential parties must
4 show substantial and (inaudible) requirements. What
5 is substantial?

6 MS. YOUNG: Mitzi Young from the NRC.
7 Basically, the Commission's regulations are
8 distinguished between a (inaudible) and made a
9 standing to intervene, and had proposed a liveable
10 contention issue to be adjudicated in a proceeding,
11 versus an interested government, which can petition
12 for permission to participate, and in a way that
13 they are not required (inaudible) or either take a
14 position on the intention.

15 Or they may be asked by the presiding
16 officer to identify what areas they are interested
17 in. So that is a distinction between those two
18 things. If you are going to be a party to a
19 proceeding, whether you are an individual, or a
20 group, or a State or local government, if you wish
21 to have party status in a proceeding, you have to
22 file the issues that have to be litigated
23 (inaudible).

24 And the difference in those rules is
25 that the interested government position is at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 2.715(c), I think, and then you have 2.1014
2 (inaudible), and which is very similar in many
3 respects to the 2.714 requirements that apply in
4 other (inaudible).

5 MR. MURPHY: Mitzi, I think where Josie,
6 and (inaudible) and others would be interested in
7 though is what is the practical difference to White
8 Pine, or what is the difference in proceeding as an
9 intervenor party and proceeding as an interested
10 governmental entity?

11 So if you would, could you please
12 address such questions as does an interested
13 governmental participant still have a right to
14 present its own witnesses and to cross-examine
15 DOE's, or cross-examine witnesses that other parties
16 might present?

17 That is closer to practical questions
18 that are arising in folks' minds and were hoping
19 that the NRC would answer.

20 MS. YOUNG: Well, I think in general, and
21 probably depending on what the judge would say in
22 any particular case, but in general in a party
23 proceeding, you have a contention, and you have a
24 burden of production, a burden of coming forward
25 with evidence that supports your position.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And if you have an interested status,
2 and there are other parties that can put on a case
3 that
4 supports their contention, you can also cross-
5 examine, and you can also file any issue that is
6 contested in the proceeding, whether it be
7 (inaudible), or in the hearing room where something
8 is done through written pleadings.

9 And you can also participate in an
10 appeal, and so you are not required to take a
11 position on a contention that has been made, but you
12 can just kind of participate and you are kind of
13 piggybacking on issues raised by others.

14 So if you want to focus the proceeding
15 in the direction of the proceeding, and the issues
16 that are kind of set on, you might (inaudible) to
17 have a more active role in an interested government
18 in a kind of me, too, role.

19 Now, traditionally an NRC practice is at
20 proceedings where there is an interested State, and
21 the intervenor came in and decided to withdraw for
22 some reason (inaudible), then the interested
23 government would no longer have any participation in
24 the proceedings (inaudible) interested parties in
25 some kind of proceeding where the proceedings would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 continue.

2 In this case, it is not clear that has
3 happened, because we would have a mandatory hearing
4 based on issues that have to be held prior to the
5 license application, but again it is going to be a
6 matter of contested issues, and it is not clear
7 (inaudible).

8 MR. MURPHY: I agree with that with one
9 exception. Did I hear you say, Mitzi, as an
10 interested governmental participant that you would
11 have full rights, including the right to participate
12 in an appeal, and I am not sure that is correct.

13 MS. YOUNG: Well, I think that 2.714 says
14 that.

15 MR. MURPHY: But 2.714 cannot --

16 MS. YOUNG: Or 2.715.

17 MR. MURPHY: But 2.715 came on
18 jurisdiction from the Court of Appeals, and I am
19 talking about an appeal from the Commission to the
20 judicial branch.

21 MS. YOUNG: No, I was only talking about
22 NRC appeals.

23 MR. MURPHY: Okay. One of the
24 disadvantages as I understand it of proceeding as an
25 interested governmental participant might possibly

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 be that such a government participated could not
2 automatically gain standing or gain party status in
3 an appeal to the Court of Appeals.

4 That they would have to independently
5 get the court to grant you intervention as an
6 appellant; whereas, if you intervene, and are given
7 party status by the licensing board, you are a party
8 to that proceeding for all purposes, and thus you
9 can appeal to the court by any decision by the
10 regulatory commission.

11 MS. YOUNG: I think you are correct.
12 Basically, you need to show standing when you come
13 into any court, whether you have party status before
14 the NRC or before a Federal Court.

15 With respect to your second question
16 regarding the compliance issues, what constitutes
17 substantial compliance (inaudible) by the pre-
18 license application presiding officer.

19 And you have to show that in some way
20 that you have met the requirements of the rule, and
21 that you have to convince the Judge (inaudible) and
22 vocabulary that allow (inaudible) trying to research
23 what they mean, and come up with a novel argument to
24 convince a judge that what their client has done
25 fits within the confines of the rules.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So that is a very fuzzy area, and I
2 would not even offer an opinion on that. But was
3 the criteria under 210.14 or (inaudible), what have
4 you done with respect to your obligations to state
5 in the pre-license application to the extent that
6 you have complied with the LSN requirements.

7 So a party who wants to be a party in a
8 proceeding, and be admitted as an intervenor in the
9 proceeding, would also have to show that they have
10 made their documents, their discovery documents,
11 available in the pre-license application phase to
12 all parties.

13 Even though the argument is not whether
14 they substantially complied with that or not, but I
15 think the Commission has made it clear in a number
16 of statements or considerations related to the rules
17 that if someone were to make that showing sometime
18 late in the process, and you don't need the three
19 months in advance of the license application, and
20 the hearing has been going on for a year, that if
21 they somehow complied with the requirements a year
22 later, it takes (inaudible).

23 So it behooves any local government that
24 is interested in participating as a full party to do
25 everything that they can to comply with the rules as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 it goes through the DOE, and to comply with the
2 rules with respect to the pre-license application
3 documents.

4 The whole structure of the Subpart J
5 proceeding is such that condition one is to make
6 sure that the information that is going to be used
7 to develop contentions, and information that would
8 enable not only potential parties to the proceeding,
9 but the general public to understand the nature of
10 issues related (inaudible), and the application has
11 come in, and the LSN is just the means to do that
12 without having people produce large volumes of
13 paper, and supposedly or allegedly.

14 And the intent is that you save time
15 when you do things electronically, and you don't
16 have to have things sent through the mail or have
17 people come to your office and copy documents with
18 reference to documents to the application, or to a
19 position that you might take in the proceedings once
20 one is initiated.

21 CHAIRMAN BATES: Abby.

22 MS. JOHNSON: Abby Johnson, Eureka
23 County. I am concluding that the affected
24 (inaudible) has no special status in the license
25 application period other than keeping that status as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a party with standing, or as a governmental
2 participant.

3 MS. YOUNG: That is my understanding,
4 and I think you find that by looking at 2.10 or one
5 of the definitions of what it takes to be a party,
6 and it indicates to be a party, you have to file
7 (inaudible) list, and it includes in that list the
8 State, local government, interested local
9 government, and any other potential party.

10 MS. JOHNSON: Typically in other
11 proceedings do interested governmental participants
12 have attorneys representing them?

13 MS. YOUNG: Any party to a proceeding
14 has the option to appear pro se or through an
15 attorney.

16 MS. JOHNSON: I am not asking what the
17 rule is. I am asking what your experience is.

18 MS. YOUNG: Mine personally? Well -

19 MS. JOHNSON: Well, by the NRC.

20 MS. YOUNG: Well, in my experience it
21 has been both ways, depending on what the
22 limitations are. So I have seen it done both ways.

23 CHAIRMAN BATES: If there is nothing
24 further on these two topics, let me go back to
25 something that we touched on before lunch with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 regard to a possible working group training, and any
2 additional thoughts that have been generated over
3 the noon hour. Judy.

4 MS. TREICHEL: Several of us talked about
5 this, and sort of agreed that we don't believe there
6 is a need for a new or additional group, and that we
7 trust you, Dan, and you have done a wonderful job.
8 And we think that you should continue on and we
9 would love to see you put out a CD that has got the
10 training information and also a one-pager that you
11 have listed there.

12 And because the time periods either seem
13 real long or real short, and there is turnover and
14 all that sort of thing, I can just tell you that
15 with CDs, that you are the one that is constantly
16 upgrading and doing, and refreshing the NRC system,
17 and that would be my call and others can chime in.

