

# **Official Transcript of Proceedings**

## **NUCLEAR REGULATORY COMMISSION**

Title:                   Licensing Support System  
                              Advisory Review Panel

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1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION  
3 + + + + +  
4 MEETING  
5 LICENSING SUPPORT SYSTEM ADVISORY REVIEW PANEL  
6 (LSSARP)  
7 + + + + +  
8 THURSDAY  
9 MARCH 23, 1995  
10 + + + + +  
11 LAS VEGAS, NEVADA  
12 + + + + +

13 The Advisory Review Panel met at Marjorie  
14 Berrick Museum of Natural History, 4505 Maryland Parkway,  
15 at 9:06 a.m., John Hoyle, Chairman, presiding.

16

17 COMMITTEE MEMBERS:

18	JOHN HOYLE	Chairman
19	CLAUDIA NEWBURY	Member
20	CHIP CAMERON	Member
21	MOE LEVIN	Member
22	STEVE FRISHMAN	Member
23	MAL MURPHY	Member
24	BRAD METTAM	Member
25	JOHN GANDI	Member

## 1 COMMITTEE MEMBERS: (Continued)

2 JAY SILBERG Member

3 LLOYD MITCHELL Member

4 JUANITA HOFFMAN Member

5 ROGER HARDWICK Member

6 KIRK BALCOM Member

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- 1 ALSO PRESENT:
- 2 Tom Narkner
- 3 Fielden Dickerson
- 4 Preston Junkin
- 5 Dan Graser
- 6 Lee Watt
- 7 Beverly Rawlos
- 8 Joe Speicher
- 9 Stan Echols
- 10 Jan Stotler
- 11 Stan Schofer
- 12 Paul Bollwerk
- 13 Dave Williams
- 14 Russ Irish
- 15 Tony Neville
- 16 Dave Warner
- 17 Dave Warriner
- 18 Philip Paull
- 19 Michael Fishe
- 20 Elizabeth Carroll
- 21 Ken Kahlman
- 22 Bruce Alsher
- 23 Anna McMullen
- 24 Peggy Warner
- 25 Frederick Rodgers

- 1 ALSO PRESENT: (Continued)
- 2 Debbie Bryan
- 3 Jan Verden
- 4 Teri Lyn Pane
- 5 James W. Frank
- 6 Hans Ebner
- 7 Camille Kerrigan
- 8 A. C. Douglas
- 9 Laura M. Tate
- 10 Terri L. Badredine
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(9:06 a.m.)

MR. HOYLE: All right, if we could get started, please. We're going to make a slight change in the agenda for today. I'd like to start out this morning with the continuation of the discussion by the Header Working Group. Hopefully you've had time to do your homework with the three-page memo that was handed out. Perhaps we can reach consensus on that.

And then I would give Dave Williams an opportunity to describe the OIG report and have discussion of that. And then go ahead with the NRC discussion of LSS activities within that organization. And then we'll move the comments received on the Draft Participant Compliance document into the MOU slot. Moe will mention briefly the MOU, but that time will be used for the Participant Compliance discussion.

Do any members have any comments this morning, before we begin? Okay, Kirk, why don't you lead, please?

MR. BALCOM: Okay.

MR. HOYLE: Excuse me, I have one more announcement. This work schedule was left in the pews last night. Nobody claims it, okay. Nothing interesting in it.

MR. BALCOM: Where I think we left off

1 yesterday with the Header summary was close to an adoption  
2 with some additional information, perhaps, required about  
3 this identifier field and how the use of a thesaurus would  
4 be implemented at some point. We have included an  
5 identifier field, it's just that given changes in  
6 technology and size of the database and size of the  
7 thesaurus we're not exactly sure how it should be  
8 implemented, but have included it so that it can be  
9 implemented properly, given, perhaps, more analysis of  
10 what's out there in the field of thesaurus experts.

11           And our Header Working Group recommends,  
12 including DOE and NRC, that we adopt this as-is, but  
13 simply leave the identifier -- how the identifier field,  
14 or how the thesaurus would be implemented to more  
15 research. And I suppose if you have -- if you have  
16 comments about what Dan put together and want to ask him,  
17 maybe he'll come up to the podium, or whoever you need to  
18 explain this, because, as you can see, it might take some  
19 explaining. Pretty early in the morning for a thesaurus  
20 discussion, I guess.

21           MR. HOYLE: Does anyone want further  
22 discussion or comment? All right, I then would consider  
23 Kirk's discussion as a motion to approve the new Header  
24 material that was described yesterday and the document  
25 dated the 17th of March, knowing that more work will be

1 done in the future on how to implement that one field. So  
2 do I have consensus on approving that?

3 MS. NEWBURY: Do you need a second? Are you  
4 going to vote?

5 MR. HOYLE: Let's have a second.

6 MS. NEWBURY: I'll second it.

7 MR. HOYLE: Vote, all in favor?

8 (Motion passed)

9 MR. HOYLE: All right, that's approved then.  
10 Thank you, Kirk.

11 Well, at this point then, I invite Dave  
12 Williams and his staff to come up and describe the IG  
13 report on LSS.

14 MR. MITCHELL: John, for the record, I just  
15 need to say, I'm going to abstain or vote no on the last  
16 motion. I still feel uncomfortable with -- I need some  
17 more time to review some federal regulations and so forth  
18 regarding archeological information that needs to be  
19 included and so forth. So I need to vote no.

20 MR. HOYLE: We don't have consensus on that  
21 issue, then. I will make a note of that in the record.  
22 Would you let me know --

23 MR. MITCHELL: Sure.

24 MR. HOYLE: -- when you are comfortable.

25 MR. MITCHELL: Sure. What I'll do is, I need

1 to consult with some of the other Native American leaders  
2 with NCAI and Robert Holdman, and so forth. Once I do  
3 that, and I feel comfortable, and they feel comfortable,  
4 and they have consensus, I'll go ahead and vote yes. But  
5 right now I just feel uncomfortable in approving that at  
6 this time.

7 MR. HOYLE: Thank you. Okay, Dave?

8 MR. WILLIAMS: Thank you, John. I'm Dave  
9 Williams, the Inspector General at the Nuclear Regulatory  
10 Commission. There's been an Inspector General's office  
11 there since 1988. We conduct -- we basically have two  
12 kinds of products. Investigations, which looks at the  
13 fraud, waste and abuse and criminal actions and other  
14 kinds of intentional misconduct. The others are audits,  
15 and that's the product you have before you. And the  
16 audits focus on the legality, the efficiency and  
17 effectiveness of programs. With regard to the high level  
18 waste program, and specifically LSS, we just completed a  
19 body of work; as John said, it's hot off the press.

20 I wanted Russ Irish to describe to you our  
21 findings and concerns. We looked only at the IR -- the  
22 NRC portion of the LSS project, how we've spent the last  
23 five years, and how we've -- concerns for how we'll spend  
24 the next -- the final five years of the project. And I'll  
25 let Russ explain the body of work and the concerns that we

1 have. This is Russ Irish, the auditor in charge.

2 MR. IRISH: Good morning. Basically, what I'm  
3 going to try and do today is highlight the findings and  
4 recommendations and try to more significantly stress the  
5 overall message of the report. Those of you who've had a  
6 copy of it, if you've had a chance to read it, or when you  
7 do read it, we'll be able to get more into the details of  
8 it.

9 The other thing we want to recognize is that  
10 we realize that there is currently legislation pending  
11 before Congress that could ultimately impact the need for  
12 the LSS. However, the findings and recommendations that  
13 we're making in our report, we believe NRC needs to move  
14 forward on in the interim, because if the pending  
15 legislation, for some reason, does not go through and you  
16 wait until you see what's going to happen there, it will  
17 further delay the development. And so we think it's  
18 important that we continue to move forward on this effort.

19 Overall we found that NRC needs to provide  
20 strong leadership and direction to help resolve several  
21 long-standing interagency and intra-agency issues. These  
22 have to be resolved in order to prevent unnecessary delays  
23 and the cost involved with those delays in approving the  
24 DOE construction authorization for the high level waste  
25 repository.

1           We found, basically, that since its inception  
2 the LSS program has suffered set-backs and delays that has  
3 significantly slowed the progress of the LSS. The  
4 complete history and chronology of these events are in our  
5 report.

6           Additionally, we believe that interagency  
7 issues between NRC and DOE remain unresolved, and they  
8 need to be resolved. Although NRC and DOE have recently  
9 taken some positive steps towards resolving some of those  
10 issues, they're still in the preliminary stage of  
11 development and they've not yet been formally agreed upon  
12 by the parties.

13           We also found that NRC needs to address and  
14 resolve several intra-agency issues. As such, we believe  
15 that the Licensing Support System Administrator must  
16 provide strong effective leadership. The LSSA also must  
17 provide proper direction to ensure that the long-standing  
18 management issues are resolved and that the LSS is ready  
19 when it's needed.

20           We also recognize that changes in DOE's  
21 repository program itself have also contributed to the  
22 delays in the LSS program. In 1989 DOE revised its  
23 program schedule for submitting its construction license  
24 application from 1995 to 2001. Also, in 1994 DOE began a  
25 revised program approach for the entire repository

1 program, which included reorganization of the Office of  
2 Civilian Radioactive Waste Management. As a result, DOE  
3 transferred responsibility for the design and development  
4 of the LSS from its headquarters to the Yucca Mountain  
5 Site Characterization office here in Las Vegas.

6           Due to this transfer the Yucca Mountain Site  
7 Characterization office began a re-evaluation of the LSS  
8 concept and the implementation requirements.  
9 Additionally, DOE staff, with whom LSSA had originally  
10 been working, were no longer responsible for the LSS  
11 matters. And during this change virtually all lines of  
12 communications between the LSSA and DOE on the LSS issues  
13 ceased for several months and had to be re-established.

14           That's sort of a highlight of the findings  
15 that are in the report. But most significantly we believe  
16 that these findings are critical to the path on which the  
17 LSS finds itself. A 1992 preliminary NRC/DOE report noted  
18 that it normally requires about five years to procure,  
19 develop, implement and test a major automated system like  
20 the LSS. Therefore, if DOE were to begin the process  
21 today, the system may not be ready until the year 2000.

22           The same report also noted that the system is  
23 not developed on a schedule that makes it available for  
24 database loading four to five years before the submission  
25 of the license application. It's unlikely that the

1 estimated 18 million pages of relevant material would be  
2 in the LSS system by 2001.

3 I think we need to remember that the Nuclear  
4 Waste Policy Act requires NRC to approve or disapprove the  
5 construction of a high level waste repository within three  
6 to four years of DOE submittal. If this cannot be  
7 accomplished, NRC is obligated, and must notify the  
8 Congress as to the reasons why it can't be done.

9 Traditional reactor licensing within NRC took,  
10 on average, about five years to complete. And some highly  
11 contested licensing actions took as many as nine years.  
12 During this time frame traditional document discovery  
13 matters took about 30 to 50 percent of that hearing time.  
14 And that's why, primarily, NRC negotiated and enacted the  
15 LSS rule. However, the rule only requires NRC to operate  
16 and maintain the system. It requires DOE to design and  
17 develop the system. Therefore, if DOE does not meet its  
18 LSS requirements, under the rule, NRC cannot meet its  
19 requirements.

20 We believe that the LSS program has stalled  
21 over the past five years primarily due to delays in the  
22 construction license application schedule, personnel  
23 changes in NRC and DOE, changes in program direction, and  
24 a lack of agreement over funding for the LSS. Many of  
25 these delays can be attributed to a lack of clear

1 definition and agreement on the roles and responsibilities  
2 both between and within DOE and NRC. As a result, only  
3 six years remain in which to develop and implement an LSS  
4 prior to the scheduled repository license application date  
5 of 2001. Ironically, this is the same time frame that  
6 existed in 1989, when the license application was  
7 scheduled for 1995.

8           Accordingly, and because of key -- NRC's key  
9 mandated rule for the timely licensing proceeding, this is  
10 why we believe NRC needs to take a strong, aggressive  
11 leadership role. In our report we recommended that to  
12 ensure the DOE and NRC understand and agree upon key  
13 interagency issues, that the Licensing Support System  
14 Administrator should obtain a formal commitment from DOE  
15 in the form of an interagency agreement, or a memorandum  
16 of understanding on key aspects of the LSS. At a minimum,  
17 we believe such an agreement should include such items as  
18 the respective roles of each agency, funding, and the LSS  
19 timetable.

20           To ensure that NRC understands and resolves  
21 key intra-agency issues and requirements, the Licensing  
22 Support Administrator should develop a management plan for  
23 the Commission to approve, that minimally will include  
24 items such as the roles and responsibilities of NRC staff  
25 in the different program offices, contractor support

1 responsibilities, and internal funding for the LSS.

2           And finally, if after a reasonable period of  
3 time DOE and NRC cannot agree on key issues, such as  
4 funding and timing, or DOE cannot meet its LSS design and  
5 development responsibilities, we believe the Licensing  
6 Support Administrator should develop a contingency plan  
7 for implementing the LSS, or re-evaluate NRC's commitment  
8 to ensure that an LSS is available before submittal of  
9 DOE's license application.

10           We normally go through a process where we put  
11 out a draft report for comment, and that's why this just  
12 came off the presses, it was out for comment. The agency  
13 has responded to the report, its recommendations and  
14 conclusions, and they overall have agreed with the  
15 findings and the recommendations at this point in time.

16           MR. WILLIAMS: We'd be pleased to answer any  
17 questions that you might have at this time.

18           MR. MURPHY: John, if I could, let me just  
19 make a comment. First of all, I think -- I mean it's an  
20 excellent report from my perspective. I don't see  
21 anything in there with which I could disagree.

22           Let me make one comment about what you said  
23 about pending legislation, though. It seems to me that  
24 whatever Congress does, if anything, it is not going to  
25 reduce the need for the LSS. If anything it will increase

1 the necessity to have the LSS or something very much like  
2 it. Because Congress, if they do anything at all, is not,  
3 it seems to me, going to extend the deadlines for DOE to  
4 do something to solve the nation's nuclear waste program.

5 I think we can assume or expect Congress to do  
6 something to contract the time period between now and when  
7 we're going to need an LSS. And I particularly have in  
8 mind the interim storage facility, whether or not it's  
9 located here in Nevada or elsewhere. It's going to be  
10 a -- I think they're going to do something about that,  
11 whether this year or next, and that is going to be a  
12 licensing proceeding to which an LSS should apply, it  
13 seems to me. And they aren't going to push -- they may  
14 push the repository deadline out into the future somewhat,  
15 but they're not going to delay the government's ability to  
16 address somehow the need to solve the nuclear waste  
17 problem.

18 So I mean I couldn't agree more with your  
19 report. It just seems to me that whatever Congress does  
20 is going to make it more necessary rather than less  
21 necessary, with one exception. And I throw this out -- I  
22 don't think it's going to happen, but the only exception  
23 seems to me was that if Congress got so frustrated with  
24 the process that they simply removed licensing from the  
25 program and just told DOE to build it. Then we wouldn't

1 need an LSS. But I don't -- I'm not betting on that.

2 MR. WILLIAMS: That's encouraging to hear you  
3 say that, because that's what our report was encouraging,  
4 that you need to assume that there would be a need for it.  
5 We're referring to the Johnson Bill, in which the scenario  
6 that you just outlined is exactly what would occur. I  
7 mean it's --

8 MR. FRISHMAN: Well, is it -- is it fair to  
9 assume that an LSS would be applied to a Part 72 license?

10 MR. CAMERON: Not by the terms of the rule.

11 MR. MURPHY: Well, we're going to talk this  
12 afternoon about using the LSS on a pilot project basis.

13 MR. CAMERON: You could yeah, there's nothing  
14 to prevent a decision to use it as a pilot project for  
15 that, but the rule doesn't require the application of an  
16 LSS to an interim storage facility.

17 MR. FRISHMAN: Well, is that something that  
18 ought to be discussed at this point or maybe in another  
19 meeting?

20 MR. IRISH: That would be basically your role,  
21 as members of the LSS/ARP. We're not here to make that  
22 type of recommendation. We're going on what the LSS  
23 requirements are and the development of the LSS as  
24 envisioned in the rule currently.

25 MR. WILLIAMS: That may have been -- you may

1 have been directing your comment toward the --

2 MR. FRISHMAN: I was.

3 MR. WILLIAMS: Sorry.

4 MR. MURPHY: No, I think -- don't we have  
5 something on the agenda later on today to talk about --  
6 yeah, at 3:45 we're going to talk about using the LSS as a  
7 pilot project basis. And, you know, people have to keep  
8 in mind that opponents and intervenors can hang up the  
9 interim storage facility just as long with hard copy  
10 discovery as they -- or you know, maybe not as long, but  
11 we can -- you know, it can still be delayed.

12 MR. LEVIN: I think the point is that we'll  
13 need some kind of litigation support system --

14 MR. MURPHY: Sure.

15 MR. LEVIN: -- for whatever activity is taken.

16 MR. MURPHY: Sure.

17 MR. LEVIN: But the issue is that the rule  
18 doesn't cover anything other than the repository, so that  
19 would be a different --

20 MR. MURPHY: It could prohibit it, though.

21 MR. LEVIN: -- track. I mean it's still  
22 needed, we all recognize that, but it would be a different  
23 track than the rule. That's the issue.

24 MR. MURPHY: Yeah.

25 MS. NEWBURY: So were we going to talk about

1 that this afternoon?

2 MR. LEVIN: The pilot project.

3 MR. MURPHY: You can bet on it.

4 Let me just ask a question, the senior  
5 management team that was just established three days ago,  
6 I guess, so I don't suppose they've done anything yet?

7 MR. LEVIN: I'll speak to that.

8 MR. MURPHY: Oh, okay.

9 MR. LEVIN: I'll speak to that.

10 MR. MURPHY: As a senior manager --

11 MR. LEVIN: Well, I mean I have -- what I plan  
12 to do is after Dave and Russ got done was to briefly  
13 describe, or talk about the response that we gave to the  
14 IG report. And I was going to cover the management team.

15 MR. MURPHY: That's good. But I think it's an  
16 excellent report.

17 MR. WILLIAMS: Thanks very much.

18 MR. HOYLE: Let's have other comment. Brad?

19 MR. METTAM: Were you here yesterday?

20 MR. IRISH: Yes.

21 MR. METTAM: Okay. We had the discussion on  
22 the presentation that was made about MOU versus  
23 interagency versus, you know, let Congress let do it. I  
24 was gratified to read your reports, the discussion of the  
25 key functions of an interagency agreement, including a

1 description of timetable, funding and the roles of the  
2 different agencies. My concern with the proposal that we  
3 make the LSS funding a line item, is that that sort of  
4 removes one of the incentives to getting some kind of an  
5 interagency agreement, or an MOU or whatever you want to  
6 call it, in place. And I know that it's been something  
7 that NRC and DOE have struggled with, you know, defining  
8 the roles and locking them down in some sort of formal  
9 agreement so that they don't become sort of mercurial and  
10 change with changing personalities and roles.

11           And I'm -- I guess my question might be  
12 directed perhaps more properly to Moe, are we going to see  
13 that kind of a role from the NRC? A push towards some  
14 sort of formal agreement?

15           MR. LEVIN: Yeah, that's something else I was  
16 going to discuss.

17           MR. METTAM: Okay.

18           MS. NEWBURY: But even an MOU, as written  
19 here, we might discuss what funding, how we would do the  
20 funding. But in truth if we are going to be consistent  
21 with the LSS/ARP's concerns about DOE oversight of the  
22 funding then what it will say in the MOU is that DOE will  
23 put language in the bill that says the money will be  
24 appropriated directly from Congress, in most -- in all  
25 probability.

1           MR. METTAM: I understand the department's  
2 concern about having strings in the agreement and that --  
3 you know, I think perhaps that -- I'm not sure that I  
4 agree with it.

5           MS. NEWBURY: Well, no --

6           MR. METTAM: I understand it.

7           MS. NEWBURY: -- actually I don't mind having  
8 strings on the NRC, it's the rest of this group that has  
9 problems with that.

10          MR. METTAM: Well --

11          MS. NEWBURY: I'm not -- not really.

12          MR. METTAM: Yeah, being one of the people who  
13 spoke up about those concerns, I'm not certain that you  
14 couldn't craft an interagency agreement that would resolve  
15 the funding issue without creating a problem for this  
16 group as far as, you know, having too much control for  
17 DOE.

18          MR. WILLIAMS: Our office, independently,  
19 would have very serious concerns if the NRC would ever  
20 view DOE as anything other than just another licensee. So  
21 we would weigh in on that issue as we have in the past.

22          MR. IRISH: I think the other thing that we  
23 need to stress, and again, the message of the report is  
24 that whatever time frame is going on to get these types of  
25 understandings laid out detracts from development of the

1 LSS further. And within the rule, as envisioned in the  
2 Nuclear Waste Policy Act, as far as legislation, the  
3 requirement for licensing within three to four years  
4 allows for NRC to report to Congress if that can't be  
5 achieved. It does not necessarily mean that in the year  
6 2001 NRC then goes to Congress and says, "We can't achieve  
7 licensing because there's no LSS now."

8           If in '97, time frame '98 there's no progress,  
9 NRC may have to consider at that point in time having to  
10 go to Congress and saying, "Because we don't have the LSS  
11 and in anticipation of the application in 2001, we're not  
12 going to be able to license in three to four years." So  
13 there's nothing that says that that report to Congress has  
14 to wait till 2001.

15           MR. METTAM: My understanding of the time  
16 tables, as you presented them, is that in essence the NRC  
17 and Department of Energy have a year to craft whatever  
18 type of formal agreement they're going to do because it's  
19 going to take five years to do the developmental work  
20 even, and that's your six year horizon.

21           MR. IRISH: Unless there has been changes in  
22 the analysis of the work that they've done, based on that  
23 1992 report, that was a joint DOE/NRC report. They have  
24 looked into this and that was what they anticipated at  
25 that point in time. If something's changed in the

1 meantime, we're not aware of it and we've not seen  
2 anything that contradicts that report yet.