18 MR. FRISCHMAN: I would add that from the
19 perspective of the State of Nevada, we agree, and we
20 would suggest that in reviewing the CD that you
21 probably already have, that we would suggest that
22 you look at it with an eye towards a person who
23 really knows nothing about the system, and doesn't
24 need to know all the technical ins and outs, but
25 just needs to know how to operate it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And to also possibly think about it in
2 terms of the levels needed, whether it be two or
3 three levels that need to be -- or the extent to
4 which the user needs to be able to make all the
5 bells and whistles work.

6 So that is the guidance that I would
7 give, and we would be glad to look at it when you
8 have it, but also remember the tone of what I said
9 earlier, is that it is difficult for me at least to
10 perceive that there is a real rush to get the
11 training done.

12 If somebody, for instance, is really
13 interested in documents, and I guess it is on the
14 order of about 12,000, we have about 6,000 in our
15 library, and if there is something who feels a real
16 need to try to go through those for whatever
17 purpose, they can come to you and ask for additional
18 training if they need it.

19 MR. MCCULLUM: Well, I just want to make
20 clear that the decision not to go forward with
21 working on training is in no way an (inaudible)
22 here. You don't need (inaudible).

23 MR. GRASER: That is correct, and as I
24 indicated in the presentation, we made some
25 assumptions when we went forward to the Commission,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and we outlined this is how we feel about the
2 training requirements.

3 And so I could be perfectly faithful to
4 the Commission directing me to implement by
5 continuing to follow that path, and the bosses would
6 be happy so to speak and that would be good.

7 But as I said, in terms of looking at
8 the levels of sophistication that the software has
9 brought us, it is evident to me that where we were
10 when we thought we understood the design, versus how
11 it was actually done, you see new things as it
12 becomes a reality, and you see software, and you see
13 the functionality and power, and the capability.

14 And you say perhaps I was a bit naïve
15 thinking that somebody would instantly take to some
16 of these advanced features, and so I am just trying
17 to fulfill my obligation in terms of assisting all
18 parties and potential parties, and trying to make
19 sure that -- and we spent all this money building
20 the system.

21 And then we have the system, and no one
22 can use it, and we have unhappy customers, and so
23 you might have just as well taken the money and
24 thrown it down the toilet some place. And I don't
25 want to get into that situation.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I want us to have a useable system, and
2 I want to do whatever it takes to make sure that
3 that system is useable. Now, if I don't get any
4 consensus guidance in terms of moving forward, I
5 would still move forward with the things that I have
6 planned and have on the table.

7 And I will listen to these sorts of
8 topics that Steve and Judy, for example, made, even
9 in terms of making sure that we do have CDs that are
10 sent out, and that we have somebody internally look
11 at that CD and say to us, gee, I am just an average
12 type user, and I have no idea what you are talking
13 about in this area, or in this area, and if I have
14 that feedback, then I would go back under the
15 training product, and try to fix it so that somebody
16 could understand that.

17 And so I don't need particularly
18 additional direction, and as I said, I can continue
19 to proceed along with what was authorized by the
20 Commission, and I can still incorporate some of the
21 comments here without having a major fire drill over
22 it. And if that is the intent, then that's fine,
23 and comments are still welcome.

24 MR. MCCULLUM: I would think under
25 (inaudible) that it becomes more important to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 develop training early, and to receive feedback on
2 materials developed; as opposed to asking for who
3 (inaudible) without having that, and then go out and
4 reach out and actively receive feedback so that we
5 have opportunities to incorporate that feedback.

6 MR. GRASER: I would be happy to
7 incorporate that idea as well.

8 MR. MURPHY: Dan, I would agree, but let
9 me just address the problem that you raised about
10 writing the training manual, or the CD that creates
11 more confusion than (inaudible).

12 Either write that CD yourself, or go and
13 get some 13 year old kid (inaudible), but under no
14 circumstances let any NRC employee or contractor who
15 has had anything whatsoever to do with the current
16 system anywhere near it, write it, review it, read
17 it, or show it to -- you know, that is your first
18 bylaw.

19 MR. MCCULLUM: And I think the key word
20 on feedback is external.

21 MR. GRASER: Thank you. I have some
22 involvement with that effort, but I didn't write the
23 user standards.

24 MS. JOHNSON: Abby Johnson, Eureka
25 County. One of the reasons why Judy's proposal is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 appealing is because -- and just to give you some
2 more rationale for why I feel (inaudible), is that
3 kind of what the DOE said about emergency
4 preparedness, and if you do it too soon, you
5 (inaudible) the wrong people.

6 And the train the trainer thing, it is
7 better to wait until the time is right, and you have
8 the circumstances where you have the person who
9 gives the training and who knows the training.

10 Regarding the idea of having the
11 training on a CD, I am not sure that I want to
12 suggest a two-tier CD, or separate CDs, but I know
13 tomorrow there is some discussion about interfacing
14 with other libraries, and just thinking about the
15 various public versus (inaudible) that was talked
16 about, and used not just by the residents of Clark
17 County, but by the libraries, might be one target to
18 think about.

19 And possibly having a librarian a target
20 of that training so that they understand how it
21 works, and they can be more involved in the projects
22 as well.

23 And certainly (inaudible) feedback, and
24 (inaudible), and right now (inaudible).

25 MR. GRASER: Okay. I will take you up on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that. I would just like to kind of push back on two
2 items in that regard. The first item is that in
3 terms of deferring the train the trainer program
4 until we get to a point that we feel that the
5 training is just in time, if that train the trainer
6 is deployed just in time that people actually need
7 it, and it is found wanting or deficit, in terms of
8 the staff resources, and budget resources, and the
9 scheduling, and planning and coordinating, we find
10 out too late in time that that approach is not going
11 to work, then it limits our ability to do a graceful
12 recovery and come up with some other approach or
13 something else.

14 And we just went through the Fiscal Year
15 2004 budget planning cycle, and for Fiscal year 2004
16 that begins in October of 2003, and the summer of
17 2004 is going to fall right into that fiscal year.

18 So, for example, if I am looking at
19 resources, and having to put it in my budget space
20 right now what my planning is for things like
21 training in each type of programs, I have to put
22 some kind of box around the budget space that, and
23 once I put the box there, it is not impossible, but
24 it becomes very difficult to squeeze money out of
25 the Federal budget during the fiscal year when you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 suddenly discover that you have more need.

2 So that is really why I am just saying
3 that if you make a conscious decision that the best
4 strategy would be to hold off in doing that, then
5 you understand the consequence of that, is that I
6 may in fact be limited in budget and resources.

7 And if we find ourselves in a tough
8 situation with that particular training approach,
9 like I said, we may not be very graceful in our
10 recovery on that. The other aspect of it is in terms
11 of looking at the potential numbers of individuals
12 out there that would be signing up as priority
13 users.

14 And again if you look at the situation,
15 and say that you can burn off a CD at a buck a copy,
16 and so if you have 500 registered users, that's 500
17 bucks, and you should be able to figure out how to
18 put that into the Federal budget.

19 And it will cost you \$3,000 to master
20 the first one. Well, okay, and I do three levels,
21 and that is 3 times 3,000. So suddenly it is a
22 \$10,000 item.

23 And the budgets are tight enough at this
24 point in time that very rarely does a small office
25 like LSNARP have that kind of slush fund just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 hanging around waiting to burn off three additional
2 sets of a CD.

3 So for my planning purposes, it would
4 certainly help if I at least was able to answer some
5 of these other questions, and we may not need a
6 working group or a task force, or something else, to
7 come to that conclusion, and I would certainly be
8 willing to send the CDs out to you guys.

9 And if you said it's still too
10 technical, and you have to soften it up somehow,
11 then I can address half of the issues and the other
12 half of the issues are still on the table.

13 And what if it doesn't work, are we
14 going to do last minute -- how are we going to be
15 sure that we have enough resources.

16 MR. FRISCHMAN: Before you started, I was
17 thinking of those few issues that you just raised.
18 In terms of the cost of the original CD production,
19 I am not sure that it is necessary to do three
20 different ones. There is enough space on a CD where
21 you can do all three on one, and let people pick the
22 level that they want.

23 And sometimes even between two levels,
24 and it may be even more useful that way than if
25 there were three different ones. So I just saved

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you about 12,000 bucks there.

2 And in terms of numbers, I think what we
3 are really talking about is between train the
4 trainer, and if you have to one way or another be
5 personally involved with most of the users who are
6 at a level where they might have potential, my guess
7 is that you are maybe talking the different between
8 25 and a hundred people.

9 And I would think that your budgets are
10 not so tight that it couldn't absorb that amount.

11 MR. MURPHY: I would say rather than
12 burning a bunch of CDs and sending them around, why
13 don't you do a training manual, and post it on the
14 LSN site, and post a second one on the NRC regular
15 website, and send all of us an e-mail saying that
16 the training manual is there, and we can download it
17 and look at it.

18 And say, yes, if it is in English that
19 we understand it, and then you can burn CDs, and
20 send them one.

21 MR. GRASER: Okay. An excellent idea.

22 MS. YOUNG: Do you anticipate that the
23 website is going to (inaudible) and are available
24 (inaudible)?

25 MR. GRASER: Yes. It will have a tutorial

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that is accessible right through the LSN website.
2 Part of the trap, the intellectual trap that we
3 fall into is, is whether what if I am the person
4 that doesn't understand enough about computers in
5 the first place to even get the website, and
6 download the training to teach me how to use the
7 system.

8 I mean, I am at a level of computer
9 innocence that I can't even find what is a URL. So
10 part of the problem is that as you make the
11 presumption that, well, sure, we can post it, and in
12 effect we can do that.

13 And there are probably large numbers of
14 people that that would satisfy. But I just don't
15 want to fall into the intellectual trap of assuming
16 that that one solution is good enough, and that is
17 what we are putting out there and that's plenty, and
18 tough luck.

19 And so I don't want to fall into that
20 trap of shorting ourselves, and I am thinking of
21 what other tools, or what other strategies, that we
22 can put into place. But, yes, we would have it on
23 the LSN site, and we would have it on CDs that we
24 could disseminate for training purposes.

25 MS. TREICHEL: If you have got somebody

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that can't even find your website, they probably
2 can't load the CD.

3 MR. GRASER: That's the point. Exactly.

4 MS. TREICHEL: And so I would say you
5 are okay, and it is probably us who are going to get
6 the call, those of us who work with the public all
7 the time, and we can send it on, or tell you, or
8 whatever, and as far as I am concerned, we gave
9 birth to a training group right here, and it did its
10 job, and (inaudible).

11 MR. MURPHY: Judy is absolutely correct
12 that the people who can't load your CD are not going
13 to get the information they desire, and they are
14 going to come right into the office in Pahrump, and
15 get irate at us, and we will deal with it.

16 And handholding is a major
17 responsibility (inaudible).

18 CHAIRMAN BATES: Okay. Rather than --
19 and since it is about two o'clock, rather than move
20 on to a break at this point, we will move to the
21 next scheduled item, which on the agenda is an
22 overview of the NRC information system that support
23 the Subpart J requirements.

24 And Jim Schaeffer, from our OICO Office
25 will introduce the subject, and give a short

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 introduction, and then we will continue with a
2 summary of the technical exchange that the NRC and
3 DOE had on electronic submissions. Jim.

4 MR. SCHAEFFER: Thank you, Andy. Give me
5 a second while I get set up here. All right. Good
6 afternoon. I am Jim Schaeffer, and I am the
7 Director of the Applications Division at NRC, and
8 today I want to go to an overview of the information
9 systems supporting the Subpart J requirements.

10 I am not going to go through a lot of
11 the system, as I think you have already discussed a
12 lot of those, and also there is some further
13 presentations to go that go through that.

14 I will also be passing out a diagram
15 that will get to those as I walk through them. I
16 apologize for the slide, and I think it is a little
17 bit difficult to read in there, but this should help
18 you a little bit.

19 I also have it on the big screen and we
20 also have some charts on the sides. I guess the
21 first thing -- the next slide -- is that there are a
22 number of systems that support the high level waste
23 information architecture.

24 They have varied information collection
25 to be used to support the high level waste

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 proceedings. They also include the electronic
2 information exchange and document transmissions, and
3 they include the electronic hearing docket, and
4 which serves as the official hearing docket for the
5 proceedings.

6 We also have the digital data management
7 system, and the electronic courtroom, and we also
8 have the licensing support network, which provides
9 access to the information collections.

10 Included here are a number of
11 definitions and various terms, and I will step into
12 this real quick. I think that these are the major
13 components that we have within the high level waste
14 architecture.

15 The first item is ADMS, the Agency
16 Document Managing System, and it also serves as our
17 official records system. We have EDMS, which is the
18 electronic courtroom, and that will be supporting
19 high level waste proceedings.

20 We have the document processing center,
21 which processes incoming documents, and we have the
22 electronic hearing docket, which is the NRC's
23 official hearing docket of the proceedings.

24 We have EIE, which provides electronic
25 transmission documents. If anyone has any questions

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 on these, I can go through it, but I think that most
2 people are familiar with these definitions.

3 There is a high level waste definition
4 there and we also have the licensing support
5 network, which provides a single point of access of
6 high level waste collection.

7 And PARS is the available record system,
8 and that is the public adding system, where we make
9 documents available. You may find these handy in
10 terms of referring to the chart. Next slide,
11 please.

12 The next slide that we have provides a
13 review of how these various systems are tied
14 together and we talked to you initially about a
15 number of the systems. But what I wanted to do was
16 try to walk you through some of the various
17 processes that are involved to show how these
18 systems sort of interrelate with each other.

19 Does everyone have a copy of the slide
20 for reference? It will be easier to walk you
21 through. Let me start with this laser point here
22 and let's start with the fire wall there, and I'm
23 not going to describe what it is, and physically it
24 is a series of filtering systems, including
25 detection and monitoring systems.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 But the point of that is that we have
2 systems that are internal to the NRC and we have
3 systems that are external to the NRC. Starting on
4 the left there with the collection, we have the
5 various information collections, and the
6 participants include the NRC's collection, and the
7 DOE high level waste collection, and then the
8 various participant high level waste collections.

9 We then have LSN, which basically is the
10 second component there, which basically provides a
11 single place where the public and the parties can
12 get access to all the information contained in the
13 participant collections.

14 It sort of gives a single point of
15 access, and through LSN, and other sources,
16 participants can pull together documents that they
17 need and basically use the EIE system to submit any
18 motions, pleadings, filings, motions, or exhibits,
19 that they want to submit.

20 Once that information is submitted to
21 the EIE, it comes into the Agency's document
22 processing center, and the document processing
23 center is responsible for processing all the
24 incoming documents, and basically they bring those
25 in and they process all the documents, and they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 place the documents into ADMS.

2 Once the documents are in ADMS, they go
3 through a number of locations that are publicly
4 available documents that come from the DPC through
5 ADMS, and they would go out through the public
6 access system.

7 The documents that are going to be part
8 of the electronic hearing docket for high level
9 waste proceedings, they would go through ADMS to the
10 electronic hearing docket.

11 Again, these systems are accessible by
12 the public and by the participants outside of the
13 NRC. We also have up here within ADMS and added to
14 the Agency's official recordkeeping system, and so
15 any NRC high level waste documents that we collect
16 in terms of the NRC collection would also go through
17 ADMS to be available to the public.

18 Once we have the documents populated in
19 the electronic hearing docket, those may be brought
20 into the EDMS electronic courtroom, and that would
21 be available for the proceedings and the information
22 in the electronic hearing docket.

23 They could then be brought in and used
24 as part of the hearing process. From the electronic
25 hearing docket, any of the information that comes

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 out of the proceedings would then be fed back into
2 the NRC document processing center, and it would go
3 through and make those documents available
4 throughout ADMS, and it would be put in the
5 electronic hearing docket.

6 So there is a number of processes that
7 we have involved here to basically make these
8 documents available as they go through the various
9 processes.

10 Now, as Dan mentioned earlier, we are in the process
11 of going through some pilots right now to try to
12 identify who changes we need to make.

13 And we are going through a pilot now,
14 and we have a pilot system with EIE, and we are in
15 the process of trying to set up an adjudicatory
16 pilot where we can actually start using this for
17 some real life situations so that we can get some
18 real experience with that.

19 And we are also in the process with the
20 electronic hearing docket, and we have an interim
21 system in place now, and we have identified some of
22 the issues with large documents, and we are also
23 looking at trying to address those issues there as
24 well.

25 And then with the EDMS, that is a new

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 system underway, and we have the interface through
2 EDMS, and the various document processing, the
3 electronic hearing docket.

4 That is kind of an overview of basically
5 the NRC's involvement in high level waste
6 proceedings. Are there any questions or anyone need
7 any further explanation?

8 CHAIRMAN BATES: Thank you, Jim. Jeff,
9 are you ready?

10 MR. CIOCCO: Thank you, Andy, and the
11 panel once again. I am Jeff Ciocco with the Office
12 of Nuclear Materials Safety and Safeguards. I am
13 going to give you today a summary of the technical
14 exchange that we had back in June of last year, and
15 it was called the Electronic Submissions Technical
16 Exchange.