3 MR. WILLIAMS: I think that the five-year --  
4 that five-year window for implementation was based on  
5 looking backward and the kind of routine experience  
6 they've had, absent some sort of extraordinary sprint  
7 effort that would have to be made. And we're assuming the  
8 normal number of glitches and hiccups and I -- so,  
9 that's -- what you just said is exactly right. If things  
10 are going to go as they -- as we -- in a routine manner,  
11 this is going to have to be the year in which  
12 conceptualization ends and implementation begins.

13 MR. SILBERG: What is -- what do our technical  
14 people think about that five year date? Claudia, Dan  
15 and --

16 MS. NEWBURY: I was going to ask a question  
17 about the -- you stated it takes four to five years, in  
18 this other report, to load the LSS, and I wondered if that  
19 implied that somehow we were just delivering semi truck  
20 loads of paper to Moe or if we were doing what is required  
21 in the LSS, that is we give an electronic file?

22 MR. IRISH: We weren't worried about how it  
23 was --

24 MS. NEWBURY: So --

25 MR. IRISH: -- that you were going to do it --

1 MS. NEWBURY: Well --

2 MR. IRISH: -- it was the fact that the report  
3 said four to five years to load. And obviously until it's  
4 loaded it's not accessible to the people who have to use  
5 it.

6 MS. NEWBURY: But you -- the report didn't  
7 specify what it was -- or you don't remember what it said  
8 they were loading? I -- in my mental image of how we will  
9 load the LSS --

10 MR. MURPHY: Well --

11 MS. NEWBURY: -- it's an electronic system,  
12 it's fairly simple and it wouldn't take four to five years  
13 to load. And that's why I was asking the question.

14 MR. MURPHY: Except that depends on how many  
15 backlog documents you're going to load. I think that  
16 report, that '92 report was referring, if I, you know, my  
17 memory doesn't -- it's getting old and worse as I get  
18 older, but I think they were referring to backlog  
19 documents primarily.

20 MR. WILLIAMS: Which would --

21 MR. MURPHY: We, you know, we may not be  
22 loading as many backlog documents as we anticipated five  
23 or six years ago.

24 MR. WILLIAMS: We essentially used -- I'm  
25 sorry if I interrupted you.

1           MR. MURPHY: No, I just wanted to make that  
2 point. I mean as the -- as things have progressed there  
3 may very well be, you know, come a point in time, two,  
4 three, four years from now, when everybody sits down and  
5 realizes that a lot of things that we thought were  
6 relevant to licensing or likely to lead to relevant  
7 information, has changed. And some documents generated in  
8 1985 may no longer need to be put in the LSS.

9           MR. GANDI: A lot of this is a function of  
10 funding also. The more money you have, the more backlog  
11 you can process.

12           MR. MURPHY: Sure.

13           MR. GANDI: Then an outcrop of these shops --

14           MR. MURPHY: The more money you have the more  
15 backlog you create, too.

16           MR. WILLIAMS: We essentially did not question  
17 your projection of five years, that came from DOE.

18           MR. SILBERG: What is the current -- what do  
19 you guys think today would be the time it takes?

20           MR. GANDI: What we have on our plan which is  
21 two, two-and-a-half development process, for  
22 development --

23           MR. MURPHY: I -- we didn't hear you, John.

24           MR. GANDI: About two, two-and-a-half-year  
25 development process.

1 MR. MURPHY: From today?

2 MR. GANDI: Today if we had if some  
3 requirements on an RFP.

4 MR. BALCOM: Does that include the RFP  
5 process, the two-and-a-half years, or --

6 MR. GANDI: I'd through another extra six  
7 months in there.

8 MR. LEVIN: Three years, three years from  
9 today?

10 MR. GANDI: Uh-huh.

11 MR. BALCOM: That's to have a working system  
12 prior to starting to load documents?

13 MR. GANDI: Exactly, yes.

14 MR. MURPHY: Let's do it.

15 MR. LEVIN: Then how long to load and --

16 MR. GANDI: I think, well that's probably,  
17 like I said, a function of funding. There's several shops  
18 probably all over the country that do this imaging and  
19 conversion now. It's become real popular. But that's  
20 pretty much our timeline, is a drop-dead date of March  
21 '96.

22 MR. SILBERG: To start the RFP?

23 MR. GANDI: No, for complete. I mean not '96,  
24 I'm sorry, '98 -- '99.

25 MR. WILLIAMS: That's all right. We think you

1 would probably want to, as a matter of fact, your own  
2 report called for some testing as well.

3 MR. GANDI: Exactly, there would have to be --

4 MR. WILLIAMS: Yeah.

5 MR. GANDI: -- accepted testing.

6 MR. IRISH: I think another thing that you  
7 have to remember is that although the rule requires  
8 certification of the system six months prior to the  
9 implementation, the supplementary information of the rule  
10 very clear in stating that it was anticipated that the  
11 system was going to be available for use well before the  
12 license application for various different other types of  
13 discovery issues as the repository was going through its  
14 various different phases.

15 So although you may have a rule that  
16 specifically states six months, the intent was roughly  
17 four years or so prior to that date to have it available  
18 for use. And if we're talking this type of a schedule  
19 then obviously that anticipation, at least with the  
20 supplementary information, will not be able to be met  
21 either.

22 MR. CAMERON: Yeah, and that's a good point,  
23 and I'd like to talk a little bit more about that during  
24 Moe's presentation on what's going on at the LSS. And I  
25 guess that I'd also like to say, in terms of I know it

1 wasn't a recommendation that Brad was making, but we want  
2 to get an MOU developed well before a year has passed. I  
3 mean we don't have a year to develop an MOU, and I just  
4 want to emphasize that we want to get that in place as  
5 soon as we can.

6           And on Mal's point about what documents are  
7 going to be in there, we have a great opportunity to  
8 discuss that during -- on the inclusion/exclusion --

9           MR. FRISHMAN: Yeah, that's right.

10          MR. CAMERON: -- agenda item today.

11          MR. IRISH: Yes, sir?

12          MR. FRISHMAN: On your third recommendation it  
13 seems to me what is woven into there is essentially a  
14 suggestion that at some point there's a, you know, the day  
15 will come when a decision needs to be made whether to  
16 abandon the rule or not. Is that what you're suggesting  
17 there?

18          MR. IRISH: What we're suggesting is basically  
19 that given the history of what's happened between 1989 and  
20 today, and more recent time frames, if they continue to go  
21 as they are, that NRC is going to have to come up with  
22 some type of contingency. If they don't come up with a  
23 contingency they're going to have to come up with the  
24 possibility of if there's not going to be an LSS how then  
25 are they going to get this licensing process completed?

1           We're not suggesting that they should abandon  
2 it. We're saying, however, that as they look at  
3 contingencies, or look at the time frames as they come  
4 down, that's a consideration they may have to think about.  
5 We're not recommending they should do that.

6           MR. WILLIAMS: I guess our concern was if you  
7 see that you're -- if you see the -- that you're  
8 absolutely going to fail, you have a responsibility not to  
9 just sit there. You need to alert someone. You need to  
10 come up with another plan. It would not be acceptable to  
11 see yourself failing and sit by.

12           MR. HOYLE: Any further comment on the IG  
13 report?

14           MR. MITCHELL: I have a quick question. Is it  
15 possible that a memorandum of understanding could be  
16 drafted prior to the next LSS meeting and we could approve  
17 that at the next meeting and just send the drafts back and  
18 forth via electronic communications or mail or whatever?

19           MR. LEVIN: Let me, I guess maybe we can go on  
20 to my part?

21           MR. HOYLE: Yeah.

22           MR. LEVIN: And I'll address that.

23           MR. MITCHELL: Okay, very good.

24           MR. HOYLE: Thank you, very much Dave and  
25 Russ.

1           MR. WILLIAMS: Yes, you're welcome, thanks for  
2 having us.

3           MR. HOYLE: Appreciate it.

4           MR. LEVIN: Okay, first I want to talk about  
5 our follow-up on the IG, our response to the IG's audit,  
6 and what we're doing about. And then related issues about  
7 what we've been doing internally already, what activities  
8 we've been doing.

9           The first point about the MOU, we have drafted  
10 a very, very rough preliminary strawman MOU, building on  
11 an MOU that was crafted between DOE and NRC seven years  
12 ago but was never formally signed. Using that as a base,  
13 we've added to it and put -- brought it up-to-date. And  
14 DOE has not -- we've just transmitted it to DOE just last  
15 week, I think, and they haven't had a chance to even  
16 respond to it yet. It was a very rough draft.

17           We plan to now start the process of working  
18 with DOE to come up with a memorandum of understanding  
19 that defines all the roles and responsibilities and bring  
20 this -- bring this to closure, to have an agreement. And  
21 we're starting to work on that right now. So I think it  
22 would -- I think as soon as both DNE -- DOE and NRC are  
23 comfortable with the general mood of the MOU and the  
24 wording and everything, and the contents, then, yes, we  
25 will pass it around. Do you have any problem with that,

1 Claudia?

2 MS. NEWBURY: I was just questioning what the  
3 need for passing it around to the LSS panel for comment  
4 would be? It's an agreement between our two agencies.

5 MR. LEVIN: My opinion --

6 MS. NEWBURY: I'm not an MOU expert, so --

7 MR. LEVIN: -- would be it's the more people  
8 that look at this, the more comments, the better the MOU  
9 may be. It was just as a matter of advice, I would like  
10 to see it -- I would like to see the panel have a chance  
11 to look at it.

12 MR. SILBERG: A lot of the issues that are  
13 going to be embedded in there are things which are of  
14 significant interest to some of the people around the  
15 table. I think the history of this project has been that  
16 the LSS/ARP has not been a cause of holding anything up.  
17 And so I would -- you know, I really think the more we can  
18 see what's going on at an earlier stage the less problems  
19 you'll have at the end. To come down with a final MOU and  
20 Nevada or Nye County or the industry or Clark County or  
21 someone says, this is totally off the wall. You know  
22 fixing that up is going to take a lot more time than  
23 getting peoples' input early on.

24 MR. CAMERON: Yeah, I don't think it has to  
25 be -- I think that there are so many implications in terms

1 of independence, control, schedule, things like that, that  
2 it would really benefit both agencies to get the input  
3 from the panel on it, and to get some advice from them on  
4 it. And, again, I don't think it has to be a -- some sort  
5 of an onerous, bureaucratic time-consuming contentious  
6 process. And that's the way we feel.

7 MS. NEWBURY: As long as it's not --

8 MR. LEVIN: Another point that the IG  
9 recommended was that we take steps to strengthen our  
10 internal management of the NRC and provide aggressive  
11 leadership. In response to that what we've done is we've  
12 put together what we're calling a senior management team  
13 for the LSS that will be chartered to provide overall  
14 direction to the NRC in matters related to the LSS. The  
15 members of the team are Bill Olmstead, who is in our  
16 Office of General Counsel. Who was also one of the  
17 originators of the idea of the LSS. Mal Nap, who is the  
18 Deputy Director of our Office of NMSS, and myself.

19 The three of us are starting -- we've already  
20 had a series of meetings and we're already starting to  
21 form a plan and a strategy for how to focus all of NRC's  
22 activities, LSS-related activities, get more focus on  
23 them, make sure everybody understands what needs to be  
24 done and have a place where we can bring issues to and get  
25 them resolved quickly. So I think that's going -- that as

1 a result of the IG audit that's -- and the response to it,  
2 something positive has happened. I think this is a good  
3 move.

4           We've also -- the third point, the third IG  
5 recommendation, about developing contingencies and  
6 everything, what we plan to do there is develop some, what  
7 we call, triggers, or dates at which we think that if  
8 certain things haven't happened that it may be a signal  
9 that there's a problem, that there's trouble. And we --  
10 once these triggers are activated then we will take some  
11 action, whether it be informing Congress that things are  
12 slipping, that we might not make it, or we haven't really  
13 flushed out exactly what those contingencies would be,  
14 because they're not obvious.

15           There is one contingency, there was a  
16 fall-back written into the rule, and that's subpart G.  
17 It's a contingency in that that says that if something  
18 happens and we don't have an LSS you do it the old  
19 conventional way. But it isn't a contingency in the sense  
20 that if we do it the conventional way, or the traditional  
21 way, we might not get it done in three or four years. But  
22 that is written in the rule as a contingency.

23           As a result of the IG audit, and as a result  
24 of all of our activities on the LSS, we've been doing a  
25 series of internal briefings within NRC, including

1 briefing the chairman. And as a result of these briefings  
2 several issues have arisen. In light of the IG report,  
3 the new DOE schedule, and also the National Performance  
4 Review Phase 2, which says that the government is supposed  
5 to look at all its activities and operations and see that  
6 they still make sense.

7           One of the first things we've been asked to do  
8 is to look at our fundamental assumptions about the need  
9 and use of an LSS and see if they're still valid. So  
10 that's just revalidating, stating, "Yeah, here's why we  
11 want an LSS, it's still valid and we're going to go on  
12 from there." So that that's our first activity that the  
13 management team will undertake.

14           Another issue that's arisen was the size of  
15 the LSS, the number of pages, the number of documents, and  
16 the content of the holdings relating to relevancy issues.  
17 There is some concern within the NRC that there are more  
18 documents being put in to the LSS, or planned to be put in  
19 the LSS than are required. And that may be a problem for  
20 several reasons.

21           Also, there is the issue of will the LSS be  
22 available in time to satisfy the needs identified during  
23 the negotiated rule making, some of which may not have  
24 been explicitly mentioned in the rule. For instance,  
25 using the LSS, having it available, have the time as a

1 research database, in addition to discovery database and  
2 maybe for some issues tracking purposes and things like  
3 that. And that's just another issue that's just surfaced  
4 that we're starting to discuss within the agency.

5           Also, we already talked about the legislation,  
6 what's Congress going to do. We have to be aware of that.  
7 We have to stay on top of that. And in light of what  
8 happens we have to all continually reassess the LSS and  
9 what we're doing, because there is a real possibility that  
10 the legislation in one way or another, good or bad, could  
11 impact the LSS.

12           The final issue, which is something that is  
13 not a new issue, but has been restated, is that the  
14 chairman is very concerned about the cost of the system to  
15 the rate payers. He has always envisioned one system that  
16 would be DOE's records management system and the LSS.  
17 He's concerned about the cost of duplicating hardware and  
18 software, and the overheads associated with keeping data  
19 in two separate systems in synchronization.

20           One of the things we're still waiting on is  
21 some information from DOE on the incremental cost of  
22 having a separate LSS, a system separate from their record  
23 management system. It could be that that cost is so  
24 insignificant that it's not an issue, but we don't know  
25 right now until we find out that that still is an issue.

1           And those are the highlights of where we are  
2 right now within the agency, in relation to the LSS.  
3 Chip, did you want to add anything?

4           MR. CAMERON: Yeah, just let me amplify on one  
5 point that Moe brought up, and also that was mentioned in  
6 the IG presentation. In addition to the LSS objective of  
7 eliminating the physical production of documents in  
8 discovery after the license application comes in,  
9 eliminating that period of time, the LSS was always  
10 intended to be used in the pre-license application phase  
11 also.

12           And I think that that comes through clearly in  
13 the supplementary information to the rule. Not only using  
14 it to prepare for the proceeding, sharpening up,  
15 contentions, for example, but also to be used by DOE, NRC,  
16 other potential parties in their ordinary regulatory and  
17 licensing review work. It was thought that there would be  
18 a benefit and that's why there's an emphasis in the  
19 supplementary information about having it available as  
20 early as practicable before the license application is  
21 going to be there.

22           Well, one other prelicense application, use of  
23 the LSS, that was contemplated, at least it was discussed  
24 during the negotiating sessions, I believe, was the whole  
25 idea of issues tracking. In other words, what documentary

1 basis did DOE or NRC have at a certain point in time for  
2 making a particular decision. The institutional memory  
3 aspect of the LSS. And I guess that one of the concerns  
4 that's been expressed at the Commission is that are we  
5 going to have the system available in time to provide this  
6 sort of issue tracking, institutional memory function  
7 that's involved.

8           And that's also tied into what the state of  
9 the DOE records management system is at this point, in  
10 terms of having links between decisions and documents.  
11 Particularly when we're dealing with an activity that's  
12 going to go over a long period of time. And there's also  
13 a concern, related concern for the page estimates that  
14 have been given for what's going to be in the LSS. Is  
15 this any indication, the large number of pages, that DOE  
16 does not have sufficient discipline, might be the word, in  
17 its records management system. Again, in terms of this  
18 time, documents and decisions together. So there's some  
19 related concerns that are being expressed here.

20           And Mal already brought up the point about is  
21 there any way to decrease the number of pages in the  
22 system to provide for better search times, if there's less  
23 pages. And I think it all comes down to when are we going  
24 to have the system available for use, not just in terms of  
25 loading, debugging, but actually being able to use it to

1 try to get prepared for the litigation.

2 MR. LEVIN: There was one other point I wanted  
3 to mention, that was on the funding and what's been going  
4 on there, but how we're going to fund the LSS. Our staff  
5 from our -- the NRC's Office of Controller have been  
6 working with DOE, and we've identified at least two  
7 mechanisms that seem not to present any legal problems as  
8 far as -- as far as DOE acquiring funds and then  
9 transmitting them to be solely under the control of NRC.  
10 So that looks very promising.

11 And also, and this was part of the IG report,  
12 preliminary discussions, very preliminary, very low level  
13 discussions with OMB have taken place and just to see if  
14 they would have any problem with this kind of an  
15 arrangement. Our initial indication is that they would  
16 not. So on the funding issue things look very positive.

17 MR. MURPHY: Let me just follow up on  
18 something you said. One of the points you made was that  
19 the senior management team was going to be looking -- or  
20 one of the issues that they're going to be looking at is  
21 the size. And I think you said the content in relation to  
22 the relevancy issue. I want to explore that with you. Is  
23 there some feeling among the senior management team, or  
24 within the NRC, that the definition of relevancy needs to  
25 be looked at --

1 MR. LEVIN: No --

2 MR. MURPHY: -- or was it more in terms of  
3 what I brought up, that documents which we thought were  
4 relevant in 1984 may not turn out to be relevant in 2001?

5 MR. LEVIN: No, it was the latter. It was  
6 just -- it was in relation to the size that there may be  
7 documents in there that are no longer needed, that will  
8 clog the system, and that was the context.

9 MR. MURPHY: Okay. Because I don't want to --  
10 I shouldn't -- I guess I should repeat it, I don't want to  
11 drag it out very long, but everybody, it seems to me,  
12 that's involved in this has to remember that from the  
13 point of view of many people who originally participated  
14 in the negotiations, us, the environmental organizations,  
15 the tribes, I think, we did so on the condition that the  
16 LSS would facilitate discovery and not replace discovery.

17 And if we thought that there was any chance at  
18 any point in time, and I use the "we" loosely, you know,  
19 if anybody doesn't think I'm speaking for them, you know,  
20 they should speak up, but if we thought that at any point  
21 in time the relevancy would be defined any way other than  
22 as it was defined under traditional Federal Rules of Civil  
23 Procedure approaches, we would not have agreed to  
24 participate in the negotiation on those terms.

25 MR. LEVIN: Yeah, we have -- I have not been a

1 part of any discussions whatsoever that questioned the  
2 definition of relevancy or that at all.

3 MR. MURPHY: Uh-huh.

4 MR. LEVIN: It wasn't the intent.

5 MR. MURPHY: And I think in terms of, I guess  
6 you were talking about issue resolution more than anything  
7 else, Chip?

8 MR. CAMERON: Uh-huh.

9 MR. MURPHY: And you know I think you're  
10 right, I agree 100 percent with what you said. But it  
11 seems -- see, my recollection is that that was, you know,  
12 kind of the third priority, that we -- everybody hoped  
13 that the LSS would be available in time to allow us to do  
14 all of that, but I don't think anybody was willing to bet  
15 their kid's education on it. Is that -- I mean you were  
16 there, isn't that the way you sort of remember it?

17 MR. CAMERON: Yeah, I think that the idea was  
18 that you assume that you're going to get the system up in  
19 sufficient time so that you can use it for the type of  
20 issues, tracking and closure. And I'll use closure --

21 MR. MURPHY: Carefully.

22 MR. CAMERON: -- loosely.

23 MR. MURPHY: Yeah.

24 MR. CAMERON: Loosely.

25 MR. MURPHY: Steve's sitting pretty close to

1 you.

2 MR. CAMERON: Right, that's why I said  
3 "tracking," not "closure." But the system could actually  
4 be used by all the parties in terms of facilitating issue  
5 definition, issue tracking, what's the basis for a  
6 particular decision. So I agree with you on your  
7 viewpoint. But I think that there's still a large concern  
8 back at the agency that, look, are we going to be able to  
9 get this system up and running in time to use it for that  
10 purpose at all? And some people would be concerned that  
11 if you can't use it for that purpose, in other words, for  
12 preparing for the litigation, in that respect, are we  
13 still going to be able, even with the LSS, to be meet the  
14 three-year decision table.

15 MR. MURPHY: Yeah, and that's --

16 MR. CAMERON: I mean that's the key.

17 MR. MURPHY: Sure.

18 MR. CAMERON: That's the key.

19 MR. MURPHY: And that should be a legitimate  
20 concern. But I guess from my point of view, if the LSS is  
21 available six months in advance, or, you know, a year  
22 hopefully in advance of the licensing proceeding itself,  
23 so that we can use it effectively in licensing, and that  
24 it will be a tool to permit we smaller nonfederal  
25 participants to effectively play the role we hope to play

1 in licensing, I would not consider it, personally would  
2 not consider it to be a failure if that system was not  
3 available four years in advance of that to allow us to  
4 manipulate issues. Because we aren't going to manipulate  
5 issues four years in advance of that. And I -- that's my  
6 own personal view, if we can get the thing done in time to  
7 use it in licensing I will not consider the fact that we  
8 didn't get it done four years earlier than that to be a  
9 failure.