17 The agenda for this is that we covered a
18 lot of areas, and Jim Schaeffer touched on the
19 information architecture, but what we are going to
20 go through today in my presentation is really a
21 short summary of what we covered in each of the
22 topical areas.

23 We talked about information
24 architecture, and the electronic information
25 exchange, and the electronic hearing docket, and the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 electronic courtroom, large technical document
2 issues.

3 We had the U.S. Department of Energy
4 give a presentation on the status of its LSN and its
5 document status. We had a presentation from the
6 University of Nevada at Las Vegas on the status of
7 its document conversion system.

8 I gave a presentation on the status of -
9 - or, I'm sorry, Dan Graser gave a presentation on
10 the status of the NRC and LSN test server; and then
11 at the end of this, I am going to give you a short
12 summary of the DOE and NRC technical exchange.

13 And my role in this was from the Office
14 of Nuclear Materials Safety and Safeguards is that
15 this was really as a project manager.

16 And I brought together people from -- a
17 lot of people who gave presentations were people
18 from the Office of the Secretary, and the Electronic
19 Hearing Docket, and people from the Office of Chief
20 Information Office talked about the electronic
21 information exchange, and talked about the high
22 level waste architecture.

23 And we brought in Dave Graser from the
24 ASLARP, and we brought in Mitzi Young from the
25 Office of General Counsel, and so my role was as the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 project manager for this, and I am not a subject
2 matter expert in these areas, and a lot of these
3 people are that gave presentations, and (inaudible).

4 And they certainly helped me answer any
5 questions that we had in these areas. But I am just
6 going to give you a summary of each of the areas.
7 Okay. Matt.

8 The objective, and my recollection is
9 that this technical exchange came out of a request
10 from the Department of Energy to my management, and
11 they came to us several months ago, or maybe a year
12 ago, and asked, hey, we would really like some
13 guidance on how we need to submit an electronic
14 license application.

15 We anticipate it to be very large,
16 perhaps thousands of pages document, and what kind
17 of format should we get it in. And so they need
18 guidance, and so that's why I had to bring in all
19 these different groups at the NRC together and ask
20 what is the guidance.

21 So that is how this thing evolved, and
22 the objective was to discuss issues and potential
23 challenges of the electronic submission of documents
24 to the NRC from the Department of Energy and from
25 other regulatory agencies.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And we are just going to skip through
2 this. We had a presentation, just as Jim Schaeffer
3 gave us, on just that, and we went through the high
4 level waste information architecture, and we can
5 skip through the next one as it is the same roadmap
6 that we just saw.

7 We had somebody from the Chief of the
8 Information Office give a presentation on electronic
9 information exchange. He went through the RAS
10 document, which actually implements the electronic
11 information exchange.

12 We went through the different preferred
13 format electronic information exchange, that being a
14 maximum file size of 15 megabytes and it can't be
15 classified or sensitive materials submitted through
16 the EIE.

17 And that Netscape and Internet Explorer
18 are currently accepted in the EIE process. We went
19 through and gave a presentation on the EIE pilot
20 projects, and Jim mentioned those during the
21 obligatory and criminal history files.

22 We went through the use of the digital
23 certificates, and the use of digital signatures. We
24 had a presentation from the Office of the Secretary
25 on the electronic hearing docket, and really went

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 through on what the requirements are for the EHD,
2 and to be able to access the application through the
3 docket.

4 And the use of the docket for the
5 verification filings, and alternate guidelines of
6 2.1013. There was a presentation of the features
7 and the search capabilities, and the content folders
8 and the web locations, and we had a lot of screen
9 captures on the actual website. We didn't do a
10 demonstration.

11 We went through the electronic search
12 documents, and the intention to use the Adobe
13 Acrobat PDF, portable document format, in the EHD.
14 We went through the plans for further guidance after
15 the pilots are completed, and a resolution of the
16 large file size problems.

17 And the large file size problems was
18 really the main or one of the main objectives of
19 this technical exchange, and we are going to
20 continue the technical exchanges as we move to
21 resolution on how we get to guidance on submitting
22 large documents.

23 And there was also some terminology, and
24 I guess there was a web page demonstration at the
25 very end of the presentation.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And next was the electronic courtroom,
2 and I think this was Dan Graser from ASLB who gave
3 this presentation. There was a graphic illustration
4 of the electronic courtroom and functions, and I
5 think Dan will be giving a presentation here
6 tomorrow morning on the electronic courtroom.

7 So there has been a lot of redundancy on
8 what I think you are going to hear, and what you
9 have already heard. We went through the objective
10 of the electronic courtroom to provide an integrated
11 licensing environment and an effective integration
12 of information management.

13 And Dan covered the operational
14 approach, and system features, and some issues that
15 he has with electronic media, and the training
16 requirements. Next was really a key presentation
17 from our OICO group on technical issues.

18 They talked about format resolution
19 standards for the submission of documents, and
20 portable document files, PDFs, and portable document
21 formats, with a minimum resolution of 200 dot per
22 inch.

23 We went through a discussion of the
24 problem with signet files regarding integrity,
25 records management retrieval, file type, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 inability to support external hyperlinks.

2 For example, if DOE would have submitted
3 the FEIS, it would not have worked on our system the
4 way it was put out as a CD, because it is
5 hyperlinks, and the signet date, et cetera.

6 And then on the last part of the
7 presentation, we talked about NRC's efforts to look
8 at ongoing staff evaluations from our files, and
9 looking at the number of documents that we are going
10 to be receiving from DOE, and any other parties, and
11 what are the characteristics of the documents that
12 we receive.

13 And this is really like us trying to
14 identify what kind of system that we have, and based
15 on what is going to be coming in, and is DOE going
16 to be updating its process (inaudible), and large
17 documents, and what kind of format are we going to
18 get them in.

19 And the timing of submissions, and that
20 is important, and when do we have to have the system
21 ready, and what are the technology limitations, and
22 we went through a discussion on plans for additional
23 guidance.

24 We gave you a little bit of guidance at
25 the meeting, and we plan on using the PDF as the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 document format, and a resolution at 200 dpi. But as
2 the staff went through this evaluation for large
3 files, we plan on coming back at the next technical
4 exchange, or thereafter to give you additional
5 guidance.

6 Okay. Next is the Department of Energy
7 gave a presentation on its LSN document status, and
8 I copied some of this off their viewgraphs, which
9 they went through and (inaudible), and there was a
10 time line given for the procurement and installation
11 completed by March of 2003.

12 And the content management system was
13 configured by August of 2003 and document
14 identification and processing to begin August of
15 2003; and to be ready for certification by June of
16 2004.

17 Once again, that was the presentation by
18 the Department of Energy. Next, I gave a
19 presentation and Dan talked about this this morning
20 some, but this was an NRC LSN document status, and
21 the process that we are going through now to
22 identify Legacy documents that are to be placed on
23 to the LSN.

24 And as well as how we would process
25 newly generated documents. So right now we are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 going through and identifying our NRC and contract
2 documents, and we are going through a screening
3 process and writing procedures for a homeland
4 security screen for all of our documents.

5 I think it was mentioned this morning
6 that the definition was changed that was made
7 publicly available, and it is screening criteria
8 that the NRC staff is to use before it makes this
9 information publicly available.

10 And so we are taking that document and
11 writing procedures for us to evaluate documents that
12 we have. And we do expect a majority of the NRC
13 document collection would be made publicly available
14 after we go through the screening criteria, and that
15 is really still yet to be determined.

16 And I heard some mention this morning in
17 the first quarter of 2004 we have to start feeding
18 documents, and we have to start screening and
19 searching into the licensing support network.

20 Next we had a presentation by the
21 University of Nevada at Las Vegas, Information,
22 Science, and Research Institute, and what they
23 talked about was the DOE document conversion system.
24 They went through a lot of their recommendations,
25 and they also had a nice package of handouts of some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 reports that they had written for DOE, and they
2 talked about how retrievability is a better
3 performance metric than character accuracy.

4 And that automatic document retrieving
5 ability is equivalent to (inaudible). And I did
6 want to mention that in the back of the room I put
7 copies of the meeting summary, and I have since
8 noticed that there were three attachments.

9 And if you read the first paragraph, you
10 will see that there were three attachments to the
11 meeting summary. One was the agenda, and one was
12 the sign-up sheet, and then one was the handout.

13 But I assume that most of you here are
14 probably on the mailing list and that when we sent
15 out the meeting summary that everything was
16 included. So if you are still interested and you
17 didn't receive it, just let me know. Okay.