10 MR. CAMERON: Because that's -- I'd be  
11 interested in any other panel viewpoints on, and not from  
12 the difficulties of the -- all the difficulties that DOE  
13 has to go through in terms of the design of the system,  
14 but in terms of availability for use prior to the license  
15 application. I think Mal has sort of given a range that  
16 he feels is sufficient. Does Jay or Floyd or Steve,  
17 anybody, Brad, anybody have any other views on that?

18 MR. SILBERG: I think from the standpoint of  
19 all the parties the earlier it's available the better it's  
20 going to be. People will have more experience using it.  
21 The system will have more experience, making sure it works  
22 right. People will get used to the idea of putting their  
23 documents in the system. You know, I guess I never cease  
24 to be amazed that every time we come to one of these  
25 meetings we seem to go back to first principles, like

1 phase 1 of our requirements documents. Things that --  
2 untutored, non-techy side of me says, "Gee, didn't we do  
3 that five years ago." And we don't seem to be much  
4 further along in having a system than we were four or five  
5 years ago. And that continues to trouble me. If only  
6 from the standpoint of the money that's been expended on  
7 this process since 1988.

8           But at some point, you know, we've got to get  
9 going with this and get something, not only down on paper,  
10 but down in, you know, into a system that's actually been  
11 designed and procured and is operating. The sooner that  
12 is, the better.

13           MS. NEWBURY: Forgive my ignorance, Chip, but  
14 I'm under -- I'm getting the impression that what you're  
15 talking about with the issues tracking is a different  
16 beast than the document discovery LSS that we're planning.  
17 Is this a major change in what our design should be and  
18 what --

19           MR. SILBERG: No, it's the same system you  
20 just, you know, people are going to be using it for  
21 different purposes.

22           MS. NEWBURY: Well, but --

23           MR. SILBERG: You can't use it for discovery  
24 until there's a procedure. But there are lots of other  
25 reasons to want to know what the documents are --

1 MS. NEWBURY: Right. Well, but are  
2 there other things that have to be in it --

3 MR. SILBERG: No.

4 MS. NEWBURY: -- if we do this kind of thing,  
5 I don't know?

6 MR. SILBERG: No.

7 MR. MURPHY: No, just by way of background,  
8 Claudia, there was a point in time in the program, not  
9 just the LSS negotiations, but in the program when Bob  
10 Browning, a now retired head of the Division of Waste  
11 Management at the NRC, for example, was very big on the  
12 idea of having a series of mini-licensing proceedings  
13 prior to the license application ever being filed, no  
14 docket number in the NRC, no nothing. But, you know,  
15 closing issues as they arose during the prelicensing  
16 process so that when we got down to, you know, Bob's dream  
17 was that when we got down to eventually filing a licensing  
18 application that people were still in need -- they were  
19 talking about '98, I think, that everything else would  
20 have been resolved and we'd have a little two-week hearing  
21 to ratify that the parties had already decided. And then  
22 all gather out at the site and dedicate the site.

23 I mean, you know, that's an exaggeration, but  
24 that's basically what he had in mind. And so one of the  
25 things we talked about during the license -- during the

1 negotiations was, can we get this thing on-line in time to  
2 allow the parties to participate in that kind of process.  
3 Well, that kind of process, for a variety of reasons,  
4 ain't ever going to take place. You know, if for no other  
5 reason than the nonfederal participants have made it  
6 crystal clear that we're never going to agree to close any  
7 issues until there's a docket number next to the -- on the  
8 license application.

9                   But that's the reason why, or one of the  
10 reasons why we were talking about that during the  
11 negotiations. The second reason is the one that Jay just  
12 mentioned, the earlier we get this available to us the  
13 better we are, better everybody is, the better off  
14 everybody is.

15                   MR. CAMERON: Let me put a little bit of a  
16 different point on what Mal said. But giving the same  
17 bottom-line answer is that you don't have to design an  
18 issues tracking system into the LSS. And Mal was talking  
19 about the mini-licensing proceeding and why that's --

20                   MR. MURPHY: Right.

21                   MR. CAMERON: -- never come about, but there  
22 was a concern that the LSS be able to be used -- in other  
23 words, same design that we're talking about, same  
24 functional requirements, but that you could use the LSS to  
25 not get to issues closure, certainly in the sense that Bob

1 Browning might have been thinking of it, but that you  
2 would be able to define the status of issues resolution  
3 more clearly through use of the document database.

4           And on a separate note though, I guess that  
5 there's still a question in my mind about is there, in the  
6 DOE records management system, I mean it might be useful  
7 to have a presentation on this sometime, this is a  
8 preparation for litigation concern too, is there a link  
9 between DOE documents and DOE decisions, a specific link?  
10 Maybe the best analogy I could use to describe that is  
11 that we're presently putting a system together at the  
12 Commission that would be a full-tech system covering many  
13 different areas of regulation that has in it all of the  
14 documents that were used in a Commission decision on a  
15 particular issue.

16           So in other words, it's not, in terms of the  
17 LSS, it's not all the relevant documents, but all of the  
18 documents that are important to a particular decision.  
19 And so, aside from the LSS design there is some concern  
20 about what is the state of the DOE records management  
21 system in terms of providing those links with decisions.

22           MS. NEWBURY: Well, we could provide --

23           MR. CAMERON: That may be out of your area.

24           MS. NEWBURY: We could provide you a  
25 presentation on it next time, but it does lead to a

1 question. If that is not in place, if there is no way to  
2 link, you wouldn't expect us to go back and retrofit,  
3 would you? I mean that wouldn't be particularly useful if  
4 we took our backlog of decisions and --

5 MR. MURPHY: I'm not, yeah --

6 MS. NEWBURY: -- tried to --

7 MR. MURPHY: Chip, I'm not sure I understand  
8 what problem you're referring to.

9 MR. CAMERON: I guess the problem is is there  
10 a -- if DOE makes a particular decision to do certain --  
11 boring a certain way, or --

12 MR. MURPHY: Well, we --

13 MR. CAMERON: -- you know, is there a -- is  
14 there a document, is there a records track associated with  
15 that particular --

16 MR. MURPHY: I see. Could somebody --

17 MR. CAMERON: -- decision.

18 MR. MURPHY: -- sit down at the terminal,  
19 oops, workstation some day --

20 MR. CAMERON: Did he get that right? Is it a  
21 workstation?

22 MR. MURPHY: Is that right? Did I say that  
23 right?

24 UNIDENTIFIED SPEAKER: Yeah, that's right.

25 MR. MURPHY: Can somebody sit down at a

1 workstation some day and say, "Okay, I want a -- machine,  
2 give me every document which was involved in or led up to  
3 DOE's decision to -- to use the tunnel boring machine  
4 rather than blast a vertical shot."

5 MR. CAMERON: That's exactly. And, you know,  
6 the LSS, it was thought, because we have all the documents  
7 in it that maybe we could draft a resolution to that. But  
8 it's a separate issue, also, I think, dealing with just  
9 the nature of the licensing program.

10 MR. FRISHMAN: Okay, but I think you're right  
11 too, we're -- as issue resolution stands right now, you  
12 know, with all of the exact right words and everything,  
13 that the staff, the NRC staff is going to have to be in a  
14 position to continually sort of review everything that led  
15 to their decision to say the magic words, "We have no  
16 further questions."

17 MR. MURPHY: Yeah, that's right.

18 MR. CAMERON: Right.

19 MR. FRISHMAN: And I'm not sure that your  
20 staff is set up to do that right now.

21 MR. CAMERON: Well, I --

22 MR. FRISHMAN: That's one of my misgivings  
23 about those magic words.

24 MR. CAMERON: Listen, I don't mean to leave us  
25 out of the -- of this issue, in terms of being prepared on

1 our own to be able to make links between our documents and  
2 our decisions on it, it's just as important.

3 MS. NEWBURY: Also, at what level would you be  
4 talking about? Is this every decision made or is it, for  
5 instance, an issue resolution report which does that  
6 document or --

7 MR. CAMERON: I guess I could --

8 MS. NEWBURY: -- processes?

9 MR. CAMERON: I guess I couldn't speak to that  
10 right now, Claudia.

11 MS. NEWBURY: It's actually could be a very  
12 frightening thought if you go down to --

13 MR. MURPHY: Yeah, we're all headed in that  
14 direction anyway. You know the world is moving in that  
15 direction. We're all going to have LSSes at home to pay  
16 our grocery bills with one of these days. But, you  
17 know -- so, but I -- you know, your point is that nobody's  
18 directed you to design your system to allow us to do that.

19 MS. NEWBURY: That's true.

20 MR. MURPHY: And if we do direct you to do it  
21 you're talking about, I would assume, more time and more  
22 money.

23 MS. NEWBURY: Yes.

24 MR. LEVIN: It's amazing he did that without  
25 benefit of electronic device also.

1           MR. MURPHY: It shouldn't be that tough,  
2 Claudia, DOE only makes about two decisions a year.

3           MS. NEWBURY: Having made some of those, I  
4 hate to tell you how he did it.

5           MR. MITCHELL: Claudia, would it be possible,  
6 or maybe this has been discussed in the past, do you think  
7 it would be advisable or necessary or what -- well, what  
8 kind of comment do you have if a suggestion were to be  
9 brought forth that the actual technical component and the  
10 equipment and so forth be subcontracted out to an  
11 information technology company? Would that speed things  
12 up do you think at all, or could that be done?

13          MS. NEWBURY: We're in the process of making  
14 those decisions. That's -- make by analysis that we'll go  
15 through once we have the requirements and we'll document  
16 that decision and go forward. If it is more cost  
17 effective to make it ourselves, we will do it that way.  
18 If it's better to go to some business to have it done, we  
19 will take that option. And that's a decision by next  
20 year.

21          MR. MITCHELL: By next year?

22          MS. NEWBURY: Yeah.

23          MR. HOYLE: Is that decision forecasted like  
24 September of next year or earlier?

25          MR. GANDI: March of next year.

1 MR. HOYLE: March of next year?

2 MS. NEWBURY: March of next year.

3 MR. HOYLE: A year from now?

4 MS. NEWBURY: A year from now. At which point  
5 we'll go for an RFP and it will be -- if that's the  
6 choice. But you'll know well before that.

7 MR. HOYLE: So you anticipate the RFP, and if  
8 there is to be one, in the spring of next year?

9 MS. NEWBURY: Yes.

10 MR. HOYLE: Further discussion of the issues  
11 tracking aspect? Moe, were you finished or did you have  
12 more?

13 MR. LEVIN: That was it.

14 MR. HOYLE: That was it. Okay.

15 MR. MURPHY: Is it -- well, let me --

16 MR. HOYLE: Yeah.

17 MR. MURPHY: -- something just did occur to  
18 me, are we going to be kept informed of the work of the  
19 senior management team? Is there any -- is there going to  
20 be any linkage between the --

21 MR. LEVIN: I plan to report our activities at  
22 every ARP meeting from this point on. I will probably  
23 make that part of the agenda. As long as there's a senior  
24 management team, I'll report. Did you think that would be  
25 timely enough?

1           MR. MURPHY: Sure. Unless some -- it would be  
2 timely enough in -- absent some extraordinary --

3           MR. LEVIN: Unless there's some major issues.

4           MR. MURPHY: -- circumstances.

5           MR. LEVIN: Right. Right.

6           MR. MURPHY: Just tell Olmstead he can come to  
7 the meetings too, we'd be --

8           MR. SILBERG: No, no.

9           MR. MURPHY: I didn't finish my sentence, Jay.

10          MR. CAMERON: Can you identify in the  
11 transcript who said "No"?

12          MR. MURPHY: Who said that? Make sure it's  
13 noted who said "No."

14          UNIDENTIFIED SPEAKER: Let the transcript  
15 reflect laughter.

16          MR. MURPHY: I wasn't going to say tell  
17 Olmstead he can come to the meetings, that Jay and I  
18 haven't had a chance to beat on him in several years.

19          MR. LEVIN: We'll have to extend the meeting  
20 by one day if we invite Bill.

21          MR. HOYLE: All right, if there's no further  
22 discussion on this item, I would like to take a short  
23 break before we start talking about the draft participant  
24 compliance document and the comments received on that.

25                 (Whereupon, at 10:10 a.m. there was a recess

1 taken to reconvene at 10:40 a.m.)

2 MR. HOYLE: I would like to start again.

3 Would the members take their seats, please.

4 MR. CAMERON: Can we get the transcript on  
5 Monday or Tuesday?

6 MR. HOYLE: Tuesday, I think.

7 MR. CAMERON: I want to get it out as soon as  
8 we can.

9 MR. HOYLE: Okay. Before beginning with the  
10 next item, which would be comments received on draft  
11 participant compliance document, I'd just ask if there are  
12 any further comments on the subject that we were talking  
13 about just before? Stan?

14 MR. ECHOLS: Yeah, I'd just like to seek for  
15 clarification --

16 MR. HOYLE: Is this -- can you --

17 MR. ECHOLS: Sure. Stan Echols. To seek a  
18 clarification, talking about the administrative record and  
19 the use of the LSS connected to that. Normally,  
20 independent of an LSS or any electronic system, any major  
21 administrative decision would have support behind it,  
22 being the administrative record. What was the basis for  
23 that decision? And that could be documents, it could be  
24 policy considerations and other things. And one would  
25 hope that when there is a major agency decision the basis

1 of it would be articulated, it could be in a memo, say,  
2 based upon the following documents and policy  
3 considerations this program is going to do the following.

4 Now that memo could be in a hard file or it  
5 could be in an electronic file. Now, as I understand it,  
6 you do not expect the LSS, independently, to draw together  
7 the administrative record, but rather you would hope to  
8 find that memorandum that provided the basis for a major  
9 decision and then from that memorandum you could look at  
10 the other documents. Is that correct?

11 MR. CAMERON: Right, but we also were  
12 concerned that there be a memorandum like that so that  
13 when you're trying to -- you don't have to scramble to try  
14 to --

15 MR. ECHOLS: Right.

16 MR. CAMERON: -- put together the  
17 administrative record on the fly.

18 MR. ECHOLS: Right, but that would be  
19 independent of whether or --

20 MR. CAMERON: But that's a separate --

21 MR. ECHOLS: -- there was an LSS?

22 MR. CAMERON: Absolutely.

23 MR. ECHOLS: Right, because generally if at a  
24 later point someone challenges a particular agency  
25 decision, as a general rule greater credibility is given

1 to an administrative record that was assembled  
2 contemporaneous with the decision rather than the one that  
3 was done ad hoc to try to -- the perception then being you  
4 tried to justify the decision. And again, that's  
5 independent, that's sort of basic administrative law  
6 independent of whether you have an electronic system or  
7 not. Is that -- is that a correct understanding of what  
8 you're looking for?

9 MR. CAMERON: Basically.

10 MR. ECHOLS: Okay. The idea being that the  
11 LSS would help you find those relevant documents if you  
12 had the decision memo.

13 MR. METTAM: John?

14 MR. HOYLE: Yes.

15 MR. METTAM: Just one clarification. I think  
16 Claudia said the RFP would be due out in '96, March of  
17 '96?

18 MS. NEWBURY: Yes.

19 MR. METTAM: When will the build/buy decision  
20 be made?

21 MS. NEWBURY: That -- well, that would be just  
22 prior to the RFP. I said the made by decision would be  
23 March of '96, a year from now.

24 MR. METTAM: Okay. The decision --

25 MS. NEWBURY: At which point we would put out

1 an RFP if the decision --

2 MR. METTAM: Okay.

3 MS. NEWBURY: -- was to buy.

4 MR. METTAM: Thank you.

5 MR. HOYLE: Well, just to clarify, during the  
6 prior discussion, Claudia, you did say that you could  
7 brief us next time on the DOE records system and then I  
8 guess the -- perhaps the manner in which you do, or have  
9 established administrative records so far?

10 MS. NEWBURY: Uh-huh.

11 MR. GANDI: You'll be getting a part of it  
12 today with Dave, Dave Warner.

13 MR. HOYLE: Okay.

14 MS. NEWBURY: Dave Warner will be giving you  
15 some of that. I think it would be helpful for the rest of  
16 the ARP to see how we're handling our records and pulling  
17 things together, because they're going to have the same  
18 responsibilities. And you maybe can learn something from  
19 what we're struggling with now. Certainly not the  
20 volumes, but the same concepts.

21 MR. HOYLE: Okay, thanks.

22 All right, let's proceed then with Mr. Levin's  
23 discussion of the draft participant compliance document  
24 comments.

25 MR. LEVIN: Okay. We handed out our review of

1 the comments on the participants commitments document. We  
2 handed that out last night, hopefully you've had a chance  
3 to look at it. We've -- that incorporates the comments we  
4 had received from Clark and Nye counties and DOE. We've  
5 received more comments since, and we haven't had a chance  
6 to incorporate those yet. So what you see is just the  
7 comments from those three sources.

8           And there were two recurring things within all  
9 the comments, that was the -- a concern about the degree  
10 of burden generated by some of the commitments. And we  
11 hope that we've made changes here that will try and lessen  
12 the burden. We definitely don't want this to be  
13 burdensome. It's a balancing act between making sure that  
14 it -- everything is functioning as should be, and yet not  
15 being too burdensome. So there will be continual fine  
16 tuning of that.

17           And the other comments referred to specific  
18 dates for deadlines, and those were based on earlier LSS  
19 system development schedules and we will update those --  
20 the timetables in the commitments document based on  
21 whatever DOE schedules there are. So those we realize had  
22 to be changed.

23           Also, there were comments outside -- we felt  
24 were outside the purview of the commitments document,  
25 those we did not address. Some of the comments raised

1 questions of terminology, so we included in the back of  
2 this -- of the document a definition of a set of terms.  
3 And if there -- we'd like you to look at those, and if  
4 those are -- let's see, is that here on the -- yeah, it's  
5 a separate document, I'm sorry. Definition of terms and  
6 listing of acronyms. And these would be incorporated as  
7 part of the commitments document. And if you look at  
8 those over time, if there's any clarification that needs  
9 to be done there, changes, editing, any terms that we  
10 haven't covered, let us know and we'll add those. But we  
11 think this was a very good comment and it's going to be  
12 very useful.

13           That would -- like I said last evening, we  
14 didn't have a prepared presentation, we were hoping just  
15 to pass this out and if there were any questions we'd be  
16 prepared to answer them.

17           MR. SILBERG: Moe, we did not submit our  
18 written comments, at least not yet, but I certainly agree  
19 with a lot of the views that have been expressed,  
20 particularly on the burdensomeness. I think a document  
21 has kind of created the Cadillac of all participant  
22 commitment programs, or maybe the mother of all  
23 participant commitment programs.

24           MR. LEVIN: We try.

25           MR. SILBERG: Right. And particularly for

1 anyone except NRC and DOE and maybe even for DOE, it seems  
2 to me that there's a tremendous amount of overkill in here  
3 and the amount of review that's going to be given to the  
4 documents. I can see the QA facility having a very large  
5 staff if it's going to do all the audits and reviews that  
6 are laid out in here, and I think that's just totally  
7 unnecessary. I think that the system will be  
8 self-policing to a large extent and I think -- and I want  
9 a program of some reasonable scope that certainly is  
10 something that is needed, but what I see created here is a  
11 very large system indeed. So I would hope that when you  
12 review this that you can really scale it back  
13 considerably.

14           The other generic comment I have is that a lot  
15 of the provisions in here rely on LSSA guidance. And  
16 until we know what that LSSA guidance is we're not going  
17 to be able to make a determination as to whether the kinds  
18 of commitments are indeed reasonable or not. You're  
19 asking us to do certain things subject to guidance and  
20 until we see what that is I really don't think we're in a  
21 position to say this is or isn't something that is going  
22 to be something with which we can comply.

23           I would assume those guidance documents will  
24 be prepared over time. I would assume that the ARP will  
25 be given the opportunity to review those. They are not --

1 we recognize they are not regulations. On the other hand  
2 if our compliance and the compliance of other parties is  
3 going to be governed by compliance with guidance  
4 documents, what's in those documents is obviously pretty  
5 important. And so we would hope that when you draft those  
6 up at the appropriate time, that you keep in mind, you  
7 know, some of the generic comments that you're hearing  
8 around the table now. And also that we get a chance to  
9 review those. And I'm sure that that was in your program  
10 to start with.

11 MR. LEVIN: Yes, it's -- you will  
12 definitely -- I think all your assumptions are correct.  
13 You definitely will have a chance to review everything.  
14 But we have to set some limit on it. We can't keep going  
15 into cycles and cycles of review and never coming to  
16 closure. So there has to be some point in time where we  
17 cut the review off. But everybody will have a chance to  
18 review all these documents.

19 And what we will do is we'll go back and we'll  
20 look through the commitment document as it stands and find  
21 out every place where it says "guidance" and we'll make  
22 sure that those guidance documents are available so that  
23 you'll know, so you will be able to comment. I think  
24 that's a very good comment.

25 MR. SILBERG: And I assume these are things

1 which are not yet developed and maybe cannot possibly be  
2 developed now until the system is --

3 MR. LEVIN: Well, I have to defer to Tony and  
4 Joe who really did most of the work developing the  
5 commitments document. Do you care to comment?

6 MR. NEVILLE: Just to generally say that none  
7 of them are in any kind of final form. Some of them we've  
8 made progress with, other items are clearly going to have  
9 to wait to a further stage of the system development.

10 MR. LEVIN: Okay, and what we -- what I plan  
11 to do, and I'm open to discussion on this, is what I'd  
12 like to do is after this meeting give everybody another  
13 two weeks, let's say, to comment on this and then just  
14 take the comments, incorporate them into the final  
15 document and that will be it. And that isn't to say that  
16 we won't be doing fine tuning and taking your comments  
17 into consideration as they come in in an ad hoc basis over  
18 time, but I would like to bring the closure of this  
19 interactive-type process, because it could go on forever,  
20 and we have to start making plans.

21 Does anybody see a problem with that? Okay,  
22 so we will, I guess set a date two weeks from today, or  
23 no, let's -- when were these -- let's say two weeks from  
24 Monday.

25 MS. NEWBURY: The 7th?

1 MR. LEVIN: The 7th.

2 MR. MURPHY: And what is it you want us to do  
3 now, Moe?

4 MR. LEVIN: One final round of comments.  
5 After the discussion, at the end, looking at what we have  
6 here.

7 MR. MURPHY: Looking at this or this?

8 MR. LEVIN: At this.

9 MR. SILBERG: Moe --

10 MR. MURPHY: When I asked for -- or suggested  
11 that we have more time available to talk about this agenda  
12 item yesterday, I -- that was before I knew that this  
13 thing existed and I thought we were still going to be --  
14 we were going to be picking at a lot of these -- a lot of  
15 these issues. I was very pleased to read this over last  
16 night in my room and realized that you are addressing some  
17 of these things. Particularly the ones that Jay mentioned  
18 and that we -- the comments that we submitted on the  
19 feeling that the compliance was going to be so burdensome  
20 that any benefit to the smaller nonfederal participants  
21 would be overwhelmed by the burden necessary to comply.

22 Let me just clarify a couple of things, on  
23 page six under Commitment 1.D. I take it then that you're  
24 no longer -- that the final document will no longer insist  
25 that all of the participants maintain the kind of

1 intricate audit trail that the original participants  
2 commitment document required, such as an individual  
3 explanation on each document as to why we considered it  
4 relevant or nonrelevant?

5 MR. LEVIN: Exactly. My logic on that was it  
6 was each -- it was up to each participant to determine  
7 relevancy, anyway.

8 MR. MURPHY: Right.

9 MR. LEVIN: And so why have that kind of a  
10 tracking.

11 MR. MURPHY: Right.

12 MR. LEVIN: It didn't seem to make sense.

13 MR. MURPHY: I read that over and I thought,  
14 Good gosh, I mean we're all going to be sitting up there  
15 in Tonopah writing explanations about why we're  
16 not putting our documents into the system and nobody will  
17 be doing oversight anymore, we'll all be -- but it was  
18 just ridiculous. And what do you mean when you say it may  
19 also be possible to simplify the requirements depending on  
20 how the question of inclusion/exclusion is ultimately  
21 decided? Where are you trying to go there?

22 MR. LEVIN: Tony, do you remember our thoughts  
23 on that?

24 MR. NEVILLE: The thinking was that the -- I  
25 think it refers back to part of the -- let me see --

1 earlier references to the audit trail.

2 MR. SPEICHER: This is Joe Speicher, Levi  
3 Anderson. The reference there refers not only to the  
4 simplification of the audit trail process whereby you  
5 wouldn't have to track inclusion/exclusion decisions  
6 depending upon how inclusion/exclusion is determined. The  
7 thought there is that there is some thought related to how  
8 much material will be put into the LSS and in what  
9 fashion. If you read the document you can see where DOE  
10 has a proposal to input a portion of their collection that  
11 they consider relevant without a particular rescreening  
12 effort.

13 If that takes place for sure the whole process  
14 of tracking that particular operation through the audit  
15 trail will be simplified. But also, the actual physical  
16 doing of the relevancy screening will be much simplified  
17 and less burdensome.

18 MR. MURPHY: Well, I can see that, but I guess  
19 I'm having -- I'm having trouble understanding -- and  
20 let's assume that it's -- that at some point in time, like  
21 I mentioned earlier this morning, at some point in time  
22 the -- everybody realizes that the universe of documents  
23 which is going to be included in the LSS is smaller than  
24 we had originally thought it might be when we were  
25 negotiating the rule back in '87, '88, et cetera, so that

1 DOE does not -- and we and everybody, the NRC, does not  
2 have the same number of documents to input into the LSS as  
3 we originally thought we might have to. How does that  
4 change -- you still have to make a decision, either with  
5 respect to an individual document or a group, a category  
6 of documents, some decision has to be made as to whether  
7 or not they're relevant, likely to lead to relevant  
8 information, and thus, whether or not they should be  
9 included or excluded? You're still going to have to go  
10 through the same process, aren't you? How would the  
11 smaller number of documents being included make it easier  
12 to go through that process?

13 MR. SPEICHER: Well, again, it's not  
14 necessarily a question of the number of documents, it's  
15 how they're determined to be included or excluded. If you  
16 take a look at -- for instance, you look at all the  
17 program documents DOE has and you say, "Well, let's just  
18 put them all in the LSS, you know, let's just not make a  
19 second cut."

20 MR. MURPHY: Oh, I see.

21 MR. SPEICHER: Okay, and say --

22 MR. MURPHY: Then you --

23 MR. SPEICHER: -- let's rescreen, you know,  
24 this is a litigation support process, you know, you go out  
25 in the field you get boxes of stuff, you bring them back

1 and you go through them again to determine what you want  
2 to put in your database. If you've already made that  
3 initial cut, to say, "This looks like program-relevant  
4 stuff," let's put it all in.

5 MR. MURPHY: Yeah, I got you.

6 MR. SPEICHER: That's what simplifies the  
7 process.

8 MR. MURPHY: Oh, yeah, I understand that now.  
9 If you're going to put everything in, the screening  
10 process becomes simple.

11 MR. SPEICHER: Well, that's the proposal, it  
12 hasn't been determined that that's the case yet.

13 MR. MURPHY: Yeah, I got you. I understand.

14 MR. SILBERG: Moe, the comment that you have  
15 on this one where you say the participants should maintain  
16 an audit trail, is that still saying you need, you know,  
17 some kind of a paper trail or electronic trail for each  
18 document that you're putting into the system?

19 MR. LEVIN: Basically --

20 MR. SILBERG: Or is that a process?

21 MR. LEVIN: It's saying, you know, every  
22 participant should just have a good administrative process  
23 for tracking their documents as they go through their own  
24 internal systems and end up in the LSS, just so you can  
25 follow its path and how it got there. It's normal

1 acceptable management practice, I think. We were just  
2 stating, it might have been something that was obvious.

3 MR. SILBERG: You're not saying that you need  
4 a document by document tracking system, or are you?

5 MR. NEVILLE: No, we're not saying that.  
6 We're saying that the LSSA would audit the procedures and  
7 process that the participants have used.

8 MR. SPEICHER: So you have to consider in a  
9 situation like this kind of a document, discovery  
10 situation, in most situations that I've dealt with, in any  
11 event, you'd go through a process where you take a  
12 document and you're going to have to prepare a header for  
13 it. When you prepare that header, if you've got a room  
14 full of people that are doing this you're going to want to  
15 know, you know, who -- what batch that document is in and  
16 who -- what coder processed it, what QA-er looked at it.  
17 So there's a normal process of tracking, you know, you  
18 don't have to have a sophisticated electronic system set  
19 up to do it.

20 MR. SILBERG: That still sounds like document  
21 by document identification and I --

22 MS. STOTLER: Why does the LSSA care?

23 MR. SILBERG: I can't conceive that that's  
24 useful. It's just -- and that seems --

25 MR. SPEICHER: I think you're missing the

1 point. I'm saying in the normal document processing  
2 operation the -- an individual -- a group that was doing  
3 that would keep a tracking system of what they were doing.

4 MR. SILBERG: I don't think so. I mean we've  
5 done document production involving millions of documents  
6 in ongoing litigation and I don't think we have that kind  
7 of document-by-document identification.

8 MR. LEVIN: What about the situation where you  
9 claim to have submitted something and we can't find it in  
10 LSS and we have to go back and trace it through the  
11 process to find out what happened to it? What --

12 MR. SILBERG: Well, it doesn't matter what  
13 happened to it, you know, if the document isn't there and  
14 it should be you go find the document and you put it in.

15 MR. LEVIN: I see.

16 MR. SILBERG: Unless there's some allegation  
17 that there's a, you know, a deliberate programmatic  
18 violation or even a programmatic violation that is  
19 screwing up the process, what do you care why a particular  
20 document didn't make it? I mean all you want to do is you  
21 want to get that document in there.

22 MR. BALCOM: Jay, I think one of the  
23 differences may be that in this case you're required to  
24 submit a header and you'll probably do that with a  
25 computer, you know, you'll do it on a computer and send

1 the document, either print that out and send it along with  
2 the document or do it electronically. Normally when  
3 you're doing a discovery request you just ship them a  
4 document and don't do a header. So the information will  
5 be there somewhere on somebody's computer and just to keep  
6 track of that would seem to be a normal byproduct of  
7 having to do a header in the first place.

8 So I guess maybe the question is --

9 MR. MURPHY: You're only going to do a header  
10 on documents that you submit for inclusion.

11 MS. STOTLER: But it still shouldn't be of  
12 interest to the LSSA --

13 MR. BALCOM: No, and I'm not saying that, I'm  
14 just trying to clarify that this is probably a slightly  
15 different process than a normal litigation discovery  
16 situation.

17 MR. SILBERG: I agree, I just don't want to  
18 create a system where, you know, we're going to have  
19 hoards of classifiers and people who are keeping track of  
20 hoards of classifiers and people who are keeping track of  
21 the people who are keeping track of hoards of classifiers.  
22 And then we're going to have hoards of people in the  
23 LSSAQA facility who are looking at all these papers.  
24 We're just -- you know, we're creating a bureaucracy which  
25 just is not needed.

1           MR. LEVIN: I think it's a valid point, we'll  
2 go back and relook at this. I think it may be the case of  
3 the dog that's chasing the car and catches it and doesn't  
4 know what to do with it. What are we -- if we have the  
5 data, what are we going to do with it I think is the  
6 question we have to discuss internally. I think it's a  
7 valid point, and we will go back and look at that.

8           MR. MURPHY: On the -- my comment on the  
9 priority loading schedule, what -- I mean I guess I'd sort  
10 of like everybody else's reaction to that. What I said in  
11 our comments was that we need to make a determination now  
12 as to whether or not we needed a priority loading  
13 schedule, and if so what it is. And I think I went on  
14 today, in my view at least, a priority -- the need for a  
15 priority loading schedule was pretty obvious and we ought  
16 to decide what it is fairly soon. Does anybody really  
17 disagree with that? I mean I don't know, maybe I'm wrong.  
18 Maybe under the new program we don't really need --

19           MR. CAMERON: Well --

20           MR. MURPHY: -- to prioritize loading the  
21 backlog documents. This is what I'm talking about, just  
22 backlog documents here.

23           MR. CAMERON: Well, I think that our approach  
24 over the years has been that if you're going to get the  
25 system up and running some time before the license

1 application comes in, then why not load it with documents  
2 that would be as useful -- the most useful as possible --

3 MR. MURPHY: That's what I thought.

4 MR. CAMERON: -- for the participants to use.  
5 So I think that, then Moe correct me if we have any sort  
6 of different thinking on this, because of systems, but I  
7 think it sounds like a good idea.

8 MR. LEVIN: It's a good idea and it depends,  
9 for instance, it depends on how much time we have to load  
10 the LSS. If we have a short window then priority  
11 loading -- a short window with a large backlog, priority  
12 loading makes sense. On the other hand, if we're  
13 delivered a fully loaded system well enough in advance we  
14 shouldn't have enough new documents coming in to present a  
15 problem. In other words we should be able to -- may be  
16 able to load everything as it comes in, in which case we  
17 don't have to establish priorities.

18 So it all depends on what our window is for  
19 loading the system and how much backlog there is to load  
20 in that window. And I'm not sure we know exactly what  
21 those parameters are right now.

22 MR. MURPHY: By the time you do know it's  
23 going to be too late.

24 MR. LEVIN: Well, I don't know.

25 MR. MURPHY: If you have a narrow window.

1           MR. CAMERON: What does DOE think about this,  
2 about the possibility of putting some priority categories  
3 on?

4           MS. NEWBURY: We could prioritize the backlog,  
5 but again, it would depend on what people are going to be  
6 looking at. I'd could think about it.

7           MR. CAMERON: Well, I mean it would depend --

8           MS. NEWBURY: It would depend on --

9           MR. CAMERON: -- that's establishing the  
10 category, right?

11          MS. NEWBURY: Yeah.

12          MR. MURPHY: You really, I mean it's not a  
13 decision that you and John can make, Claudia. What you  
14 really need is guidance from the people who are going to  
15 be conducting the licensing process for you.

16          MS. NEWBURY: Right.

17          MR. MURPHY: You know they have to decide what  
18 are going to be the critical issues in licensing.  
19 Groundwater travel time is going to be critical, let's  
20 make sure that we get groundwater travel time documents,  
21 backlog documents loaded. You know, vulcanism is going to  
22 be a critical issue, let's make sure we get vulcanism  
23 documents loaded. You know dissolution might not be a  
24 critical issue, we could put that off. You know,  
25 something like that.

1 MR. CAMERON: Well, but if the --

2 MR. MURPHY: Those are the kinds of priority  
3 loading decisions I'm talking about.

4 MS. NEWBURY: Those make logical sense to me,  
5 I mean when we are putting together issue reports or  
6 topical reports or whatever it is that the NRC will  
7 actually review now, we would want to have all the records  
8 associated with those into the system.

9 MR. CAMERON: And you could also by -- another  
10 way to cut it besides topic is to load the basic  
11 regulatory documents, the basic foundation documents in  
12 first. But this is a discussion of what the priority  
13 categories would be. And I think that from what Moe's  
14 saying, we're at the point of deciding does the DOE  
15 design, develop and loading plan, can that accommodate, or  
16 can we make it accommodate the idea of priority  
17 categories, which would then be available. In other  
18 words, the LSS would be available at a certain point with  
19 priority loading categories, a small database in it,  
20 people would be using it, but then there would be a  
21 continued loading of all these other documents.

22 And I don't think that that is the way that  
23 you've been thinking about it so far. And the question  
24 is, can we do something like that?

25 MS. NEWBURY: I'm thinking, I'm looking at my

1 records person right now. Can we do that?

2 MR. WARNER: We would have to know --

3 MS. NEWBURY: Dave Warner.

4 MR. WARNER: This is Dave Warner. I think we  
5 would have to have sufficient lead time so we could  
6 identify what categories of priorities you wanted to.

7 MR. MURPHY: Well, sure, yeah.

8 MR. WARNER: I mean I think everybody  
9 understood that's a given. And we have enough flexibility  
10 in our program that we could adjust it to meet that need.

11 MR. MURPHY: We started that process some  
12 years ago. Shortly after the rule was adopted, the  
13 parties submitted lists. I think we only got through one  
14 iteration of it and we never -- you know, and then we got  
15 off on MOU tracks and arguments over funding and stuff  
16 like that. But we did -- there was some first-cut attempt  
17 at the parties identifying what they thought were going to  
18 be the --

19 MR. LEVIN: Help me out here a little bit,  
20 wouldn't this all kind of hinge on early availability of  
21 access to the LSS? In other words, if an LSS was going to  
22 be provided to me, fully loaded at a certain date for my  
23 certification, in other words, all the backlog was loaded,  
24 and that was the first time that you would have access to  
25 it, then priority loading is not an issue.

1 MR. MURPHY: That's right.

2 MR. LEVIN: Am I correct?

3 MR. GANDI: That's correct.

4 MR. LEVIN: So that's why I'm saying, it  
5 depends on what the plans are. And I ask DOE again, are  
6 your plans, as they stand right now, are you thinking of  
7 providing me a fully loaded system of certification?

8 MR. GANDI: That's correct.

9 MR. LEVIN: Okay, so then, in that case,  
10 priority may not be an issue.

11 MR. CAMERON: I think that the way to put this  
12 in context is do we want or do we have to -- or are we --  
13 basically we -- is it a fait accompli that we get a fully  
14 loaded system in 1998 available for access or can we get a  
15 system available for access in 1996 with only part of the  
16 database on it, that part being a priority database?  
17 That's the issue.

18 MR. LEVIN: That I think is the real issue.

19 MR. GANDI: And I see where you're driving at  
20 here, it's either an LSS or access to our records system  
21 at that time.

22 MR. CAMERON: It wouldn't necessarily, I don't  
23 think we were thinking about it like that, but I suppose  
24 that that could be possible.

25 MR. GANDI: Well, if I go out in procurement

1 in March of '93 --

2 MS. NEWBURY: '96.

3 MR. GANDI: '96, I'm sorry. I did I think.

4 Anyway, we certainly could shadow our records system at  
5 that point in time for access.

6 MR. CAMERON: So what you're saying is the  
7 procurement schedule really puts a constraint on --

8 MR. GANDI: Early.

9 MR. CAMERON: -- having LSS early availability  
10 with even a small --

11 MR. GANDI: Right.

12 MR. CAMERON: -- part of the database. But it  
13 may be possible for us to --

14 MR. GANDI: Have LSS fuctionability.

15 MR. CAMERON: -- tune into the DOE records  
16 system.

17 MR. GANDI: We have made the ATDT available to  
18 NRC, about 45 users signed up, no one has logged on. We  
19 could use that same system.

20 MR. SILBERG: What is the ATDT?

21 MS. NEWBURY: The Automated Technical Data  
22 Tracking System. It tracks all the technical information  
23 that's collected by the program.

24 MR. CAMERON: But this would be just --

25 MR. MURPHY: The NRC has never logged on to

1 that system?

2 MS. NEWBURY: Once one person did.

3 MR. CAMERON: We got everything we needed.

4 MR. MURPHY: That's not your fault.

5 UNIDENTIFIED SPEAKER: We like hard copy.

6 MS. NEWBURY: And we give you lots of  
7 catalogs.

8 MR. GANDI: I don't see why something -- an  
9 arrangement like that couldn't be made. We're progressing  
10 down to put our records together. I have the feeling at  
11 times that people around this table believe we've got a  
12 record system. Hell, we don't have a record system.

13 MR. SILBERG: We thought you had one five  
14 years ago.

15 MR. GANDI: Not in this scope.

16 MR. SILBERG: We thought you had one three  
17 years ago.

18 MR. GANDI: Well we don't, we've got an index  
19 system.

20 MR. MURPHY: Part of --

21 MR. GANDI: And we can drag out some hard  
22 copies for you, if you'd like.

23 MR. MURPHY: Part of my concern is the lack of  
24 confidence that you're going to be able to get the LSS  
25 available within a year of licensing under the current

1 schedule, without some way of prior -- of loading it  
2 priority --

3 MR. GANDI: To be quite honest with you, I'm a  
4 little concerned too if the requirements change every  
5 three months when we have meetings.

6 MR. MURPHY: Yeah, and we've got to stop doing  
7 that to you, that's true. But you know I just think  
8 you're going to have a great deal of trouble getting that  
9 done and --

10 MR. GANDI: I do too, we're very tight.

11 MR. MURPHY: -- if we have document -- if we  
12 give you the way -- priorities on which we want the  
13 backlog documents loaded, for example, you might be able  
14 to come to us and go to Moe a year before licensing and  
15 say, "Here's the system, but it's not fully loaded. We've  
16 got, out of the 10 categories of documents, of issues that  
17 you told us to load, we've got priorities one through  
18 eight loaded, but we haven't loaded documents related to  
19 the ninth and tenth priority yet; is that good enough, are  
20 you willing to accept it?" The parties might say, "Yeah,  
21 that's fine with us, we're not going to litigate those  
22 other two issues, to heck with them." That's, you know,  
23 that's sort of my thinking. It facilitates your ability  
24 to get it delivered.

25 MR. GANDI: That's correct, unless there's an

1 ongoing study going on and that package is incomplete.

2 MR. MURPHY: Yeah.

3 MR. GANDI: And that's pretty much how we've  
4 organized our records system, is completion of study plans  
5 and records packages.

6 MR. SILBERG: In terms of the priority  
7 loading, isn't the issue though how long it's going to  
8 take to load the system? I mean if the whole system can  
9 be loaded over one weekend, then priority loading doesn't  
10 matter. If it takes three years to load the system, then  
11 priority --

12 MR. GANDI: Unless we continue with a  
13 five-year backlog --

14 MR. SILBERG: Right.

15 MR. GANDI: -- going into the present time.

16 MR. SILBERG: What is the answer, how long  
17 does it take to load the system?

18 MR. GANDI: We hope to start loading our  
19 system in May. And we've already started loading some of  
20 the test case.

21 MR. SILBERG: And how long will it take to  
22 load the entire system?

23 MR. GANDI: A function of money. It's  
24 basically a manual process. The more header records we  
25 have, the longer it takes. The more error correction we

1 do on the text fields the longer it takes.

2 MR. SILBERG: Do you have any idea how long it  
3 will take to load an LSS or is it the same thing?

4 MS. NEWBURY: Well, once the records system is  
5 loaded it's a trivial exercise to transfer that electronic  
6 file from one system to another.

7 MR. GANDI: If they're the same.

8 MR. SILBERG: If they're the same.

9 MS. NEWBURY: If they're the same.

10 MR. GANDI: Or if they're basically the same  
11 standards of data formats.

12 MR. SILBERG: And the intent is that they be  
13 the same, I take it?

14 MR. GANDI: The intent is to deliver a market  
15 survey --

16 MS. NEWBURY: Yes.

17 MR. GANDI: -- survey and ABC, cost benefit  
18 analysis.

19 MR. SILBERG: For instance on headers, is the  
20 header system that you're using for your data records  
21 management system the same as, or compatible with the  
22 headers system as reported by the header committee?

23 MR. GANDI: Yes. What we're asking is  
24 modifications of that header system. We're asking for it  
25 now so we can proceed with an LSS design and have our data

1 already formatted to load into it if it is the same  
2 system.

3 MR. BALCOM: You're asking for  
4 modifications to what?

5 MS. NEWBURY: For modifications that were  
6 presented yesterday.

7 MR. BALCOM: Those are the modifications  
8 that --

9 MS. NEWBURY: The modifications that we talked  
10 about yesterday.

11 MR. HARDWICK: The modifications are the ones  
12 you proposed.

13 MR. MITCHELL: I have a question: Would it be  
14 advisable to have an additional field with a prioritizing  
15 on it that the DOE would prioritize a document, would that  
16 quicken things up?

17 MR. METTAM: Once you're in the machine  
18 they're already, you know, they're in. You know the  
19 priority would be on inputting them, once you created the  
20 header and inputted them, having a priority record is sort  
21 of a non sequitur by that point.