18 This was Dan's presentation and he
19 covered this this morning, and he also presented it
20 at our technical exchange and the status of the LSN
21 test server, and we can move on.

22 Okay. And then in the summary and the
23 path forward, we had our first technical exchange,
24 and we wanted to raise the level of awareness on the
25 capabilities and requirements for submitting large

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 documents to the NRC.

2 We made the slides and we made the
3 summary publicly available. The NRC felt that our
4 goals were met, and we shared information and
5 provided a little bit of guidance to the DOE, and we
6 wanted to increase our level of understanding.

7 We do plan to continue the technical
8 exchange on a semi-annual basis, and right now we
9 are targeting -- I have up there planning the next
10 technical exchange in mid-December, and we are
11 looking at December 10th and 11th for the next
12 technical exchange, and I started submitter actions
13 with the Department of Energy on that.

14 Again, we will probably cover a lot of
15 the same items that we did before, as far as the
16 information here. So that is the tentative plan.
17 We are going to try and move forward. The next
18 meeting would be in Las Vegas, and probably the same
19 place we had the last one, at the DSC's offices.

20 So that is your summary of our first
21 technical exchange on electronics submissions.

22 Questions?

23 MS. TREICHEL: Yes, why don't you ditch
24 the 10th and 11th of December, because there is
25 already the technical review board meeting here at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that time.

2 MR. CIOCCO: Oh, the NRCTRB?

3 MS. TREICHEL: Yes.

4 MR. CIOCCO: On the 10th and 11th?

5 MS. TREICHEL: Well, it is a special one
6 on transportation, but it is going to drag in a lot
7 of the same people.

8 MR. MCCULLUM: That might be cancelled.

9 MR. MURPHY: I heard a rumor that the TRB
10 meeting might be about to be postponed. I am not
11 sure of that.

12 MR. CIOCCO: Thanks for the information.
13 I did look ahead at the calendars, and I didn't see
14 anything on the 10th and 11th, but I appreciate the
15 information. Anything else?

16 MS. YOUNG: Jeff, if I could just add
17 something to your comments and as to the exchange
18 that we had. The NRC has published a direct final
19 rule on electronic submission and information either
20 through EIE or e-mail as most people would call it,
21 or through out electronic format, like submitting it
22 on CD-ROM.

23 It was also voluntary and it includes
24 guidance on how electronic submissions should be
25 made to the NRC, and it doesn't directly pertain to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the high level waste proceeding, but it could be to
2 some of the guidance initiatives that are in this
3 publication may be adopted later, or appear to be
4 relevant to things in the high level waste
5 proceeding.

6 And for those of you who read the
7 Federal Register, it was published on September 6th,
8 2002, at 67 Federal Register 57084.

9 MR. CIOCCO: Thank you, Mitzi, and I
10 think they are planning a public meeting on that as
11 well.

12 MR. MURPHY: The notice was circulated
13 and didn't you just send us that bye-mail? Somebody
14 just sent us a copy of it and sent us an e-mail and
15 attaching this.

16 MS. YOUNG: Dan Graser or someone
17 working in the OCIO's office may have forwarded it.

18 MR. MURPHY: Because I got an e-mail the
19 other day on it and it says final and proposed.

20 MR. CIOCCO: It says direct final, and
21 that is the big package which has the guidance, and
22 there is one page on the Federal Register where it
23 says if there is significant and adverse comments
24 within the 45 days, then it would go to the proposed
25 rulemaking and (inaudible) standards.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. YOUNG: Yes, in other words, it
2 becomes effective December 5th, and if there are
3 significant problems related to the standards.

4 MR. CIOCCO: Right. And I guess at one
5 of our presentations we did give a few insights into
6 the electronic maintenance rule.

7 MS. TREICHEL: I have one more question.
8 It seems like that June meeting was sort of
9 contentious, but maybe all of them together they are
10 all contentious, but there was a lot of back and
11 forth between you and other NRC people and DOE
12 regarding the quality of the scanning of documents,
13 and the quality of what was coming out.

14 And you wanted more quality and they
15 were arguing about that, and is that still the case,
16 or has that sort of deepened out? I think it is
17 interesting that those sorts of really back and
18 forth things go on in the technical exchange that is
19 not attended by very many people, but should
20 probably be here, too, where you hash out a lot of
21 those things.

22 But is that still the case as was it was
23 in June?

24 MR. CIOCCO: I will let Dan answer that.

25 MR. GRASER: You know, I would not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 characterize it as particularly contentious. I
2 would say that there was an active exchange of
3 different opinions. And not so much even differing
4 opinions as insight on the issue of the accuracy of
5 the text.

6 And I will be glad to pull up five
7 minutes on that right now if you want. I think we
8 are ahead of schedule here, and so I have the
9 microphone and it's live.

10 (Laughter.)

11 MR. GRASER: The presentation that was
12 made by Tom Narker (phonetic) and Judy Marshach
13 (phonetic) from UNLV was basically focusing on a
14 longstanding, unresolved, question that we have had
15 about how clear does the OCR data have to be.

16 And it was an open question, because at
17 the time that we issued the solicitation for the
18 hardware and the software, we did not know what
19 software products we were going to be using, or how
20 they reacted to data streams of full texts.

21 And so therefore I had put out some
22 preliminary guidance materials on how clean OCR
23 should be, and what we had indicated was that the
24 guys from UNLV were going to go off and take the
25 software that we actually finally ended up using,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and run the sample data against the software that we
2 used to develop the system.

3 The findings in short were that the
4 precision and recall, which are the classic measures
5 of how well the text engine retrieves information,
6 the precision in recall performance of the autonomy
7 software was comparable with the precision and the
8 recall capabilities of the other classic search and
9 retrieval software engines.

10 The other aspect of that is that the
11 autonomy software does relevancy ranking. In other
12 words the software goes in there and it makes its
13 best call or its best judgment as to whether or not
14 this document is relevant to your query.

15 One of the things that we did not know
16 is does dirty data mess up the software's ability to
17 determine whether or not the document is relevant.

18 In other words, can dirty data confuse the
19 software, and one of the tests that was reported on
20 by the UNLV folks essentially found that the
21 relative cleanliness of the OCR output had
22 statistically insignificant impact on the ability of
23 the software to do its relevancy ranking as well.

24 And that answered one question that we
25 had on the software, and in answering that question,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the impact is that relatively dirty OCR data is
2 something that a system can live with without
3 impacting the ability to do your search and
4 retrieval.

5 So that would mean that the parties
6 would not need to spend exorbitant amounts of money
7 to getting to 99.99995 accuracy in order to make
8 sure that you can retrieve a document.

9 And for the parties that have large
10 document collections that was a significant finding,
11 because it means that you don't have to get heroic
12 times a million pages.

13 As a result of the June presentation,
14 however, we went back and we looked at one other
15 aspect of the licensing support network, and that is
16 when OCR takes a snapshot of a report, it throws in
17 whatever it finds, and that may include a header and
18 a footer at the top and the bottom of every page of
19 a report, repeating over and over again the title of
20 the document, the document date, the page number,
21 and version number and so forth.

22 And it throws that string of text right
23 in the middle of whatever paragraph is at the bottom
24 of one page, and it throws it right between the
25 bottom of one page and the top of the other page,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and so every 25 lines or so you get the same phrase
2 over and over, which is the footer and the header at
3 the bottom and top of each page, and the OCR engine
4 doesn't clean those out.

5 So we went back and we explored whether
6 the text engine was able to jump over those little
7 interruptions that are caused by OCR. So far our
8 testing has indicated that the software is able to
9 do that if you give a full text engine a large
10 enough byte of information.

11 We had been setting the byte of
12 information at only 500 words, and we reset it to
13 1,000 words, and all of a sudden the relevancy
14 rankings started to show more granularity and we had
15 a less impact of these little phrases that were
16 repeated over and over by the OCR software.

17 So what that means is that there is a
18 certain amount of host OCR processing that could be
19 done to clean out headers and footers that also may
20 not have to be done, because it doesn't seem to have
21 that much of an impact on the autonomy software
22 ability to give you relevancy rankings and to
23 continue to give you good precision recall.

24 So I think it is an ongoing effort at
25 this point, and we are still running some tests

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 internally. Joe Turner, a person from our staff,
2 has been delving into that question and we are
3 continuing to find things.

4 But the things that we are finding are
5 not the sorts of things that are causing us to throw
6 up more storm warning flags, and in fact in the
7 opposite direction.

8 In fact, it looked like some of those
9 early flags that we had flying for potential
10 problems look like they may be run down the flag
11 pole in short order.

12 But it is not the sort of thing that I
13 want to go and make a pronouncement about it until I
14 was relatively certain that we looked at all aspects
15 of the problem, and it wasn't just precision and
16 recall.

17 It was the ability to do proximity
18 searching, which you would use Lexus or Westlaw, and
19 you feel rather comfortable with that capability to
20 do proximity searching and X-number of words and X-
21 number of characters, and words with another.

22 So we wanted to look at all of those
23 aspects before we go off and say that dirty data is
24 okay, and dirty is relative. I just wanted to
25 reinforce by dirty one person's 83 percent is not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the same as another person's 98 percent.

2 And 83 percent is still marginal, and 35
3 percent is still miserable. And by the time that
4 you get that up to 35 percent OCR accuracy on a
5 page, you might just as well not wasted your time
6 doing the OCR version.

7 So there are still some things that we
8 are going to be probably getting in terms of the LSN
9 administrator discussion in the guideline type
10 documentations about what we have found with OCR
11 accuracy and so forth. And I will share that with
12 you as soon as it is soon.

13 MR. CIOCCO: Okay. Thanks, Dan, the
14 subject matter expert.

15 CHAIRMAN BATES: I would add one
16 additional comment to what Jeff went through and he
17 alluded to the NRC having a large document issue,
18 and we do have an internal working group within the
19 NRC is putting together what we see as the basic
20 functional requirements that we need to be able to
21 process the documents (inaudible) internally to the
22 NRC, and to get them in, and open them up, and
23 research them internally.

24 And we are looking at it from the
25 standpoint of what we believe the parties and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 potential parties, and the public need to be able to
2 do to access the documents and download them from
3 the UHD server, and make them accessible.

4 And at some point any advice, input,
5 comments, I think that this group provided
6 (inaudible) I think there is some impression at the
7 DOE technical exchange meeting and a lot of people
8 still want paper.

9 But we do recognize that with a public
10 document (inaudible) all of that internally, and
11 plan ahead to come up with solutions as to how to
12 handle large-sized files, some of which there is
13 image formats that (inaudible) and things like that.

14 I think at this point in general we have
15 covered all the items that we had on for discussion
16 today, and it is about a quarter-to-three in the
17 afternoon, and I guess we could move up and take a
18 short break, and move up some of the things for
19 tomorrow morning, and have a shorter day tomorrow
20 morning. Is that agreeable?

21 Then let's take a 15 minute break and
22 come back at three o'clock, and continue on with the
23 meeting.

24 (Whereupon, at 2:45 p.m., the meeting
25 was recessed and resumed at 3:01 p.m.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BATES: Having looked at
2 tomorrow's agenda a little bit more in detail during
3 the break here and (inaudible) demonstration, and I
4 think what we are going to do at this point is turn
5 to Dan's presentation for tomorrow afternoon on the
6 impact of homeland security reviews on document
7 access via the LSN.

8 And we will try to fit the other topics
9 for tomorrow into the morning session, and I would
10 turn to Dan at this point.

11 MR. GRASER: Thank you. I will probably
12 just spend 10 more minutes and then send you all
13 home with a headache. Homeland security is an
14 exciting topic.

15 As was noted in this morning's
16 presentation, the two Federal participants, DOE and
17 NRC, were fairly significantly affected by the
18 events of 9/11 when it came to issues associated
19 with making sure that information that is out in the
20 public domain is properly reviewed to make sure that
21 it doesn't contain information that could be used
22 against an interested country.

23 The NRC, in response for meeting these
24 requirements that were promulgated through the
25 various government agencies, the NRC formed an

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 internal working group that went off and looked at
2 the agency's policies and procedures, and the
3 material that was currently available, and the sorts
4 of things that the NRC has historically or routinely
5 made available either on the NRC website, or by
6 other publicly accessible document collections.

7 The internal working group subsequently
8 developed a condition paper, a second paper for the
9 Commission, with a set of recommendations and
10 criteria for the release of information.

11 And as I alluded to this morning the
12 Commission did provide some feedback on the initial
13 paper, and there is enough, and based on that
14 feedback the NRC issued a staff requirements
15 memorandum, which is its mechanism of communicating
16 its direction and intent back to the rest of the
17 staff offices in the NRC environment.

18 And as I said, the feedback did come
19 back with criteria and guidance for the various
20 offices to follow, and naturally if you follow it
21 right on down to the last bullet that has the two
22 sub-bullets on the last slide.

23 And in summary the NRC guidance was to
24 continue to follow the established guidance
25 procedures and so forth that the agency already has

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 in place for handling things like proprietary
2 Privacy Act covered safeguards for classified
3 materials.

4 The NRC, throughout its operation
5 procedures and policies, has a fairly extensive and
6 well documented requirements that have been
7 developed and the guidance includes making sure that
8 you continue to follow the established policy that
9 is already out there.

10 The second piece of it was to give the
11 guidance or to indicate that the system management
12 approaches should be developed and implemented to
13 review information from day forward, and especially
14 looking at it in terms of making sure that there was
15 no release of information that could be used to
16 assess facility vulnerabilities.

17 And that guidance in the SRM was
18 eventually filtered down through the organization
19 and as Jeff alluded to also in his presentation, the
20 offices in the NRC are in the process now of
21 actually putting those additional review procedures
22 in place.

23 The place where there is some potential
24 in the future that we probably all need to at least
25 keep on the horizon and keep an eye on it, is the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 role that the Office of the Homeland Security plays
2 in all of this.

3 They have been essentially sitting on
4 the fence for a while now, in terms of clarifying
5 the various government agencies and departments
6 exactly where in the security continuum that
7 homeland sensitive information would fall in terms
8 of the classification.

9 In all likelihood, it would be following
10 in the area of what the NRC already has, and has
11 incorporated into policies and procedures, and so
12 forth, and that it is going to fall into a category
13 that we know inside the Federal environment is
14 sensitive, but are classified.

15 And every expectation is that it will
16 fall in that area. And if it does, then as I said
17 there are already well established policies, and
18 procedures, and guidelines to cover those sorts of
19 materials, even in Subpart J space.

20 We have the mechanisms and latitude to
21 handle those sorts of things, and I believe already
22 has the understanding, for example, that there are
23 roving conditions where documents have some kind of
24 a restriction on them, in which case the LSN
25 requirement would be to make a bibliographic header

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 only available for those materials.

2 And if any documents fall under a
3 sensitive, but unclassified, type situation, they in
4 all likelihood could be accommodated using exactly
5 that same strategy.

6 The variation for the variable is that
7 there may be more of those documents than we had
8 originally anticipated in some of the early planning
9 and volume sizing estimates that were put together
10 for the LSN.

11 And we had anticipated a relative simple
12 digit percentage on all of the documents in the
13 entire LSN universe as having some sort of
14 sensitivity classification.

15 And therefore a relatively small
16 percentage of the documents would be represented by
17 a bibliographic header either because they were
18 legally privileged, or Privacy Act covered, or
19 personnel records, or whatever else the case may
20 have been.

21 And I think that the thing that we want
22 to keep our eye on is the fact that that volume may
23 fluctuate in an upward direction to make it a bigger
24 portion of the collection would have bibliographic
25 treatment only.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And it would essentially be a similar
2 sort of treatment that you may have to come up in
3 the bibliographic header with a new categorization
4 if you will, and to the list of things like attorney
5 work product, and copyrighting, and whatever else we
6 may call homeland, or some other acronym, that would
7 indicate that that is the condition that we are
8 talking about here.

9 The next slide, please, and after I had
10 already touched on the first bullet on that slide,
11 the rule really already does address similar cases
12 of sensitive information, using the bibliographic
13 header approach only.

14 There was some discussion on-line and
15 off-line in the June meetings, and also we had a
16 briefing that was held at the Department of Energy
17 about the approaches that DOE was taking dealing
18 with making documents available after they had gone
19 through the review process.

20 And there was some informal discussion,
21 and people were floating tryout balloons in terms of
22 how are we going to deal with this. And one of the
23 ideas, and I am not saying that this is the way that
24 it is going to be implemented, but one of the ideas
25 that was quoted, for example, was gee, what if the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Federal participants used a two-version approach in
2 putting the documents out.

3 And my initial response to that was,
4 well, yes, if you did have two separate documents,
5 you would have two bibliographic headers, and you
6 would have two different documents that were
7 available for text or image.

8 The one version would be a redacted
9 version of the document, and the other would be the
10 unredacted version bibliographic header only, and
11 according to the way that we had always anticipated
12 handling other situations at that point in time, if
13 the parties wanted to get access to the non-redacted
14 version of the document, we would approach the pre-
15 license application presiding officer, and have
16 those situations be dealt with on a case-by-case
17 basis.