22 MR. MITCHELL: Okay. Also, would it be  
23 possible, you mentioned, Claudia, that whether or not a  
24 decision to go ahead and do an RFP for the privatization,  
25 per se, if you want to call it, of the LSS system under

1 contract with DOE, that won't go out, if it is to go out,  
2 sometime a year or so from now. Is it possible to move  
3 that up? To move your cost benefit analysis up?

4 MR. GANDI: I think we need to do our cost  
5 benefit analysis not only because it's a smart business  
6 thing to do, it's also a federal requirement. And there's  
7 a lot of acquisition strategies we could use at that point  
8 if we only wanted to contract software development and  
9 maintenance through that period, if we wanted to contract  
10 hardware, software, operations, the whole ball of wax.  
11 There's a lot of strategies we could use.

12 MR. MITCHELL: No, I understand, my question  
13 is can that process be moved up, be moved closer, maybe  
14 make a decision by December?

15 MR. GANDI: Oh, by defining our requirements  
16 and going through this process those pieces of a statement  
17 of work are being put together.

18 MR. HOYLE: Question from the audience or a  
19 statement?

20 MS. KERRIGAN: I'd like to -- my name is  
21 Camille Kerrigan, I'm with the MNO. I'd like a point of  
22 clarification, when you say DOE will have the system fully  
23 loaded, do you mean fully loaded with DOE documents or  
24 fully loaded with DOE documents plus participant  
25 documents? It's very critical in the timing.

1 MR. GANDI: DOE.

2 MS. NEWBURY: DOE documents.

3 MR. GANDI: DOE, we don't plan on --

4 MS. KERRIGAN: But just -- well --

5 MR. GANDI: -- plan on --

6 MS. KERRIGAN: -- they're using the term  
7 "fully loaded" and I think that needs a clarification.

8 MR. MURPHY: No, the LSSA is going to load the  
9 other participants' documents.

10 MR. LEVIN: Right. And the point was --

11 MS. KERRIGAN: I just wanted to make sure  
12 that --

13 MR. LEVIN: -- that the volume from the other  
14 participants should be so light that we should be able to  
15 keep up with it, hopefully, as it comes in on a flow  
16 basis. Even the backlog I don't think is going to be that  
17 great, that we ought to be able to load that up pretty  
18 quickly.

19 MR. SILBERG: Except that's going to be a lot  
20 more manual work than transferring the DOE.

21 MR. GANDI: I think we would hope to give NRC  
22 the scanning stations, we would enforce that  
23 standardization, once we come up with a make-by versus  
24 analysis. If it's going to be a buy those standards are  
25 going to go into the RFP for that vendor to meet. And

1 there's no reasons we can't start scanning at least our  
2 documents at that time and putting header information in  
3 on whatever system we're adopting at the time.

4 MR. LEVIN: That makes sense. That makes  
5 sense too.

6 MR. CAMERON: I guess I have one question on  
7 if we did decide to do priority loading a factor to be  
8 considered there is how much -- you know obviously it's  
9 easier to just take all of the records that you've  
10 determined are relevant and put them in the system. How  
11 much work is it to go into the records and pick out  
12 groundwater, et cetera, et cetera? Is that going to be a  
13 major undertaking? And also, if we do priority loading  
14 this issue of DOE versus non-DOE documents, do you want to  
15 have the category loaded with a complete set of documents  
16 from everybody or are we only concerned about the DOE  
17 documents?

18 MR. MURPHY: Well, ideally you'd want it from  
19 everybody.

20 MR. CAMERON: So that means that everybody  
21 would have to go through and parch their records --

22 MR. MURPHY: Sure.

23 MR. CAMERON: -- on it.

24 MR. MURPHY: Sure.

25 MR. CAMERON: Which would not be a big deal

1 for some of us, as opposed to DOE.

2 MR. MURPHY: Well, it means there would be  
3 some additional work we'd have to do but --

4 MR. CAMERON: Right. I mean I think we just  
5 need to think about that.

6 MR. MURPHY: Ideally you'd want all of our  
7 records and the state's records and Brad's records and  
8 your records as well as DOE records.

9 MR. METTAM: But it's likely that for many of  
10 the smaller participants that they could complete-load  
11 everything while DOE is still doing priority loading,  
12 though.

13 MR. MURPHY: See, for example, just take  
14 groundwater travel time, Nye County's gone out there and  
15 done some drilling, you know, we drilled one hole, we  
16 inched one of DOE's holes, we are going to have some  
17 original documentation with respect to some travel time  
18 issues produced by Nye County. In Inyo County's case 98  
19 percent of the groundwater travel time documents that Brad  
20 looks at are DOE documents or NRC documents. So assuming  
21 groundwater travel time was the number one priority, maybe  
22 it isn't anymore, but let's assume groundwater travel time  
23 was the number one priority, it's not a very big burden on  
24 Inyo County -- on Brad to produce all of the Inyo County  
25 groundwater travel time records. Because we're not --

1 remember, we've long since decided that I'm not going  
2 to -- Nye County is not going to submit to Moe for  
3 inclusion in the LSS all of our copies of DOE's documents  
4 that we read every day.

5 MR. SILBERG: Just make sure you don't write  
6 in the margins.

7 MR. MURPHY: No all our margins is long --  
8 we're going to shred that.

9 MR. GANDI: It's been my comment, buy  
10 shredders not scanners.

11 MR. MURPHY: That white smoke you see over  
12 Tonopah is going to be our incinerator working.

13 MR. GANDI: Strike that from the record.

14 MR. MURPHY: Yeah, I take it back, Moe, this  
15 audit trail stuff is going to be no big deal.

16 MR. LEVIN: No problem, huh?

17 MR. MURPHY: No problem.

18 MR. LEVIN: Just solved that.

19 MR. MURPHY: No, but my only point is that you  
20 have to remember for the non-DOE, non-NRC participants  
21 loading our backlog documents isn't going to be that big  
22 of deal because we haven't produced the primary documents.  
23 Most of our time is spent reading stuff the DOE and the  
24 NRC produce.

25 MR. LEVIN: Would it make sense, while we're

1 sorting this issue out, to go ahead and try and figure  
2 out -- just set up a priority scheme if we were going to  
3 do priority loading?

4 MR. MURPHY: Sure, that's what I'm suggesting.

5 MR. LEVIN: And then in the meantime we can be  
6 discussing the issue of priority loading. So --

7 MR. MURPHY: Yeah, that's what I'm suggesting  
8 that the parties can --

9 MR. GANDI: Moe, in a lot of cases the way the  
10 program is assembled right now that's happening anyway, as  
11 far as the study plan completions.

12 MS. NEWBURY: So would the technical site  
13 suitability, decisions, the technical basis reports. We  
14 are essentially prioritizing our information.

15 MR. MURPHY: That could be a --

16 MS. NEWBURY: We have milestones of -- at  
17 which point we'll be producing technical basis reports  
18 that are based on 960 not 60, but are essentially the  
19 same. And that pulls together all the information  
20 relative to a particular issue. So we'll be putting that  
21 stuff in the records system and --

22 MR. MURPHY: But will you be going back to  
23 1982, for example? And --

24 MS. NEWBURY: In the technical basis reports  
25 they're pulling in a lot of references that go back to '82

1 or '70 or --

2 MR. MURPHY: Okay.

3 MS. NEWBURY: -- long-term. So what we're  
4 basing our decisions on is referenced in those reports.  
5 And we could use that as a basis for what we're going to  
6 load in as a priority.

7 MR. MURPHY: Yeah, that's a good -- that's a  
8 logical way to approach it.

9 MS. NEWBURY: Does that make --

10 MR. METTAM: That makes more sense, quite  
11 frankly, than what John was talking about study plans,  
12 using the technicals, because as far as I can tell they're  
13 not really following the study plans anymore. So I know  
14 nobody wants to say that, but --

15 MS. NEWBURY: The study plans are the front  
16 end, but the technical basis report is what you really  
17 want to look at because that's what we're basing a lot of  
18 our decisions on.

19 MR. MURPHY: Yeah, well, what Brad is saying  
20 is that the PIs leave the study plan in their jeep when  
21 they go out in the field. They don't follow them anymore,  
22 and they acknowledge that.

23 MS. NEWBURY: That's true. But they do work  
24 to test planning packages and --

25 MR. MURPHY: Oh, yeah, they have to in order

1 to get the go-ahead to go spend money. Once they get the  
2 go-ahead to go spend money they just go out and chuck and  
3 jive any way they want to. Just do their own thing.

4 MS. NEWBURY: Maybe your PIs do that, but  
5 ours --

6 MR. MURPHY: No, I'm talking about the USGS  
7 and Lawrence Berkeley and Lawrence Livermore in Los  
8 Alamos, when they get out there around the corner so that  
9 DOE's on the other side of the ridge, they just do  
10 whatever they want to and come back in with the scientific  
11 data and say, "Hey, look what I found." "What study  
12 plan?" "Well, I don't know, take your pick."

13 MR. METTAM: Sounds like a side bar  
14 discussion.

15 MS. NEWBURY: Right.

16 MR. MURPHY: We've heard them say that at  
17 (indiscernible) Claudia, "Well, I didn't know, didn't  
18 really follow a study plan."

19 MS. NEWBURY: Well, you've been talking to  
20 Allen Lit too many times.

21 MR. HOYLE: Well, do we need to see a list of  
22 some sort or have we --

23 MS. NEWBURY: It's in our program plan.

24 MR. HOYLE: It's in your program plan.

25 MR. LEVIN: Is that acceptable then for this

1 issue? I'm not sure where we left this.

2 MR. CAMERON: Well, I think you need to do two  
3 things. One is you need to take a look at least at the  
4 technical basis reports and start to use that as a basis  
5 to see if that's for planning for priority categories, but  
6 you also need -- we also need to discuss the issue of  
7 whether from the system design point of view it's feasible  
8 to do this. And maybe then, I don't know, at the next  
9 meeting, if that's time enough, we could talk about both  
10 of those things.

11 MR. LEVIN: Does DOE agree with that?  
12 Claudia, do you think maybe we can discuss this issue and  
13 be ready to talk about it more at the next meeting?

14 MS. NEWBURY: Sure.

15 MR. LEVIN: And we'll have some more, and  
16 maybe even what you have set up as far as how you see  
17 priorities, what plan is and --

18 MS. NEWBURY: Sure.

19 MR. GANDI: It would be fine to do that.

20 MR. SILBERG: I'd really like to know in that  
21 context how this loading that you say you're now starting  
22 to do is really coming along. Because I've just heard  
23 that story for so many years that we're starting to put  
24 stuff into electronic form, I'd really like to know for  
25 real that we're doing it. It would make me feel really

1 good if that's true.

2 MR. GANDI: We're starting to capture the  
3 images. Since almost essentially the time we've had an  
4 index key with header records. We're now making those  
5 header records to the index for the image fields.

6 MR. SILBERG: Well, are you also capturing  
7 text as well as image?

8 MR. GANDI: We are in the process of looking  
9 at text conversion tools.

10 MS. NEWBURY: I think we need a progress  
11 report on where we are next time.

12 MR. METTAM: Could I ask one favor, perhaps,  
13 if Claudia's going to do some sort of first cut at a  
14 priority list based on the program approach or technical  
15 site suitability determination, could we get that in  
16 advance of the meeting so we have an opportunity to review  
17 it and see if there are glaring errors or things that we  
18 think should be there?

19 MS. NEWBURY: Certainly.

20 MR. METTAM: A week or something, you know.

21 MS. NEWBURY: A whole week? Yeah, since we  
22 don't have a date for the next meeting, that's no problem.

23 MR. METTAM: Yeah, we'll get that date a week  
24 before that.

25 MR. MURPHY: Is it in some document already

1 that we already have a copy of?

2 MS. NEWBURY: Well, I believe you all probably  
3 have the program plan that went out in February.

4 MR. MURPHY: The what?

5 MS. NEWBURY: The Yucca Mountain program plan.

6 MR. METTAM: We do.

7 MR. MURPHY: You mean --

8 MS. NEWBURY: You know, about --

9 MR. MURPHY: -- the YMSCO five-year plan?

10 MS. NEWBURY: Yeah.

11 MR. MURPHY: Okay. It's in there?

12 MS. NEWBURY: Volume two, I believe.

13 MR. GANDI: The three volume, two is site.

14 MR. MURPHY: Huh?

15 MS. NEWBURY: It's three volumes.

16 MR. MURPHY: Yeah, okay. All right.

17 MR. FRISHMAN: I mean don't go by that  
18 document because the sequencing of the technical basis  
19 reports is changing again.

20 MS. NEWBURY: Yes, it's been -- that's true,  
21 as a result of our technical program review. In February  
22 we did some -- I hate the word, rebucketing of what we're  
23 going to do. And I will get you the latest version, the  
24 base line version of which technical basis reports are due  
25 when. And that would be --

1 MR. MURPHY: Yeah, that would be helpful.

2 MS. NEWBURY: The concept still is there, we  
3 have these technical basis reports regularly.

4 MR. MURPHY: Yeah, that would be helpful. Let  
5 me give you one caution on that, however. We -- the  
6 technical basis reports are only going to address  
7 technical issues.

8 MS. NEWBURY: That's correct.

9 MR. MURPHY: The socioeconomic and  
10 transportation stuff is going to be --

11 MS. NEWBURY: Later on.

12 MR. MURPHY: -- the socioeconomic and  
13 transportation aspects of overall site suitability,  
14 remember, get --

15 MS. NEWBURY: Right.

16 MR. MURPHY: -- put forward.

17 MS. NEWBURY: They're kicked up to '90 --

18 MR. MURPHY: And there are some participants  
19 at this table for whom those are the critical issues.

20 MS. NEWBURY: Understand, that will be my  
21 first cut and you can stomp all over it.

22 MR. NEVILLE: Are there any more comments on  
23 the response issues document at this stage?

24 MR. HOYLE: Okay, hearing none, Tony.

25 MR. NEVILLE: Thank you.

1 MR. HOYLE: Thank you very much.

2 MR. NEVILLE: So everybody's going to give  
3 comments then by April 7th? Is that a deadline that we've  
4 determined?

5 MR. LEVIN: And then we'll put together one  
6 last document for you to look at and we'll take your  
7 comments and that will be what we consider our first final  
8 document.

9 MR. HOYLE: April 7th, Friday. Okay. One  
10 item I neglected to mention from the start this morning,  
11 some of us have enjoyed some donuts over here on the other  
12 side of the room and I understand that Brad brought those  
13 in. Thank you very much.

14 MR. METTAM: That was fulfilling my LSS  
15 participant commitment from last meeting.

16 MR. HOYLE: Greatly appreciated. It's 11:30.  
17 We've completed the activities that I was planning to  
18 cover this morning. I'm willing to stop at this -- I  
19 don't want to move the inclusion/exclusion criteria item  
20 up, I think we're going to need some time for that. We're  
21 going to need some time for discussion of selection for  
22 use of the LSS on a pilot project basis. That does leave  
23 the location of LSS facility. We anticipate that being a  
24 lengthy discussion. Well, I shouldn't say lengthy, but 20  
25 or 30 minutes. We should save that for the afternoon as

1 well. All right.

2 MR. MURPHY: You're not going to get 20  
3 minutes out of me, so --

4 MR. HOYLE: You won't -- I won't?

5 MR. MURPHY: You will not. I mean as far as  
6 I'm concerned we can go ahead and get that out of the way  
7 now, if everybody else wants to.

8 MR. MITCHELL: Yeah, I'd agree with that.

9 MR. HOYLE: Okay. DOE, you're on.

10 MS. NEWBURY: Fielden's on.

11 MR. DICKERSEN: I beg your pardon?

12 MR. HOYLE: Fielden, we're going to talk about  
13 location of LSS facility.

14 MR. DICKERSEN: Okay.

15 MR. HOYLE: With seven minutes.

16 MR. SILBERG: Just remember the three most  
17 important things about the LSS are location, location,  
18 location.

19 MR. MURPHY: All we want to know is where in  
20 Nye County you're going to put it.

21 MR. DICKERSEN: Well, as Roger was pointing  
22 out yesterday, we in the technical working group, we're  
23 trying to deal with issues relative to the LSS that we  
24 might be overlooking. And so, as part of the process we  
25 were simply kicking terms, ideas around. And one of those

1 that we wound up with was, where is the LSS going to be  
2 physically located when it comes into being? And our  
3 concern with that was not necessarily from the design  
4 standpoint, but from the standpoint of making proper prior  
5 arrangements, particularly for funding associated with it.

6           And the remembrance of many of us was that we  
7 had seen something in the record that indicated that it  
8 was going to be at UNLV. And so at that point we went  
9 back and looked at the record and found that indeed an  
10 appropriation statement had been made on that. But the  
11 conclusion was that that was simply a snapshot in time.  
12 That that was the view of Congress in that year and that  
13 was also put out in a DOE appropriations bill. And we  
14 believe that the site, the location of the LSS for  
15 operations is an NRC decision.

16           Now we queried, we didn't do this in any sort  
17 of scientific fashion, but we queried many people and we  
18 looked through much of the record, trying to find out  
19 whether other sites had been identified for the LSS. We  
20 did not find the identification anywhere in the record of  
21 a site other than UNLV. Nor did we find any record which  
22 indicated that there was an objection to the LSS being at  
23 UNLV.

24           And so the conclusion that we came to, out of  
25 the working group, was to simply present that material at

1 this meeting and ask for your consideration as to whether  
2 you elected to move forward with that as a decision, that  
3 indeed you wanted to recommend to the NRC that the LSS  
4 should be located at UNLV. And that's a thumbnail sketch.

5 MR. HARDWICK: Can I just add something,  
6 Fielden? Was one of the concerns was the timing that, you  
7 know, to define the breath and width of an LSS site it  
8 could be that there might have to be a facility built, or  
9 certainly retrofitted or outfitted. And perhaps -- the  
10 reason we even took it up and had it as a concern was it  
11 was something that should be happening pretty soon here.  
12 So that, you know, I don't know that anybody's looked at  
13 it, what the requirements are for an LSS site. So that  
14 was the reason and that's the concern for its emergency.

15 MS. NEWBURY: I guess from our point of view  
16 it's a question.

17 MR. SILBERG: When does that decision --

18 MS. NEWBURY: Where you going to put it?

19 MR. SILBERG: When does that decision have to  
20 be made under your current schedule?

21 MR. DICKERSEN: Well, let's think about it in  
22 the context of other things, Jay. We were talking  
23 yesterday about this matter of on the one hand working out  
24 a methodology for getting financial resources to NRC. We  
25 want to know whether additional funds are going to have to

1 be passed in that fashion to NRC or to some other entity.  
2 Two, is if we're -- we're going to be working very hard on  
3 an MOU in the next time period and that's also going to be  
4 potentially something that's going to impact that because  
5 if we're going to have to make arrangements for building a  
6 building or modifying a building or doing something for  
7 facility.

8 MR. SILBERG: Well, but working backwards --

9 MR. DICKERSEN: Today.

10 MR. SILBERG: No, no, working backwards from  
11 when the -- you know, as we go forward the system is  
12 scheduled to be operational by date "x" at the latest.  
13 Working backwards from that date, whatever it is on your  
14 chart, when does the decision have to be made as to where  
15 the location would be? And maybe it's a range of dates,  
16 it's this date if you have to build a new building, it's  
17 some other date if you can --

18 MR. DICKERSEN: Right.

19 MR. SILBERG: -- retrofit an existing  
20 building. It's some third date if all you do is, you  
21 know, plug in the plug.

22 MR. DICKERSEN: That's right. So we were  
23 anticipating sort of the worst possible case and we were  
24 anticipating if indeed it's UNLV and if indeed they have  
25 to put up a new building, one's probably talking about

1 five years. That's a windage estimate.

2 MR. FRISHMAN: How big a building are we  
3 talking about?

4 MR. DICKERSEN: Well, you're talking about  
5 having to get a, you know, everything in place for this  
6 sort of thing.

7 MR. MURPHY: John, it didn't take them five  
8 years to build the MGM Grand, for crying out loud.

9 MR. DICKERSEN: But they didn't have a panel  
10 overseeing it.

11 MR. MURPHY: No, I'm serious. You know that's  
12 a very good question. Jay asked the same question I was  
13 going to ask, one of Nye County's objectives, strategies  
14 in its economic development program, not just related to  
15 this program, is to get as many federal facilities, as  
16 many facilities associated with federal activity out at  
17 the test site located in Nye County as possible. I mean  
18 we -- the county's leadership feels very strongly that  
19 they've been shorted in that respect badly over the years,  
20 since the 1950's.

21 And we would very much like to see as many DOE  
22 offices and activities located across the road from Gate  
23 510 as possible associated with this program. And as  
24 many, you know, as well as the NTS cleanup and everything  
25 else. And it could very well be that when Congress

1 decides what they're going to do with this program, for  
2 example, as part of Congress' response to the so-called  
3 equity issue, if they're going to put an interim storage  
4 facility in -- at Yucca Mountain, for example, they may --  
5 Congress may say "DOE, put your facilities close to the  
6 site."

7 MR. DICKERSEN: This is not DOE, I mean this  
8 is NRC.

9 MR. MURPHY: I understand. I mean Congress  
10 will be directing the federal government to put as many  
11 facilities close to the site as possible. So you know,  
12 I -- you know Jay's got a very valid point, if you could  
13 wait for a year before you decide whether or not you're  
14 going to build, you're going to put it -- or build -- it  
15 might be a UNLV facility, you know the LSS could be  
16 located at the University of Nevada Las Vegas, you know;  
17 lakes work as well as campus.

18 MR. FRISHMAN: I think the realities of all of  
19 this are the first time you put in a line item for LSS  
20 Congress is going to tell you where to put it and it is  
21 going to be most likely UNLV.

22 MR. MURPHY: Sure.

23 MR. FRISHMAN: Because of who sits on the  
24 Appropriation Committee, and there's precedent to that.

25 MR. MURPHY: But they're not going to say what

1 campus to put it on, Steve.

2 MR. MITCHELL: Could you provide a brief --

3 MR. FRISHMAN: I think for the NRC right now  
4 to be pushed into making a decision is probably sort of a  
5 worthless exercise, because you don't need the decision  
6 for a year or more.

7 MR. GANDI: That's right.

8 MR. FRISHMAN: And why get in a position where  
9 you have to defend a decision that is going to be made for  
10 you ultimately, anyway?

11 MR. MURPHY: What we need to decide now --

12 MR. FRISHMAN: And it's the line item that's  
13 going to do it.

14 MR. MURPHY: -- Steve is absolutely right, the  
15 only thing we need to decide now is is the thing going to  
16 be in Nevada or is it going to be in Washington D.C.? And  
17 that's easy.

18 MR. MITCHELL: Could you provide a breakdown,  
19 a brief breakdown of a major overview of what the facility  
20 would consist of?

21 MR. DICKERSEN: No.

22 MR. SILBERG: That's symptomatic of this whole  
23 program.

24 MR. LEVIN: But here again, I need to know  
25 what the system is going to look like, to design the

1 facility and make those decisions. And I don't -- NRC  
2 does not know what the system looks like yet even, so we  
3 can't make that decision yet.

4 MR. GANDI: We can give some generalities as  
5 far as square footage and storage of tapes and disks, et  
6 cetera.

7 MR. LEVIN: I don't have that yet.

8 MR. GANDI: No, and that's true. But we  
9 really don't need to know where it goes until we either  
10 put out an RFP or we start development. And that's -- the  
11 vendor's going to have to know that that's where it's  
12 going to be housed. Either that or provide the facility.

13 SPECTATOR: John, is it also possible that  
14 that RFP could include a subcontract or a subpiece of  
15 operations and maintenance, provide the facility, power,  
16 electric and the whole --

17 MR. GANDI: Sure, it could be a turnkey,  
18 everything.

19 SPECTATOR: It's possible that that could be a  
20 right solution.

21 MR. HOYLE: John, can you give Moe, in the  
22 next couple months, some of this basic data that he  
23 could --

24 MR. GANDI: A lot of it has been done before  
25 and we'd want a scanner set up in that area or how you

1 were going to handle the other participants?

2 MR. LEVIN: We'll get together and talk and  
3 figure out what we need to know.

4 MR. GANDI: Okay.

5 MR. HOYLE: Report at the next meeting.

6 MR. LEVIN: Okay.

7 MR. SILBERG: Is the LSSAQA facility likely to  
8 be at wherever the hardware is or is it --

9 MR. LEVIN: That -- there's a good  
10 possibility. There is some --

11 MR. SILBERG: Is there a benefit to that?

12 MR. LEVIN: -- incentive -- there is some  
13 benefit to be doing -- to doing that, yes. It's a  
14 definite possibility.

15 MR. SILBERG: But part of the DOE decision  
16 that's going to lead up to this March '96 build-or-buy  
17 will be a recommendation of where the facility goes, is  
18 that your current understanding?

19 MR. LEVIN: That wasn't my understanding, no.

20 MR. GANDI: Nor was it my understanding,  
21 either. The decision at that time where it -- where it  
22 was going to be.

23 MR. LEVIN: I think that decision rests with  
24 NRC.

25 MR. GANDI: That's right.

1                   MR. SILBERG: And when will NRC make that  
2 decision, before or after the RFP date?

3                   MR. GANDI: Well, it would have to be before.

4                   MR. LEVIN: John makes a valid point, because  
5 when you write the RFP you have to tell the potential  
6 bidders where the activity is going to take place. So  
7 that might be a date that's going to drive us making a  
8 decision.

9                   MR. HOYLE: Can we decide at this time the  
10 east coast versus Nevada issue, or should we talk about  
11 that again?

12                   MR. LEVIN: Let's talk about this more at the  
13 next meeting.

14                   MR. HOYLE: Okay. I think the timing's not  
15 critical --

16                   MR. DICKERSEN: No, no, we're simply bringing  
17 it to your attention.

18                   MS. NEWBURY: But it needs to be brought up  
19 and made (indiscernible) at this point.

20                   MR. HOYLE: All right, let's break for lunch  
21 and return at 1:00. Thank you.

22                   (Whereupon, at 11:40 a.m., the public hearing  
23 was recessed to reconvene at 1:20 p.m.)

24                   MR. HOYLE: All right, let's begin the  
25 afternoon session, please. The first item on the

1 afternoon agenda will be DOE's presentation in the  
2 inclusion/exclusion criteria for DOE's records management  
3 system. Claudia?

4 MS. NEWBURY: Dave Warriner, our records  
5 management manager will be giving the presentation for us.

6 MR. WARRINER: Okay, I distributed copies of  
7 the overhead to each place around the table. There are  
8 extra copies in the back, which I'm sure those of you who  
9 have recently come in the room have picked up.

10 My initial purpose in preparing this  
11 presentation was several fold, as you'll see. One was to  
12 give you some idea of what a federal program requirement  
13 is for its record system, which is much broader than those  
14 requirements that derive from 10 CFR 2, Subpart J.  
15 Secondly, to give you some historical perspective on the  
16 attempts that we within DOE have made to incorporate the  
17 licensing requirements into our records system. Thirdly,  
18 to propose to you a set of criteria that would enable us  
19 to cost-effectively implement those requirements.

20 And then I'm going to be requesting that the  
21 LSSARP provide us, and not only us, I think it affects  
22 each participant organization with some clarification of  
23 some of the terminology in the rule. Okay. So with those  
24 kinds of purposes, and I'm sure afterwards, or perhaps  
25 during the presentation there will be questions and

1 comments from the panel. John, you can referee some of  
2 those and I'll try to answer them as well as I can.

3 Let's have the first overhead. Requirements,  
4 what governs a federal government records management  
5 program? I don't intend to go through each one of these  
6 things on this list, but there are federal laws, federal  
7 regulations, departmental directives within the Office of  
8 Civilian Radioactive Waste Management. There are our own  
9 unique directives and then from those are derivative  
10 administrative and implementing procedures. And you can  
11 see that only one of those is 10 CFR 2, Subpart J.

12 Those other upper tier documents, and they're  
13 arranged hierarchically in this list, those are the ones  
14 that provide to any federal agency, what the requirements  
15 for its records management system is. So when we talk  
16 about the DOE records management program, we have to  
17 ensure that we meet all of those requirements to ensure  
18 that we're in conformance with the law and the regulations  
19 we have to meet. Okay, Hans, next one.

20 (Slide change)

21 The inclusion/exclusion issue has been  
22 addressed in the past in a variety of documents, and I've  
23 listed those here. The initial listing, the Records  
24 Management Requirements and Responsibilities document  
25 contains some criteria for what was to be included. It

1 was, if you look at that document, which, by the way, no  
2 longer exists, we've replaced that with others, it was a  
3 combination of guidance from the LSS rule, as well as  
4 guidance that were in documents published by the National  
5 Archives and Records Administration for identifying  
6 non-record material. So it was a hybrid list.

7           That same list was incorporated into a  
8 variety -- various revisions of the Yucca Mountain Project  
9 Records Management and Administrative Procedure. And  
10 that's gone through several revisions. The current  
11 version of that is designated YAP 17.1Q. It contains an  
12 attachment that calls itself "Non-records Material." It's  
13 somewhat of a misnomer because it includes, identifies  
14 things that are records and some things that are not.

15           There was generated, in 1992, an  
16 inclusion/exclusion criteria list that has been used  
17 within the program to try to make these listing -- to try  
18 to decide what goes into the system and what does not.  
19 There was, in July of 1993, as those from the NRC know  
20 well, as well as most of the other people around the table  
21 realize, a draft Topical Guidelines for the Licensing  
22 Support System. Now that, John, I understand is still a  
23 draft. Is that correct?

24           MR. HOYLE: That's correct.

25           MR. WARRINER: Okay.

1           MR. HOYLE:  It's -- I believe it's nearing the  
2 point where it's ready to go to the commission for  
3 approval.  It has not gotten there yet.  I think we  
4 promised at the last meeting, when it's there we would  
5 supply it to the panel at the same time.

6           MR. WARRINER:  Okay, okay, just wanted to make  
7 sure that that's still the draft.  There was, in October  
8 of 1993, another version of the Inclusion/Exclusion  
9 Selection Criteria List that was generated by the managing  
10 and operating contractor for OCRWM.  And that was  
11 reviewed, but never finalized.  It was still in draft.

12                   And then this issue was also dealt with by the  
13 LSS working group committee that generated the report  
14 that's listed at the bottom here, the Evaluation of a  
15 Licensing Support System Options.  In that document they  
16 discuss the whole issue of inclusion/exclusion criteria  
17 and made some recommendations.  So it's -- this gives you  
18 some historical overview of how this issue has been dealt  
19 with.

20                   (Slide change)

21                   Next slide.  I think this is, of any of the  
22 slides I have to show you, any information I'm trying to  
23 give you, I think this slide is the most critical.  And  
24 probably the most critical for you to understand is number  
25 one, what do we mean by "non-OCRWM program records"?  As

1 any federal agency does, we receive documents and records  
2 from within DOE, from outside of our organization, from a  
3 variety of sources.

4           They are federal records so they must be  
5 controlled by our agency to meet our federal records  
6 requirements. But in terms of their content they have  
7 nothing to do with what -- with the OCR mission. They are  
8 notifications about meetings of other organizations within  
9 the department or outside the department. Depending on  
10 what, you know, what responsibility part of the  
11 organization has they will get records of this nature from  
12 anybody imaginable. But they are federal records. But  
13 they do not contain any information that's relevant to our  
14 program. I want to make sure everybody understands that.  
15 So those are federal records.

16           MR. HOYLE: Do you have the record copy and  
17 OCRWM or is it somewhere --

18           MR. WARRINER: Well, the copy that -- we have  
19 a copy that's sent to us. That becomes our record copy.  
20 The originating office might also have a copy. But in the  
21 world of federal records, those are both record copies.  
22 If you look at the NARA guidelines on what constitutes a  
23 federal record, when they talk about what's the record  
24 copy, that's the DOE record copy or our office's record  
25 copy. The originating office would maintain a copy, but

1 that's their record copy.

2 MR. HOYLE: Well, okay.

3 MR. WARRINER: Okay.

4 MR. HOYLE: NRC has one record copy of a  
5 document. If one division creates a document and sends  
6 copies elsewhere within the agency, only the originating  
7 office has the record copy.

8 MR. WARRINER: But that's the way you do your  
9 record -- DOE, in the DOE environment or within -- if it's  
10 a record that comes from another agency, you have a record  
11 copy, the other agency has a record copy.

12 MR. HOYLE: That's correct.

13 MR. WARRINER: Okay. Within the OCR program  
14 what you say, John, is probably correct. The way we  
15 handle things we would identify one record copy within  
16 OCRWM. But if defense programs sends us something they  
17 have a record copy, we have a record copy. Two different  
18 offices within the department.

19 MR. HOYLE: Okay.

20 MR. WARRINER: Okay.

21 MR. SILBERG: What's the significance of  
22 having a quote, "record copy"?

23 MR. WARRINER: What's the significance of it?  
24 If somebody wants to get a copy of a record we have to  
25 certify that what we have is our record copy. That's a

1 copy we received. For any kind of reference or any other  
2 purpose you want to make use of it.

3 MS. STOTLER: We have to manage it within our  
4 system somehow and account for it as to --

5 MR. WARRINER: We have to control it, we have  
6 to manage it and then we have to dispose of it according  
7 to the guidelines provided to us by the National Archives  
8 and Records Administration.

9 MR. SILBERG: Are there pieces of paper which  
10 come in which are not, quote, "records"?

11 MR. WARRINER: Yes. Junk mail, I think, was  
12 just one of the categories identified within the rule.  
13 That's not a record. And there are other examples.

14 MR. MURPHY: Did you always suspect they  
15 categorized your mail that way, Jay?

16 MR. WARRINER: Second category of records that  
17 we have in these broad categories are those excluded by  
18 the rule, the exclusionary section. But those still, even  
19 though they're excluded from the LSS, they do constitute  
20 records that, again, we have to control and manage under  
21 our responsibilities as a federal agency, as directed by  
22 the National Archives and Records Administration. So  
23 although they don't appear in the LSS system, they do  
24 appear and are handled within our records management  
25 program. We do have developed a records inventory and

1 disposition schedule that controls the management,  
2 retention and disposition of all of our records.

3           The third category are those excluded -- or  
4 excuse me, included by the rule. Now as terms of the  
5 rule, as we'll see the way in which we've handled that,  
6 let's look at the next slide, which perhaps, when all is  
7 said and done, this again will, I'm sure, generate a lot  
8 of discussion and certainly should.

9           (Slide change)

10           What I'm saying is to develop a set of  
11 criteria that can enable us to administer our records  
12 program and meet the requirements that we need to meet  
13 under the rule, I'm proposing three questions to be asked  
14 of the record.

15           Does it contain information related to the  
16 OCRWM program? And that could be a record that's  
17 generated internally or externally. If we receive it from  
18 an outside organization, it contains information  
19 relative -- related to the program, if the answer to that  
20 is yes, you go to question number two. Is it excluded by  
21 10 CFR 2, Subpart J, Section 2.1003? If the answer to  
22 that is no, then it becomes part of the licensing support  
23 system.

24           And thirdly, if you can't make up your mind,  
25 okay, and this was in the participants commitment document

1 as well, when in doubt, submit it.

2 MR. SILBERG: When you say related to the  
3 program, is that shorthand for relevant or likely to lead  
4 to the production of relevant or not?

5 MR. WARRINER: Those are the terms that are  
6 used in the rule, and I guess I've used a little shorthand  
7 there, yeah.

8 MR. SILBERG: But you don't intend to change  
9 that by this shorthand --

10 MR. WARRINER: No, no.

11 MR. SILBERG: -- related to?

12 MR. WARRINER: No.

13 MR. SILBERG: Okay.

14 MR. WARRINER: In fact maybe, you want to  
15 interpret any way, Jay, probably this may be a little  
16 broader terminology, but it still comes down to the same  
17 thing.

18 MR. SILBERG: I would just encourage you to  
19 use the terminology in the rule because someone like me is  
20 always going to ask you a question. Is this the same or  
21 is this different than what Subpart J requires the system  
22 to do?

23 MR. WARRINER: Okay. We can get into that  
24 discussion a little later, I'm sure. I've had some  
25 thoughts on that same issue. So that's one issue. Based

1 on this obviously if we're using some of these criteria on  
2 a basis to exclude material, the rule has some terminology  
3 in it that perhaps we would like to have clarified. We're  
4 not asking that the rule be changed or amended, but maybe  
5 this panel could provide some clarification that would  
6 help us administer our program.

7           The term "Official Notice Materials" is  
8 excluded. Different organizations and participants might  
9 use that term differently. State of Nevada might identify  
10 official notice materials as one thing and the federal  
11 government might identify them some other way. So just  
12 the generic term, official notice materials, since I was  
13 not involved in the rule making process I'm not sure  
14 exactly what that encompasses. But if that could be  
15 clarified, that would assist us.

16           Reference books and textbooks, it would appear  
17 that common sense should tell you what those are. But  
18 that's also tied to the issue of references that are  
19 readily available. Okay, I don't need guidance on  
20 Encyclopedia Britannica, I think everybody understands  
21 that, but if you would visit a reference section of a  
22 large major research library you would find a very large  
23 collection of books in that collection, all of which the  
24 library calls reference books. Okay. But some of them  
25 can be very esoteric. But it's related to another issue.

1           There seems to be some confusion within the  
2 rule, it talks about confidential financial information  
3 that should be included, but it also talks about material  
4 related to budgets and financial management to be  
5 excluded. Which financial information do you want? Which  
6 financial information don't you want?

7           MR. MURPHY: I don't have the rule in front of  
8 me, but didn't it refer to proprietary information rather  
9 than financial information?

10          MR. CAMERON: It referred to that under the  
11 privilege section --

12          MR. MURPHY: Right.

13          MR. CAMERON: -- and he's talking about the  
14 exclusion section.

15          MR. MURPHY: Oh, you've got a different --  
16 yeah.

17          MR. WARRINER: There are just some -- the  
18 term, "financial information," is used both to be included  
19 and excluded, trying to make those distinctions where the  
20 rubber meets the road sometimes is not as easy as it might  
21 appear.

22                 There's a whole list of administrative records  
23 to be excluded. Some examples there would certainly help  
24 us. We are, again, using the criteria of when in doubt  
25 put it in, but what we may be doing is putting things in

1 that you don't want in. Okay. So a little more  
2 clarification there, again, would help.

3 The last issue is one with which we have  
4 wrestled within our organization. The rule says that  
5 references that are in contractor-generated reports, is  
6 the terminology, that are readily available. And we've  
7 wrestled, these are to be excluded, and we have wrestled  
8 with what does "readily available" mean?

9 That has resulted, up to this point in time,  
10 in record sources, principal investigators submitting  
11 references associated with their reports that are large,  
12 bulky, and in some cases carry copyright coverage. So  
13 what we attempted to do is to say "readily available"  
14 means it's available in an OCRWM-funded technical  
15 information center. And that is currently the direction  
16 in which we're moving.

17 So if there is a reference cited in a report,  
18 we're telling you that you can contact one of our  
19 technical information centers. We have one here in Las  
20 Vegas and there's another one located in the M & O  
21 facility in Vienna, Virginia. Either one of those places  
22 could make those available.

23 A second possibility for definition of that is  
24 somebody saying if something is copyrighted it's readily  
25 available. If that's the case we would not be required to

1 put all of those in a TI -- in a technical information  
2 center, assuming that you would be able to obtain a copy  
3 through your normal channels.

4           A third possibility, and maybe some  
5 combination with number two, in the collection of a  
6 university library, would be another way to handle that  
7 issue. I guess the question is how readily available do  
8 you want these cited references? And that comes down to  
9 how long would it take you to identify and obtain a copy?  
10 Do you want it within 24 hours? Do you want it within a  
11 week? Is a month sufficient? Where's -- where do you  
12 draw that line in terms of being readily available?

13           Once we know that we can direct our record  
14 sources to determine what it is we require them to submit  
15 and how it's to be submitted. That's my presentation,  
16 John, so I'll turn it back to you and I'm certain we'll  
17 have a few questions in discussion.

18           MR. HOYLE: Thank you.

19           MR. SILBERG: Do you want reactions to some of  
20 these questions?

21           MR. HOYLE: I do. I don't know whether the  
22 ultimate solution is perhaps to create another work group  
23 of some sort --

24           MR. SILBERG: Oh, God.

25           MR. HOYLE: -- to go through this stuff.

1 Okay, let's hear it.

2 MR. SILBERG: I think it's -- for some of  
3 these things where you need guidance, use a common sense  
4 approach. I mean "readily available" means can I get my  
5 hands on it in some sensible time frame. To say something  
6 is readily available if it's copywritten doesn't make any  
7 sense at all. I mean it's copywritten but no one in the  
8 world has a copy of it, what good does that do?

9 It seems to me if someone out here can walk  
10 down to the library and pull out a copy or go to an OCR  
11 center and pull out a copy, it's available. And I don't  
12 know what the big deal about that is. I think these seem  
13 to be fairly straight forward.

14 MR. WARRINER: Well, I guess, let me respond a  
15 little bit to that, Jay. Why is it a big deal? The lack  
16 of clarification on it has cost us a lot of money. We had  
17 to obtain --

18 MR. SILBERG: I know if you --

19 MR. WARRINER: -- documents --

20 MR. SILBERG: -- go and get every document in  
21 the world it's going to be a big deal, but I don't know  
22 why, looking at this language, it should be that hard to  
23 come up with a common sense interpretation. It says if  
24 someone can get their hands on a document in a reasonable  
25 period of time, which I would take as, you know, less than

1 a month, maybe less than a week, maybe a couple days,  
2 that's pretty reasonably available. And it doesn't seem  
3 to me, you know, we need -- that we need to set up a  
4 working group to come up with a definition of this.

5 MR. CAMERON: Is the problem here it's not  
6 that you couldn't think of a common sense definition  
7 yourself, it's a question that you want to get some  
8 clarification or guidance from the ARP so that you can  
9 proceed with certainty in terms of excluding or including.

10 MR. WARRINER: Our definition right now is  
11 available in a OCRWM-funded technical information center.  
12 So we've taken the conservative approach and that solves  
13 two problems. One, putting it in the record system, then  
14 generates for the record system the copyright issue for  
15 many of these materials. Putting it in a technical  
16 information center who handles the copyright issue all the  
17 time, and then makes it available to everybody within the  
18 program, is also -- for that reason alone would be there  
19 anyway.

20 MR. MURPHY: How extensive is the -- are the  
21 documents in those technical information centers? You  
22 know, for example, you know, let me pose a hypothetical,  
23 there's a scientific report that might bear on some -- you  
24 know there's a report that might bear on scientific issue  
25 that's relevant to licensing, which is written in Russian,

1 and not available in English at the UNLV library, is that  
2 readily available? I would say no.

3 MS. NEWBURY: But then again, unless we cited  
4 it, you wouldn't care.

5 MR. MURPHY: Well, I think -- no, that's true,  
6 you know, if it's not cited anywhere then it's not -- it's  
7 got to be somewhere -- cited somewhere or relied on by  
8 some PI. But, you know, if it's not available in English  
9 it seems to me, I would say that's not readily available.  
10 Except maybe, I mean do you guys have that kind of stuff  
11 in your technical information -- is anything that's cited  
12 in any --

13 MS. NEWBURY: Well, the information center  
14 has, for instance, every reference that we used for the  
15 SCP because we had to have copies of them. So that  
16 everything that we used was put in the information center.

17 MR. SILBERG: But if you're talking about, say  
18 a journal, you know, Animals of Applied Geology or I don't  
19 know what, take your standard geology quarterly that comes  
20 out, if that kind of a journal is in every university  
21 library in the country, give or take a couple, I don't  
22 know why DOE has to go out and buy another subscription to  
23 it and put it in their system. It's only --

24 MR. CAMERON: Wouldn't -- I'm sorry, Jay, go  
25 ahead.

1           MR. SILBERG: Yeah, someone can go down to the  
2 library and pull it out. Now there may be other documents  
3 like the ones you're referencing, which are more in the  
4 nature of scientific reports, which are not generally  
5 available, and you put those in some place else and make  
6 them available. It doesn't sound like a big deal to me.