18 And subsequent to that kind of
19 verbalization of my thought process, and after all
20 of those meetings that I just referred to, some
21 other thoughts went in through my head. It was
22 about 1:30 in the morning the next day, that there
23 may be some cautions or other considerations that we
24 would have to look at.

25 And some of these start to cross the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 boundary over to the legal discussions, and we try
2 to avoid those unless someone else wanted to chime
3 in, and you're welcome.

4 But some of the thoughts that were
5 running through my head, for example, was that if a
6 redacted version of the document was created, and it
7 is in fact a different document, and you had a
8 second bibliographic header, and you also had an
9 unredacted version bibliographic header within the
10 LSN environment, it would be extremely useful to
11 cross-reference those two versions of the same
12 document.

13 And to simply have an understanding that
14 the document that you are looking at has a non-
15 redacted version that is floating around out there,
16 and that would be so that whichever version of the
17 document that you stumbled across would know that
18 the other versions that exist without leaving some
19 kind of footprint behind.

20 And that would not necessarily be
21 intuitive to somebody that a redacted version is
22 also floating around and available to the LSN space.

23 The second thought that crossed my mind
24 is that in terms of making your redacted version of
25 the document available, you obviously can't just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 strike out the electronic version of the document,
2 and everything that you are taking out of the
3 document, and close up all of the space, and
4 renumber everything.

5 Because if you did that, nobody would
6 ever know that you are looking at the redacted
7 version of the document, because all of the
8 numbering is perfectly normal and sequential.

9 And so the indication there would be
10 that there would have to be some kind of bars, or
11 markings within the text of the document indicating
12 where sections had been taken out.

13 The other type of consideration is if
14 this ever became a reality for us, we would
15 certainly want to be looking at the version field in
16 the bibliographic header structure to ensure that
17 that has some kind of indication that you are
18 looking at a redacted version.

19 And the final consideration was that if
20 we had a bibliographic header redacted, or non-
21 redacted, and a bibliographic header, plus the text
22 for a redacted version of the item, running certain
23 types of searches, you would get bibliographic
24 header heads that would appear to you that you have
25 almost identical documents, or almost identical

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 items.

2 And it may be fairly difficult to try to
3 figure out, especially if you have a closed-up
4 version of the redacted document that would be
5 available might be particularly difficult to figure
6 out on how is that different.

7 And then of course there is the question
8 that was raised by Mal this morning, in terms of
9 that we go to all the trouble to do something like
10 that, and then lo and behold we have a redacted
11 version of the document that subsequently gets
12 populated in some other collection, unbeknownst to
13 all of the work that was done.

14 And so it is not a clear cut and simple
15 process in terms of loading up ideas or trial
16 balloons on what to do and how to handle what may
17 happen, depending on what the Office of Homeland
18 Security comes up with.

19 And also how to handle how the various
20 Federal offices are going to handle that, because
21 from what I saw in a very short briefing provided on
22 the DOE process, that it was not clear in my mind
23 that they are going about their review in the same
24 way that the NRC is going about its review.

25 So even the two Federal agencies that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 have different approaches to screening and different
2 approaches to labeling and handling that
3 information.

4 And all I am saying at this point is
5 that we don't have any final decisions yet from the
6 Office of Homeland Security, of course, and my gut
7 feeling is that they are going to go sensitive on
8 the classified, and we have what is necessary to
9 handle it using the existing approaches that are
10 already anticipated in Subpart J.

11 And the other observation is that there
12 in fact may be other documents that fall into the
13 categorization of sensitive, homeland security
14 sensitive.

15 And what that means to the parties and
16 potential parties is that there may be more
17 documents that you have to specifically request
18 because there are more documents that are
19 represented only by a bibliographic header.

20 And it also means, for example, that the
21 organizations in the Federal agencies would be
22 responding and having to respond to more requests to
23 look at other elements that are being covered.

24 And both of those are probably both
25 going to be time labeled, and intensive activities.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I don't know how big, or if had big a problem it is
2 going to be.

3 But if it is the sort of thing that is
4 being put out in terms of forward thinking and
5 planning, and people to be cognizant that if you
6 read something in the newspaper and it is talking
7 about the Office of Homeland Security is giving this
8 direction or that direction, you may want to take a
9 close look at that, because eventually that will
10 filter down to our role in the LSN in some way.

11 And we will have to deal with it, and I
12 know that the NRC is looking at this in terms of
13 trying to go slow as things develop, and as
14 everybody else has in the past.

15 So there are some things that we still
16 do not have answers for, and people are just trying
17 to be very flexible and responsive, and sometimes
18 the best answer that they can give you is we will
19 have to deal with that on a case-by-case basis.

20 And I just wanted to basically let you
21 know that that is the kind of situation with the
22 Homeland Security and where we stand right now. And
23 if anyone has any questions, I would be very glad to
24 answer them at this time.

25 MS. TREICHEL: I don't -- Judy Treichel,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Nevada Nuclear Waste Task Force. I don't understand
2 how you would take a document that has got redaction
3 material and just close the gap and put it out.

4 If could wind up changing a lot of the
5 meaning, and certainly there is no lack of
6 documents. I mean, the fewer you can put in the
7 better.

8 But it sure seems like we just need to
9 put it in with the black lines on there, and in some
10 cases -- I have seen a lot of this stuff, and in
11 some cases it is just names that are blacked out is
12 something that really doesn't matter as part of the
13 information there.

14 And sometimes it is a complete waste of
15 time because there is so much out of it. But I think
16 you just need to show people what came out and just
17 have the one thing.

18 MR. GRASER: Right, and I think if you
19 talk to the folks who are professionally and legally
20 trained that they would tell you that there are in
21 fact well-established procedures that are followed
22 when redactions occur.

23 The only reason that I was bringing it
24 up is because if I hear somebody who is fairly
25 knowledgeable make an off-hand remark to the effect

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that, gee, since all of these documents are
2 electronic, it would be a simple thing to just close
3 them up.

4 The intent right then and there -- and
5 this is coming from somebody who is in the
6 information industry, and they may not be attuned to
7 the legal issues.

8 And the caution is to exactly raise this
9 sort of issue, and we have all seen these things
10 before, and no, it is not just a simple matter of
11 wiping out the electronic and closing the document
12 up, and making it look like it never existed.

13 And you are exactly right. You can't
14 just do it that way, but the fact that somebody
15 could think of that, I just wanted to shortcut that,
16 and make sure that it does not creep into somebody's
17 subconscious approach to dealing with the issue, and
18 that they just can't just go off and do that without
19 thinking security all the way.

20 And I am not a lawyer, but I see some
21 problems with it, and I am sure that in the legal
22 environment that people would have major issues with
23 that.

24 MR. MURPHY: Can the prelicense
25 application presiding officer issue technical

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 releases?

2 MS. YOUNG: Yes, the prelicense
3 application presiding officer has the authority to
4 protect orders and to protect information from being
5 discovered by other parties, and in a traditional
6 discovery sense it happens after proceeding
7 (inaudible) pre-license application presiding
8 officer here to issue the order before the license
9 application is issued.

10 MR. MURPHY: Okay. Because I think there
11 is a recent experience with an NRC document that was
12 so redacted that it was realized that it was
13 ridiculous to redact it.

14 And the full document was released
15 because everybody knew the information anyway. And
16 in that one, when I looked at it, my feeling was
17 that it was about as far as you can go with
18 redaction, because you got to the point where much
19 of the text was meaningless.

20 And what good is a redacted document if
21 it doesn't tell you what you need to know anyway. I
22 think the protective order thing is probably
23 burdening up the system and that you are going to
24 have to live with, and it will go to maybe even to
25 the point of disturbing this (inaudible).

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. YOUNG: Just a thought on Judy's
2 point about if you were to have a document that you
3 showed the redaction, would it be interesting from
4 the standpoint of unlikely traditional, proprietary,
5 security safe, or redacted where it was never out in
6 the public realm.

7 You are going to have a public document
8 that is complete, and you may have it on a website
9 or some discovery in a redacted version, and a
10 redacted version may show you exactly what a
11 homeland security sensitive information is.

12 And whether the government is going to
13 be able to reconcile that approach to this I am not
14 sure, because you would then be a target for anyone
15 who was inclined to do (inaudible) exactly what
16 information they should be focusing on since the
17 information is publicly available (inaudible), and
18 that is something for a Judge to think about.

19 MS. TREICHEL: Then (inaudible) throws
20 out a lot of this stuff then, and that is their
21 test, and (inaudible).

22 MR. FRISCHMAN: And the ridiculous
23 example I was talking about, I think that many
24 people are familiar with that, and it went to the
25 point of redacting the highway number to get from I-

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 80 to -- you know, and just held out any of the
2 information.

3 And I could see that there might be some
4 incentive within this field for somebody wanting to
5 do that.

6 MS. YOUNG: But I think the NRC is
7 looking at whether the information so (inaudible)
8 that it is not just worth attracting now, even
9 though it might be something that could be used to
10 do harm or pose some vulnerability.

11 So I think there are going to be
12 judgments made even made with respect to certain
13 types of information and where the roads are, you
14 know, is not new news, and it can't really be
15 protected in a meaningful way, and so stuff like
16 that will probably continue to be (inaudible) and
17 not protected (inaudible).

18 You know, it depends on the judge, and
19 it depends on the (inaudible) that you get from
20 homeland security, and it depends on the nature of
21 the world at the time.

22 MR. FRISCHMAN: Is there any way since
23 this program is open to special privileges, is there
24 any way that there can be any type of uniformity
25 imposed on how decisions are made about which

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 documents are withheld and which ones aren't?

2 You said before that it is likely that
3 DOE will have one set of guidance and we will have
4 another set of guidance, and that doesn't serve
5 anybody.

6 MS. YOUNG: Dan, you said it is likely
7 that (inaudible)? I am not sure that characterizes
8 what he said. Obviously anything is possible. I
9 think there has to be a judgment on what kind of
10 standardized treatment there is going to be afforded
11 to information of like kind for homeland security,
12 and depending on what guidance we get from the
13 Office of Homeland Security.

14 And in the nature of the proceedings,
15 redaction should be used, I think the judge would
16 use the standardized form of treatment in like ways.

17 MR. FRISCHMAN: Well, I am thinking
18 about before it ever went to the judge, each agency
19 is going to make its own decision.

20 MS. YOUNG: And presumably the Office of
21 Homeland Security is going to give you the criteria
22 that will help you make that decision in the same
23 way. But that's all to be decided. We don't have
24 that yet.

25 MR. GRASER: Let me revisit what I was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 trying to say so that it is clearly understood.
2 From what I have seen so far the agencies may differ
3 in their approaches to implementing the screening
4 reviews.

5 The criteria, I think the criteria are
6 probably going to be relatively conformed, although
7 I have yet to see the DOE version of it. But just
8 what I know from the way that the review process is
9 being implemented, there could be variation in how
10 many documents are looked at, and how closely, and
11 which time frames, and which ones are more time
12 critical, because of their age, and are less likely
13 to obtain.

14 So I think that in the approaches that
15 the agencies have taken looking at massive volumes
16 of information, there is going to be some
17 variability in the exact way that they go about
18 applying the criteria.

19 MR. FRISCHMAN: Well, let's take a real
20 example. What is the process and who makes the
21 decisions for the 12,000 Legacy documents that you
22 say are going to start going up in three months?

23 MR. GRASER: Jeff Ciocco, you have the
24 answer to that one, right?

25 MR. CIOCCO: Yes. The NRC will make it,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and we have guidance.

2 CHAIRMAN BATES: Use the mike.

3 MR. CIOCCO: Jeff Ciocco, Nuclear
4 Regulatory Commission. Your question, Steve, was
5 who will make the decision on the NRC documents for
6 the homeland security screening?

7 MR. FRISCHMAN: For the ones that we have
8 been told are going to start going on to the system.

9 MR. CIOCCO: We will start feeding them
10 on to the system --

11 MR. FRISCHMAN: And in the next three
12 months before there is any uniform guidance?

13 MR. CIOCCO: There is guidance, and on
14 June 17th the NRC made publicly available its
15 criteria for homeland security screening. And so
16 the NRC staff directed to (inaudible) its documents
17 based upon its criteria.

18 And they acknowledge that the Office of
19 Homeland Security has not yet issued formal guidance
20 on this new category affecting homeland security.
21 However, in conformance with the Commission
22 direction, we will proceed with this initiative.

23 MR. FRISCHMAN: Well, this gets to the
24 point that I was asking before though. What is to
25 say there is going to be any uniformity in guidance,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and we have no idea when homeland security is going
2 to be (inaudible).

3 And you have 12,000 documents under your
4 own documents, and if DOE miraculously starts
5 loading anything within the next year or so, there
6 might be (inaudible).

7 And then what are you going to do? If
8 homeland starts to do anything, then you are going
9 to pull back and start anew?

10 MR. CIOCCO: Well, certainly as the
11 Commission Director said, we will follow the Office
12 of Homeland Security Guidance whenever it is issued,
13 and they would have to amend these criteria; and to
14 what level the NRC management works with other
15 Federal agencies, I don't know.

16 I just have this to work with, and this
17 is our criteria for the time being as far as
18 screening documents.

19 MR. FRISCHMAN: Well, my original point
20 was since this whole program is so closely knit, is
21 there any possibility that the NRC can take an
22 initiative to see if they and the DOE can agree on
23 some common criteria in the absence of umbrella
24 criteria that may or may not ever show up, or may
25 not even work.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIRMAN BATES: Steven, I think we hear
2 your message, and I think we can take that back and
3 explore it more thoroughly. The Commission felt
4 that they could move ahead and proceed to review
5 documents and to make those documents available
6 after having passed the screening process.

7 I think there is further recognition on
8 the part of the Commission that it may be subject to
9 potential further guidance on the part of the Office
10 of Homeland Security, and I think (inaudible) on
11 what we have done and what DOE's guidance.

12 And we and the DOE don't want to have to
13 go back and have to redo things on behalf of
14 Homeland Security, and that would be something
15 absolutely different.

16 I think the Commission made a decision
17 to proceed ahead, and they cannot hold up at this
18 point.

19 MR. FRISCHMAN: Well, you are in the
20 phase where by having just passed the LSN rule, you
21 have taken your position of authority (inaudible),
22 and it seems to me that you might want to continue
23 to use that authority to do whatever you can under
24 these trying circumstances to make something work
25 that works for everybody, rather than just abuse the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 system.

2 MS. YOUNG: And I think that is the way
3 that the Commission approached it, because the
4 guidelines that we talked about in the SRM pertained
5 to all documents being publicly available, and not
6 just the high level waste collection.

7 And I think they are also looking at it
8 from the standpoint of once we generically approach
9 this national approach, and what part here we are
10 going to go with, and in the interest of making the
11 information available to the public, but still
12 having reasonable provisions for screening out --

13 MR. FRISCHMAN: (Inaudible), but here is
14 one that two agencies have to be doing literally the
15 same thing under most likely different guidelines.

16 MS. YOUNG: No, I understand.

17 MR. FRISCHMAN: And just to repeat, I
18 think it is incumbent on the Commission to initiate
19 it.

20 CHAIRMAN BATES: Thank you. And at this
21 point, I would throw things back open to discussion
22 for anything that we talked about today, and see
23 whether there is anything additional points that
24 people would like to make.

25 And whether there is anybody in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 audience that would like to come forward and also
2 add any contribution.

3 MS. YOUNG: Andy, I have one thing. I
4 misunderstood Abby when she was asking a question
5 about using the Reg Guide earlier today. The
6 statement that was pointed out on page 3 about
7 petition for access to the LSN before the prelicense
8 application presiding officer, and (inaudible) until
9 Dan showed me a previous version of the regulation,
10 and I pulled out an old version out of the Reg
11 Guide.

12 And I noticed that the regulation that
13 was cited was previously 2.1008, which as to do with
14 one of the earlier versions of the LSN rule that it
15 was the Commission's intent or current theme there
16 that parties would have to petition for access to
17 the LSN, or the later decision to the rule making
18 that the LSN could be publicly available to
19 everyone.

20 So that provision was rescinded, and so
21 the statement that is in the reg guide is kind of a
22 hold over from a previous reg that no longer exists,
23 and the citation in the new provision doesn't make
24 any sense either.

25 And so that's probably something that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 will be deleted in the revision version of this
2 draft, and so thank you for bring that to our
3 attention.

4 MR. FRISCHMAN: Thank you.

5 CHAIRMAN BATES: Okay. Any other comments?
6 Then we will adjourn until tomorrow morning. Thank
7 you all.

8 (Whereupon, at 3:37 p.m., the meeting was
9 adjourned, to reconvene on Thursday, September 19,
10 2002, at 9:00 a.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701