7           MR. MURPHY: Yeah, I think what we're trying  
8 to get at --

9           MR. CAMERON: I think we have to try to  
10 remember what the rationale for this provision was,  
11 because the idea is not that it's readily available and go  
12 get it off the library shelf. One of the ideas here is  
13 that the material is supposed to be in full text  
14 searchable, okay. So what's the correlation between, for  
15 example, the reference exclusion and this readily  
16 available exclusion? I can't find anything in the  
17 supplementary information that explains this particular  
18 exclusion. And I can't remember what we were reaching  
19 for, but --

20          MR. SILBERG: Well, I think --

21          MR. MURPHY: We could probably go back into  
22 the minutes of the negotiation and the --

23          MR. SILBERG: -- Chip, my recollection is --

24          MR. MURPHY: -- negotiating sessions and get  
25 examples of every one of these things.

1           MR. SILBERG: Yeah, my recollection, the  
2 reference books and text books are exactly that, books.  
3 These references, I think we were talking about journals.

4           MR. CAMERON: Journal articles.

5           MR. SILBERG: And things like that. You know  
6 we don't have to put every journal article that's a  
7 footnote in some contractor report into the full tech  
8 system where it's available to people who want to -- you  
9 know, it's a secondary or tertiary or fourth level  
10 reference, and we didn't see the necessity of filling up  
11 the LSS with those kind of documents that may be cited for  
12 some second or third level support. Someone can go and  
13 get it anyway, and that's what I think we had in mind.

14           MR. MURPHY: I think that's right. And if  
15 it's not in the supplemental information, Chip, who wrote  
16 that document anyway? Whose fault is that?

17           MR. CAMERON: I don't know. I don't know.  
18 Someone who's not around anymore. Those brain cells are  
19 not around anymore.

20           MR. MURPHY: No, I think Dave's right, I think  
21 that's the kind of stuff we were talking about.

22           MR. CAMERON: Well, we can go back and look.

23           MR. MURPHY: I think an OCRWM technical  
24 information system is not a broad enough exclusion. I  
25 think we were intending to exclude documents that were

1 available in a more broad way than just the DOE libraries.

2 MR. WARRINER: Now see, one of the things I  
3 said is you combine those last two recommended, you know,  
4 if it's copyrighted and available in any university  
5 library --

6 MR. SILBERG: I don't see the relevance of the  
7 copyright.

8 MR. MURPHY: Well, even if it isn't  
9 copyrighted, I mean --

10 MR. SILBERG: Most of them will be, but what  
11 does that have any bearing on anything?

12 MR. GANDI: Probably have copyrighting, as we  
13 scan them in we're violating the copyright law.  
14 Especially if you're going to print them.

15 MS. STOTLER: I think what Jay's saying,  
16 though, is because material is copyrighted it's  
17 available --

18 MR. SILBERG: Right.

19 MR. WARRINER: If you just use a statement  
20 that it's available in a university -- standard university  
21 library, that makes it readily available, but that's the  
22 kind of guidance that I think we're looking for. Readily  
23 available, I think is what -- although you have in your  
24 mind what it means, somebody else someplace else might  
25 have it -- define it differently. It's too generic of a

1 term to allow us to set up the administrative processes to  
2 make those determinations.

3 MR. MURPHY: You know I wouldn't even limit it  
4 to a university library. Community library, you know --

5 MS. NEWBURY: But they're not likely to have  
6 as many things.

7 MR. MURPHY: Well, but they may have some  
8 stuff that the university library doesn't have. I mean I  
9 don't know, hell, I'm not a librarian, what do I know.  
10 All I'm saying is that if, you know, I think if you can go  
11 and get it within a reasonable period of time from some  
12 library, public library somewhere, it's not squirreled  
13 away in some philanthropist's basement --

14 MR. WARRINER: Or at interlibrary loan.

15 MR. MURPHY: Huh?

16 MR. WARRINER: Or you could use the  
17 interlibrary loan system.

18 MR. GRASER: Yeah. Dan Graser from NRC, if I  
19 could make a simple recommendation. If the document is to  
20 be found in the OCLC or any other standard bibliographic  
21 database that you could access through an interlibrary  
22 loan, then exclude the document. If it's in OCLC then  
23 it's generally available through some sort of interlibrary  
24 loan.

25 MR. SILBERG: What do those initials --

1           MR. GRASER: Ohio College Library Center. It  
2 includes a large majority of government libraries,  
3 educational libraries, local public library systems. It  
4 has cataloging for millions and millions of records.

5           MR. CAMERON: I take it this is only -- this  
6 only applies -- there could be a reference in a contractor  
7 report to another technical study, okay. We're only  
8 talking about journal articles here, right?

9           MS. STOTLER: We're only talking about the  
10 stuff that is not produced by OCRWM. I mean stuff  
11 produced by OCRWM will go in by an --

12           MR. CAMERON: Yeah.

13           MS. STOTLER: -- program will have to go in  
14 anyway.

15           MR. WARRINER: If they would cite --

16           MS. STOTLER: Our own reports.

17           MR. CAMERON: Yeah, right.

18           MR. WARRINER: If they would cite a report  
19 that OCRWM generated that would be in the record system  
20 because that's an OCRWM record.

21           MR. CAMERON: What if it's a report that's  
22 generated by someone else?

23           MR. MURPHY: How about the Savannah River  
24 Laboratory?

25           MR. CAMERON: Yeah, well, there's a good

1 example.

2 MR. MURPHY: What if it's a report generated  
3 by the Savannah River Laboratory?

4 MR. CAMERON: Okay, now that's not a report  
5 that's -- would that be a read -- it's not a journal  
6 article, it's a --

7 MR. SILBERG: No, it's not.

8 MR. CAMERON: Okay. Doesn't it -- so it  
9 doesn't fall under this, right?

10 MS. NEWBURY: Except if it's available through  
11 OSTI.

12 MR. SILBERG: Through what?

13 MS. NEWBURY: Office of Scientific and  
14 Technical Information.

15 MR. WARRINER: You can go to the DOE Office of  
16 Scientific and Technical Information and get a copy of it.

17 We might want to for, not records reasons but for simply  
18 informational reasons, want to put a copy of something  
19 like that in our technical information center. Not  
20 because it's a cited reference to any kind of document,  
21 but because it's just something that we should have  
22 available to the people doing research on the program.

23 MR. ECHOLS: Is there a generic way to frame  
24 that? If it's available in any document search system,  
25 whether it's government documents, EPA documents or

1 library search system like -- if it's available period  
2 somehow --

3 MR. MITCHELL: What if we use the term "not  
4 otherwise readily available"? Or not available through  
5 standardized means or something?

6 MR. ECHOLS: You want to cast as broad an  
7 image as you can for the purpose of exclusion, right? If  
8 there's an 800 number you could call and get that -- and  
9 order a document within a week, you want to exclude it,  
10 right? So define it as broadly as you possibly can,  
11 whatever that database system or systems might be.

12 MR. CAMERON: Is this the issue that was  
13 really simple and that we really didn't need to give any  
14 guidance on?

15 MR. MITCHELL: Could we -- perhaps a  
16 suggestion, let the management information specialists  
17 deal with the definition of this, because they know what  
18 they're -- I think they understand what we mean and I  
19 think that we understand what they mean and move on.

20 MS. NEWBURY: The trouble is that this is the  
21 management information specialist standing here saying,  
22 "What is it that you mean?"

23 MR. MURPHY: Dan came up with as good an  
24 approach as any.

25 MR. GRASER: Yeah.

1 MR. MURPHY: If it's in somewhere --

2 MS. NEWBURY: If it's in an on-line search  
3 system already we don't need to --

4 MR. MURPHY: OCLC?

5 SPECTATOR: MTIS OCLC. We have to limit it to  
6 an on-line search, if you know that it is in a reference  
7 center or library.

8 MS. STOTLER: That should be the --

9 SPECTATOR: Yeah, I mean if it's in a library  
10 and most libraries have interlibrary agreements between  
11 libraries. One library can ask another library for a copy  
12 of it.

13 MS. STOTLER: Part of this is we can't come up  
14 with a good reasonable definition. We've come up with  
15 several over time.

16 MR. LEVIN: Isn't --

17 MS. STOTLER: It's more the fact that our  
18 quality assurance people need black and white. And their  
19 guidance -- reading the rule is, they can't interpret  
20 that. So we need you all to give us something on which we  
21 can base our interpretation.

22 MR. MURPHY: No, you don't, you need to hire  
23 more intelligent quality assurance people.

24 MS. NEWBURY: Is that on the record?

25 MR. MURPHY: No, I'm serious. I'm absolutely

1 serious about that. If you can't have reasonably  
2 intelligent people looking at some of these issues in the  
3 program you need to fire them and get new people in.  
4 Otherwise this stuff is never, ever ever going to get  
5 accomplished. You've got some person in questioning -- if  
6 you've got some person -- I'll talk to Dreyfus myself  
7 about this.

8           If you've got some person questioning whether  
9 or not a document that's located in the UNLV library is  
10 readily available, that person needs to find another job.

11           MR. LEVIN: Is the issue here really, if we  
12 had a definition for response time, response time being  
13 once you've identified you need a document, how long you  
14 can take to get it? In other words, if we knew that you  
15 had five days to get your hands on a document, if we had  
16 that parameter set then that would define "readily  
17 available," wouldn't it? And that is a response --

18           MS. NEWBURY: You can make a lot of arguments  
19 and say, "Well, maybe it would be readily available to me  
20 because I live in New York City, but it's not readily  
21 available to someone who lives in Tonopah."

22           MR. MURPHY: Dan, it's the poor folks in  
23 Tonopah we have to worry about.

24           MS. NEWBURY: People in Tonopah matter.

25           MR. CAMERON: That's the criteria, if you

1 can't find it in Tonopah, it's not readily available.

2 MR. SILBERG: Corrupt.

3 MR. MITCHELL: Is it a time frame or the  
4 document content that we're discussing here, or is it a  
5 combination of both?

6 MS. STOTLER: I don't think it is content, it  
7 is more, you know, the issue of what truly is meant? Does  
8 it mean that each and every person who's in this room or  
9 who might be interested in this case, walk into their  
10 local library and get it, is that what we mean? Or does  
11 it mean that somewhere we know it is, the Library of  
12 Congress or --

13 UNIDENTIFIED SPEAKER: It's the reasonable  
14 time we can find it.

15 MS. STOTLER: Yeah.

16 MR. MURPHY: No, you have to be guided by the  
17 notion, it seems to me that can the person in some, you  
18 know, the state, Nye County, DOE, NRC, who is responsible  
19 in some way for conducting that party's case in licensing,  
20 can that individual readily get his or her hands on this  
21 document? Not whether or not some rancher in Round  
22 Mountain, Nevada can get it within 48 hours.

23 MR. SILBERG: And his bulldozer.

24 MR. MURPHY: That's unreasonable.

25 MR. SILBERG: I think if you key it to a

1 university library availability, that seems to me a fairly  
2 straightforward definition. I think it's going to handle  
3 99 percent of the people and 99 percent of the problems.  
4 It ought to be something that QA people of the kind that  
5 Mal was referring to, can figure out how to deal with it.

6 MR. MITCHELL: Well, would it be appropriate  
7 if we phrase it something to the effect references that  
8 are readily available to interested parties at major  
9 universities using on-line techniques, would that be  
10 appropriate?

11 MS. NEWBURY: Don't say "on-line," just say  
12 "available through a university."

13 MR. WARRINER: Through a university library  
14 which would encompass, they may have it in their  
15 collection and all university libraries use inter- -- the  
16 interlibrary loan system, so that if they don't have it  
17 they can get it from somebody else.

18 MS. STOTLER: That helps. That's very good.

19 MR. SILBERG: Okay, why don't we -- available  
20 through --

21 MS. NEWBURY: Obtainable, obtainable.

22 MR. SILBERG: Obtainable through normal means.

23 MR. WARRINER: Okay, I think I have -- we have  
24 a sense of the panel on how to proceed on that. I think  
25 you've solved part of our problem.

1 MR. CAMERON: Good.

2 MR. WARRINER: Okay.

3 MR. SILBERG: Next.

4 MR. WARRINER: Next.

5 MR. HARDWICK: Well, Dave, why couldn't you  
6 just call the DOE records management system a library and  
7 don't even build the LSS now.

8 MR. CAMERON: You can get real circular here.

9 MR. SILBERG: Official notice of materials,  
10 what we had in mind was applying the typical federal  
11 district court definitions of official notice of material,  
12 right?

13 UNIDENTIFIED SPEAKER: Un-huh.

14 MR. SILBERG: Is that not good enough?

15 MR. WARRINER: That -- if everybody -- if we  
16 had a common understanding of what --

17 MR. MURPHY: That was it.

18 MR. SILBERG: That was it.

19 MR. MURPHY: That was it. If it didn't get  
20 into the preamble, then you know who to beat up.

21 MR. WARRINER: So what's your reference there,  
22 Jay?

23 MR. SILBERG: That which is deemed to be  
24 official notice material in federal district court  
25 proceedings.

1 MR. WARRINER: Okay.

2 MR. SILBERG: And Stan can give you all the  
3 guidance that you need on that. Or Bob Nord has.

4 MR. MITCHELL: Did you get the clarification  
5 needed on confidential financial information?

6 UNIDENTIFIED SPEAKER: Well, those two --

7 UNIDENTIFIED SPEAKER: No, not yet. And  
8 wait --

9 MR. SILBERG: Well, let's just go down the  
10 list then. Reference books and textbooks?

11 MR. WARRINER: I think that's consumed  
12 within -- with your handling of the "readily available"  
13 issue. I think we can handle that one that way.

14 MR. SILBERG: Okay.

15 MR. MITCHELL: Confidential financial  
16 information?

17 MR. MURPHY: Most of us were too dumb to bring  
18 the rules with us, what is 21005(e) say?

19 MR. SILBERG: Well, 21005(e) says "junk mail."  
20 So I don't know what this reference is to.

21 MR. WARRINER: Well, the reference is wrong, I  
22 apologize for that. I think that's --

23 MR. CAMERON: Confidential financial  
24 information isn't used at all in 2.1005, it's used in the  
25 privilege section --

1 MR. WARRINER: That's what I thought.

2 MR. CAMERON: -- and that's the typical  
3 privilege -- typical interpretation of that privilege.

4 MR. WARRINER: That's what I thought, yeah.

5 MR. CAMERON: Under the Freedom of Information  
6 Act.

7 MR. WARRINER: And so the reference is to the  
8 Freedom of Information Act.

9 MR. MURPHY: Right, that's what I thought,  
10 yeah.

11 MR. WARRINER: So that really should be --

12 MR. SILBERG: Well, that term isn't even used  
13 in 2006 on privilege, is it?

14 MR. CAMERON: Yeah.

15 MR. WARRINER: Yes.

16 MR. CAMERON: Well, it's used in the sense  
17 it's incorporated by 2.790, Jay.

18 MR. SILBERG: Oh, yeah.

19 MR. CAMERON: Yeah.

20 MR. SILBERG: Okay. No, I kept looking for  
21 it --

22 MR. CAMERON: And it's in the supplementary  
23 information under that section.

24 MR. WARRINER: It also, the term is used --  
25 the reference would be section 2.1003(d)(2), "Each

1 potential party -- government -- shall submit a  
2 bibliographic header for each document material 1) for  
3 which a claim of privilege is asserted; or 2) which  
4 constitutes confidential financial or commercial  
5 information." Okay.

6 MR. CAMERON: Right.

7 MR. WARRINER: If that's in terms of what is  
8 interpreter in the FOIA, Freedom of Information Act, but  
9 provide some reference point that gives us the guidance  
10 that we need.

11 MR. CAMERON: Right. And if you look at the  
12 Commission's regulations in 10 CFR 2.790, that basically  
13 incorporates, as I understand it, a lot of the FOIA law on  
14 those issues. So there should be plenty of guidance out  
15 there to answer that question.

16 MR. WARRINER: Okay.

17 MR. SILBERG: Yeah, I mean that wording is  
18 essentially the same as what's in your current DOE -- or  
19 NRC regulations, and I suspect DOE regulations too.

20 MR. CAMERON: Probably.

21 MR. SILBERG: I don't know -- I don't see a  
22 problem with that. Budgets and financial management?

23 MR. WARRINER: Which is excluded in the  
24 excluded section.

25 MR. SILBERG: Yeah, that's 2005(c).

1 MR. WARRINER: Right.

2 MR. MURPHY: What's the question?

3 MR. SILBERG: They want to know what it means.

4 MR. WARRINER: Well, the term, and I think  
5 part of it, you've given me part of the answer, the second  
6 answer is now we've got a category, financial information  
7 that's even to be excluded --

8 MR. SILBERG: It's not financial --

9 MR. MURPHY: Well, but confidential financial  
10 information only relates to private contractors. There is  
11 no such thing as confidential financial information with  
12 respect to the government.

13 MR. WARRINER: The government.

14 MR. MURPHY: Yeah, that only relates to a  
15 contractor. Or TRW, not just bidders.

16 MR. WARRINER: Okay.

17 MR. SILBERG: Yeah, the financial management  
18 stuff is internal DOE or NRC financial management.

19 MR. MURPHY: Right.

20 MR. SILBERG: It doesn't have anything to do  
21 with the operation of the program.

22 MR. MURPHY: Right.

23 MR. WARRINER: Jay?

24 MR. SILBERG: What is the budget of DOE, what  
25 is the budget of OCRWM, what is the budget of NRC? That

1 stuff we excluded.

2 MS. NEWBURY: Except the scope of work --

3 MR. SILBERG: Personnel, financial management,  
4 how does DOE manage its budget. You know all that is  
5 excluded.

6 MS. NEWBURY: But the scope of work --

7 MR. SILBERG: Huh? What?

8 MS. NEWBURY: There's an except in it that  
9 says except for the scope of work.

10 MR. SILBERG: Right, scope of work.

11 MR. CAMERON: We wanted that to make sure that  
12 the scope of work --

13 MR. MURPHY: Where are you reading from?

14 MS. NEWBURY: I'm reading --

15 MR. SILBERG: This is 1005(c).

16 MS. NEWBURY: Yeah.

17 MR. CAMERON: But that was more for the  
18 description of the scope of work as opposed to any  
19 financial information that might be in the scope of work.

20 MR. MURPHY: Well, but no, it says except for  
21 the scope of work on a procurement related to repository  
22 siting, construction or operation or the transportation of  
23 spent nuclear fuel.

24 MR. SILBERG: Right, in other words --

25 MR. MURPHY: That's easy.

1 MR. SILBERG: -- some procurement information  
2 is relevant and goes in the system, and we just describe  
3 what it is.

4 MR. MURPHY: Right. I mean if the scope of  
5 work relates to find a way to hide the crack in the MPC,  
6 then we'd like to see it. She didn't hear me.

7 MS. NEWBURY: I'm sorry? Did you say  
8 something, Mal?

9 MR. SILBERG: No more so than the preview.

10 MS. NEWBURY: Oh, okay.

11 MR. WARRINER: Okay.

12 MR. SILBERG: Next, administrative --

13 MR. WARRINER: Well, that's -- I think you've  
14 dealt with that.

15 MR. SILBERG: Okay, that's your office space  
16 personnel?

17 MR. WARRINER: Yeah.

18 MR. SILBERG: Yeah. Do people need more  
19 guidance on what's intended?

20 MR. WARRINER: No.

21 MR. SILBERG: Okay.

22 MR. WARRINER: Okay.

23 SPECTATOR: Dave, I know there's been long  
24 discussions (indiscernible) understand what you said.  
25 With this guidance you intend to use these three rules to

1 decide what goes in LSS and what does not; is that  
2 correct?

3 MR. WARRINER: That's what I'm suggesting. I  
4 haven't gotten any feedback on that.

5 SPECTATOR: Okay --

6 MR. WARRINER: That's pretty much the approach  
7 that we've taken. Is there any discussion on those set of  
8 criteria?

9 MR. GRASER: Yeah, Dan Graser, Nuclear  
10 Regulatory Commission. Dave, under those criteria would  
11 documents related to the MRS be in the LSS, yes or no?

12 MR. WARRINER: Yes.

13 MR. GRASER: Would documents related to  
14 something related to Hanford be in the (indiscernible)?

15 MR. SILBERG: Maybe.

16 MR. WARRINER: Maybe, depending if it had --

17 MS. NEWBURY: Only if --

18 MR. WARRINER: -- information relative to --  
19 about the program.

20 MR. SILBERG: We had a long discussion five  
21 years ago on exactly that question. There was a lot of  
22 work on basalt which would only be relevant to basalt and  
23 that wasn't going to go in. But on the other hand, if  
24 there was work that was relevant to basalt that told us  
25 something about Yucca Mountain and tough or generic

1 transport mechanisms or generic interactive mechanisms,  
2 that would go in. Right?

3 MR. MURPHY: Yeah, right. Or if it related to  
4 the bit plant at Hanford, that would go in.

5 UNIDENTIFIED SPEAKER: Or characterization of  
6 the waste cream from Hanford?

7 MR. MURPHY: Right.

8 MR. HOYLE: This morning, Mal, you spoke of a  
9 notion that there may be documents -- our thinking today  
10 may be such that documents we thought were relevant in  
11 1988 or '89 may not be now relevant. Are we now telling  
12 DOE that that doesn't matter, that they can put in  
13 everything that they have if they can't exclude it by  
14 calling it, you know --

15 MR. MURPHY: No, I -- well, let me give you  
16 the example I had in mind, I should have used it at the  
17 time, you know, it obviously would have clarified what I  
18 was thinking about. But, no, I think the answer is they  
19 can go further than that and within those three steps it  
20 seems to me they can still say, look at a document and  
21 say, "That's no longer relevant to this program, that's  
22 not related to the current OCRWM program, so I'm not going  
23 to put it in."

24 And what I had in mind was the thousands of  
25 pages of documents that related to the design and

1 construction specifications for the exploratory shaft, the  
2 vertical shaft that was going to be drilled and blasted  
3 through Yucca Mountain, and then the, I don't know, dozens  
4 of tunnels down there and drifts that were going to  
5 comprise the exploratory studies facility. That -- once  
6 the decision was made to bore the slant tunnel many of  
7 those, if not all of those documents no longer become  
8 relevant to licensing, it seems to me.

9           The documents that relate to why they made the  
10 decision to go from a vertical shaft to a, you know, it's  
11 not horizontal, whatever it is, what is it? Slant or  
12 something. To a shaft that's, you know, TBM, the  
13 documents that relate to and can explain to us, you know,  
14 what was the basis for that decision are certainly  
15 relevant or likely to lead to relevant information in  
16 licensing. But we no longer need to see the construction  
17 drawings related to the exploratory shaft. That's not  
18 going to be an issue in licensing, it seems to me.

19           So there may -- I don't know, several thousand  
20 pages of documents that you can -- that even though they,  
21 you know, they're not excluded under 10 -- under 21005,  
22 you can say, these things no longer relate to the program,  
23 we don't have to put them in.

24           MR. WARRINER: But --

25           MR. MURPHY: One example.

1           MR. WARRINER:  -- that's an example, the point  
2 is, Jay --

3           MR. MURPHY:  What?

4           MR. WARRINER:  -- that you've got one example,  
5 but I think we need better guidance than that to make a  
6 determination.

7           MR. FRISHMAN:  And I don't think that's good  
8 guidance, because in that case that's a design alternative  
9 that was considered.

10          UNIDENTIFIED SPEAKER:  There you go.

11          MR. MURPHY:  Forget it.

12          MR. ECHOLS:  That's the perfect example.  One  
13 thing in looking at this, at the time of the original rule  
14 in '89, one concern was the cost of storage would be  
15 prohibitively high.  If there was any way to have a cutoff  
16 day pre-'82 to categorize somehow what's relevant and not  
17 relevant, anything to get the bulk down was important to  
18 the cost of the system.

19                 Now things have flipped with respect to the  
20 technology.  The exposure now is in the time and the  
21 variability and individuals -- looking at individual  
22 documents and saying, making individual judgments, this is  
23 relevant or could lead to relevance or not.  What is the  
24 experience of that individual making those calls?  You  
25 have to notify the administrator that you're not putting

1 in a document and you're excluding it for some reason and  
2 to articulate that reason, and then it's subject to appeal  
3 and there's going to be a hearing on the documents that  
4 are excluded, to argue why they were and were not put in.

5 So all of that together, or you put it in.

6 And get all the variability out of the system and you may  
7 get a few extra hits that you want, but all of the  
8 arguments and all the exposure for challenge for not  
9 putting in potentially relevant documents disappear.

10 MR. CAMERON: Well, I'll --

11 MR. ECHOLS: And here you have a good example  
12 of the kind of argument you get into.

13 MR. CAMERON: -- I'll have to defer to the  
14 information management experts, but isn't the search time,  
15 isn't it a bigger issue on search time than just you might  
16 get a few more hits? I mean I know there must be  
17 boundaries on that. Maybe the cost-per-page-entry  
18 business isn't a problem anymore, but I'm not sure that we  
19 can just say that it doesn't matter how many millions of  
20 pages are in there, let's just put it in. And that's, I  
21 guess, why we were trying to think about are there any new  
22 exclusionary categories.

23 I think Mal came up with up one, but there are  
24 problems related to trying to do that. But what if you,  
25 for example, documents that are issued by the Office of

1 Public Affairs at DOE/NRC, now are they being excluded  
2 because they're one of the excluded -- I mean, is there  
3 any simple exclusion or exclusionary criteria that we can  
4 apply to try to make sure that the system is as lean as  
5 possible?

6 MR. ECHOLS: It's almost you'd have to go to  
7 what we're going to initially which is the category,  
8 because if it's a defined category that the group  
9 identifies then there's no variability or it's reduced,  
10 and the likelihood of challenge and a lot of the  
11 administrative proceedings debating could it -- was it  
12 likely to lead to a relevant document disappear, because  
13 it's a categorical exclusion.

14 The more of those you can put in place to add  
15 to the exclusionary list, that's fine. But if it's a  
16 judgment call that can be subject to challenge, think of  
17 all the administrative proceedings you're going to have  
18 over the next several years debating whether it could lead  
19 to a relevant piece of information. That's your tradeoff.

20 MS. STOTLER: Jan Stotler, you know. Also,  
21 remember when you are searching you'll be searching an  
22 index. You aren't searching through every page of that  
23 material. So, it really isn't that big a deal if you have  
24 more pages. You know, you're still just going to an index  
25 to find the term that you're looking for. So, yes, you

1 may get --

2 MR. MURPHY: Say that again. I thought it was  
3 full-text searchable?

4 MS. STOTLER: That's what I mean, it's an  
5 index of the text, it's not searching through every line  
6 of text. It (indiscernible) index in terms of putting it  
7 in alphabetical order in an index and so when you search  
8 on a term it goes to that place in the index and it says,  
9 "I have this term in these places in these documents."  
10 Okay, so, you're not having to go in through your  
11 database, you're really just searching an index, no matter  
12 how many documents you have.

13 MR. CAMERON: Is that the general consensus of  
14 everybody on this issue in terms of search time, that it's  
15 really sort of a never-nomy?

16 MR. LEVIN: I don't think search time is so  
17 much the issue, I agree with what you say, but one of the  
18 issues is if you go in and find a thousand documents as a  
19 result of your search and you have to weed through those  
20 to find the one that you really wanted, that's an issue.

21 MR. CAMERON: Okay, the search time isn't a  
22 big deal.

23 MR. LEVIN: That's more --

24 MR. CAMERON: But it's how many hits you're  
25 going to get?

1           MR. LEVIN: Yeah, it's more human search time  
2 once you get the data out, trying to figure out what you  
3 really want.

4           MS. NEWBURY: It's learning to structure your  
5 queries properly so you don't get --

6           MS. STOTLER: Yeah, and you would --

7           MS. NEWBURY: -- for instance, you wouldn't  
8 look for ESF from 1985 because you know you'd get wrong  
9 designs.

10          MR. LEVIN: But what it does is it does force  
11 you to give more thought to the way you structure the  
12 queries to minimize your universe. But that's the real  
13 issue.

14          MS. STOTLER: And Stan's point is well taken,  
15 to the degree that you can eliminate (indiscernible)  
16 categories, it's likely the Office of Public Institutions  
17 Affairs. The easier it is on us to exclude those whole  
18 categories.

19          MR. SILBERG: Well, then you've already got an  
20 exclusion for that.

21          MR. WARRINER: Yes, that's excluded, that's  
22 clear. It's clear and objective standards.

23          MR. ECHOLS: The object is to take away  
24 judgment.

25          MS. STOTLER: Right.

1           MR. ECHOLS: So that you won't challenge the  
2 basis of that judgment, the variability in judgment if  
3 there are multiple people looking at individual documents,  
4 could this lead to relevant information or not, that's the  
5 variability in the process is eliminated by putting  
6 everything in and forcing a discipline on the search.

7           MR. CAMERON: Were there anymore -- are there  
8 anymore categorical exclusions? I suppose at the time if  
9 there are anymore obvious ones they would have come up,  
10 but are they worth spending any time thinking about new  
11 categorical exclusions?

12          MR. SILBERG: Groundwater travel time. The  
13 only problem with more categorical exclusions is Mal's  
14 point, under no circumstances will he tolerate reopening  
15 the rule.

16          MR. MURPHY: That's right.

17          MR. WARRINER: That's right.

18          MR. SILBERG: So, that may be a moot point.

19          MR. MURPHY: That's right.

20          MR. MITCHELL: Do you feel comfortable with  
21 the clarification so far?

22          MR. WARRINER: So far.

23          MR. ECHOLS: Does the NRC feel it has  
24 sufficient flexibility under the existing rule where it  
25 could give guidance -- or other guidance as to categories

1 that would not be -- that should not be --

2 MR. CAMERON: Well, it depends on whether we  
3 have a basis that touched on in the rule to issue guidance  
4 like that. If we don't, then we'll have to invent it out  
5 of whole cloth.

6 MR. ECHOLS: Well, in other words if the ARP  
7 recommended a categorical exclusion, is that an  
8 appropriate vehicle?

9 MR. CAMERON: Possibly.

10 MR. ECHOLS: If there was consensus from the  
11 ARP on a category to exclude?

12 MR. SILBERG: I'd be --

13 MR. MURPHY: How are you going to bind a --

14 MR. SILBERG: Right.

15 MR. MURPHY: -- a potential future intervenor  
16 who's not a part of this panel?

17 MR. SILBERG: I sure wouldn't want to  
18 recommend that.

19 MR. MURPHY: No.

20 MR. SILBERG: The risk of that is just too  
21 much.

22 MR. CAMERON: Well, it's not worth arguing  
23 about if -- I don't see everybody jumping up with new  
24 categories of exclusion. So, maybe it's irrelevant.

25 MR. MURPHY: You know Stan, your point is

1 probably absolutely valid. It may cost more money and  
2 energy, time and energy, to go through this exercise and  
3 try to figure out whether or not to exclude it than just  
4 throw it on the pile and put it in.

5 MR. ECHOLS: It saves all of the challenges,  
6 predocketing as to (indiscernible) all the relevant, is  
7 the system filling with effective relevant documents or  
8 not.

9 MR. MURPHY: Yeah.

10 MR. LEVIN: I still have -- there still may be  
11 an issue, and there may not be an issue, but it's the size  
12 of the system. I mean there's still technical  
13 considerations about managing more data that makes things  
14 more difficult. There's a lot of logistical concerns.  
15 And that would be another reason for excluding as many  
16 documents as possible. I don't know how many documents  
17 we'd be talking about, so, it's hard to say whether it's  
18 really going to have a systems-level effect.

19 MR. GANDI: And if we're talking about 4  
20 million out of 80 gazillion, I don't know if it makes a  
21 difference.

22 MR. LEVIN: That's what I'm saying, but we  
23 don't -- the problem is, don't know what those numbers  
24 are. It's just always a good rule of thumb, to keep as  
25 (indiscernible) size as possible.

1 MR. GANDI: Right.

2 MR. SILBERG: I think by the time you --

3 MR. GANDI: As an applicant for the license I  
4 think we're putting ourselves at risk by not giving the  
5 least --

6 MR. SILBERG: I think by the time you go  
7 through the kind of discussion we now have, you know, with  
8 Steve and Mal on those kind of documents, you're going to  
9 find that coming up on almost anything you pick on. I  
10 suspect it's not worth the candlepower.

11 MR. GANDI: Text engines are getting better,  
12 you know, as the rave of the future.

13 MR. LEVIN: I was looking more at the  
14 logistical, the amount of storage, the cost of the system,  
15 backup, everything related to the care and feeding of more  
16 data. And it may not be an issue, like I said, you're  
17 always going to wonder.

18 MR. GANDI: Yeah.

19 MR. SILBERG: If you'd buy shredders instead  
20 of scanners it really solves the problem.

21 MR. LEVIN: Just one word change in an RFP.

22 MR. CAMERON: What is the, in terms of the  
23 records disposition schedule for records that are under  
24 three, OCRWM program records included by 10 CFR 2 Subpart  
25 J, how do you apply the records disposition schedule to

1 getting rid of those records?

2 MR. WARRINER: Well, what the schedule says is  
3 that those records that go to the LSS will be retained for  
4 as long as they're needed for the licensing proceedings.

5 MR. CAMERON: So, that's what --

6 MR. WARRINER: Pending the decision that based  
7 on that --

8 MR. CAMERON: That's what the disposition --

9 MR. WARRINER: -- then a secondary -- then a  
10 subsequent decision will be made.

11 MR. LEVIN: Is it possible --

12 MR. MURPHY: Of course you understand what the  
13 program approach has done to you there, don't you? I mean  
14 you have to retain those records for 125 years.

15 MR. WARRINER: We understand that, yes. We  
16 like to tell the people at National Archives that we have  
17 temporary records that we might keep for 10,000 years.

18 UNIDENTIFIED SPEAKER: That's serious --

19 MR. WARRINER: But yes, I'm serious too.

20 MR. MURPHY: They're going to postpone the  
21 lice -- the ultimate -- and you know the example of what  
22 happens if you don't do it right is done in New Mexico.  
23 Look at the problems WHIP is having because they can't  
24 accurately document to the EPA and the state of New Mexico  
25 what the hell it is they did down there 10 years ago.

1           MR. SILBERG: Well, we have some former  
2 nuclear plants that now burn coal and natural gas as a  
3 result of that.

4           MR. MURPHY: Exactly. For that reason, yeah.

5           MR. WARRINER: Yes, but we -- yeah, we realize  
6 the impacts.

7           MR. LEVIN: Is there a possibility that there  
8 are records right now that you're holding in backlog for  
9 inclusion in the LSS where they have, according to the  
10 disposition schedule, they should have been disposed of by  
11 now? And if so, do they need to be included in the LSS,  
12 because by the disposition schedule they're no longer  
13 official records?

14          MR. GANDI: But if they're in -- in the case  
15 of for licensing relevancy they are still official records  
16 and they do --

17          MR. LEVIN: Okay, well, that's why I'm asking.  
18 So, there's none that --

19          MR. WARRINER: By definition then we -- that  
20 category doesn't exist.

21          MR. CAMERON: It's not like someone is  
22 dictating laying down a disposition schedule, DOE is  
23 saying because they're relevant to licensing that's what  
24 the disposition schedule is so --

25          MR. LEVIN: Got you, okay.

1           MR. WARRINER: So, I guess, just to kind of  
2 bring closure to this, do we have agreement that these set  
3 of criteria would be useful once used?

4           MR. MURPHY: I think so.

5           MR. WARRINER: Okay.

6           MR. GANDI: Can we have wording attached to  
7 these clarifications, Dave, by the next meeting?

8           MR. WARRINER: Sure.

9           MR. GANDI: Stan and such, so that everybody  
10 does have the right words.

11          MR. WARRINER: On the clarifications you mean,  
12 last page?

13          MR. GANDI: Yeah.

14          MR. WARRINER: We probably need to do that.  
15 We'll take that as an action, John.

16          SPECTATOR: Dave, is it possible then to take  
17 the information that was already described in the tapes  
18 and put them on this form and deliver it back so that it  
19 can be included (indiscernible) for this meeting and then  
20 everybody (indiscernible)?

21          MR. GANDI: Well, that's basically what it's  
22 saying. I mean you'll write -- we'll write up a  
23 clarification --

24          MR. MURPHY: Well, you don't approve the  
25 minutes of this meeting until we get to the next meeting,

1 anyway.

2 MR. HOYLE: Okay.

3 MR. WARRINER: Yeah, okay.

4 MR. HOYLE: Okay.

5 MR. WARRINER: Okay, thank you.

6 MR. HOYLE: All right, at this point we move  
7 to the topic -- topic selection for use -- we're so happy.

8 (Off the record)

9 MR. HOYLE: All right, let's get back to  
10 order, please. We have a number of side conversations  
11 that are very helpful to each other, but not to all of us.  
12 The -- unless someone wants to call for a break, I don't,  
13 I want to continue on. Let's go then to the use of LSS on  
14 a pilot project basis. And according to my agenda, that's  
15 an NRC item. So, who in NRC shall I turn to?

16 MR. CAMERON: That's Ken Kalman.

17 MR. HOYLE: There was some discussion this  
18 morning of the possibility of using it for the interim  
19 storage activity. But have we gotten, at this point, a  
20 real topic or are we still working with DOE to come up  
21 with one?

22 MR. CAMERON: I think we're still -- I think  
23 the technical staff of NRC and DOE were going to get  
24 together to talk about what a suitable topic would be.  
25 And I don't think we're there.

1 MR. SILBERG: That hasn't happened.

2 MR. CAMERON: That hasn't happened. Right,  
3 Ken, we haven't had any discussions with, internally we  
4 might have, but --

5 MR. KALMAN: The last discussion really -- the  
6 last discussion we had was, you know, they'd --  
7 (indiscernible) around December. That was pretty much it.

8 MR. HOYLE: Can we expect progress at our next  
9 meeting? Obviously we haven't talked about a date for  
10 that yet, but it's probably a month or two away at the  
11 minimum.

12 MR. GANDI: When would the possibility of what  
13 we were talking about, early access to the records system,  
14 that basically we're trying to put on-line, be something -  
15 - you know, provide that, what we're looking for?

16 MR. CAMERON: Could be. It could do it.

17 MR. GANDI: Making a project to exercise it  
18 on.

19 MR. FRISHMAN: And if you're going to follow  
20 the priority discussion this morning then it ought to be  
21 surface processing, because that's the first technical  
22 basis report, which is already delayed. But, no, you're  
23 going to have to have some kind of records management  
24 basis for that technical basis report. And I'm not sure,  
25 in my own mind, that it exists. Maybe you know better.

1 And that thing is supposed to hit the street very soon.

2 And so if we're going to test records management this  
3 seems like the right place to start.

4 MR. CAMERON: Yeah, I think that that last  
5 phrase of Steve's is that by doing this, John, would we be  
6 providing -- part of the pilot was to work out some bugs,  
7 assess the system.

8 MR. GANDI: Yeah.

9 MR. CAMERON: And would that accomplish that?

10 MR. GANDI: I can't actually call it PLSS  
11 system, but --

12 MR. CAMERON: No, but I mean would it  
13 accomplish the same type of thing?

14 MR. GANDI: It would accomplish the point of  
15 providing functionality and looking to see what looked and  
16 felt good and what we'd want to see in the future, yes.  
17 To answer your question, yes.

18 MS. NEWBURY: What you'll have available would  
19 be headers, basically.

20 MR. GANDI: Headers and some images.

21 MS. NEWBURY: And some images.

22 MR. LEVIN: What kind of availability would  
23 you have, as far as remote access?

24 MR. GANDI: Intelnet, Vinternet.

25 MR. LEVIN: Okay.

1 MR. GANDI: There's a lot of different ways we  
2 could go.

3 MS. NEWBURY: Just like the ATDT.

4 MR. SILBERG: If we're not going to use the  
5 full-text search system though is this enough of a test of  
6 an LSS?

7 MR. GANDI: Well --

8 MR. SILBERG: I mean it may be useful, I don't  
9 have a problem with --

10 MR. LEVIN: It would test -- certainly test  
11 elements of the LSS and --

12 MR. GANDI: Right.

13 MR. LEVIN: -- I think in that light we should  
14 test what we can, but it may not go far enough.

15 MR. GANDI: Yeah.

16 MR. FRISHMAN: You've got another technical  
17 basis report coming after that one? Why not evolve the  
18 test with the system that is leading to decisions right  
19 now, or that is intended to lead to decisions?

20 MR. SILBERG: The only question I have is  
21 really whether what you would be testing there is any  
22 necessary relationship to what the LSS is going to be? If  
23 it indeed is a part of what the LSS would be, then fine,  
24 you know, I don't have a problem with it.

25 MR. FRISHMAN: Well, I think the biggest part

1 that I see in it is that it sort of tests the topical  
2 integrity of the system. And we'll probably find a lot of  
3 things that we thought might work that don't work.

4 MR. SILBERG: You mean in terms of documents  
5 you thought would be in the system that aren't?

6 MR. FRISHMAN: Right.

7 MS. NEWBURY: Well, that probably would be a  
8 problem, because you may have documents that have not been  
9 entered in the system and don't have headers because  
10 they're in our backlog. So you --

11 MR. FRISHMAN: Well, I guess part of the  
12 reason why I want the test --

13 MS. NEWBURY: -- I mean I wouldn't say that  
14 this is our testing of making sure we have all our records  
15 in the system yet. That's --

16 MR. GANDI: Could be more of a functionality  
17 of what the screens look and feel like.

18 MR. MURPHY: That's what I -- that's more the  
19 nature of what I had in mind.

20 MS. NEWBURY: Good. I just don't want it to  
21 be interpreted into --

22 MR. METTAM: Why isn't that done.

23 MS. NEWBURY: Yeah, exactly, you know. We  
24 looked and we didn't find it, therefore, DOE doesn't know  
25 what they're doing or something along those lines.

1           MR. GANDI: And it will probably be a firewall  
2 system, it won't be the actual records system that we're  
3 running production on.

4           MR. LEVIN: But it would be more in the nature  
5 of a prototype --

6           MR. GANDI: Right, exactly.

7           MR. LEVIN: -- kind of thing. It's really  
8 just a prototype functionality. And as new modules are  
9 developed and more functionality is available people can  
10 have access to that.

11          MR. GANDI: That's right. Exactly. And we --

12          MR. LEVIN: And use it as it is, take it as is  
13 --

14          MR. GANDI: -- would expect to get queries  
15 back.

16          MR. LEVIN: -- and feedback comments would  
17 help all of us.

18          MR. GANDI: I think so.

19          MR. LEVIN: If we could get on with that I  
20 think relatively quickly.

21          MR. GANDI: Well --

22          MR. LEVIN: Relatively, of course, in this  
23 process, relatively --

24          MR. SILBERG: Would making this part of the  
25 system available in any way slow down the development of

1 the LSS by diverting resources or what-have-you?

2 MR. GANDI: Yes and no.

3 MR. SILBERG: Huh?

4 MR. GANDI: Yes and no. It could also provide  
5 some up-front requirements done. In other words, we could  
6 be providing information to me that we're not getting  
7 through these meetings.

8 MR. LEVIN: I think what you're saying,  
9 correct me if I'm wrong, is that by spending some  
10 resources now up front we may save time later --

11 MR. GANDI: Right.

12 MR. LEVIN: -- because we'll know more. So,  
13 the net effect could be saving time. Saving of time over  
14 the long run.

15 MR. GANDI: Yeah.

16 MR. SILBERG: Yeah, I just don't want to see  
17 this thrown back at us a year from now as the reason why  
18 DOE didn't meet the March '96 RFP buy/build decision.  
19 Well, we were spending so much time making the system  
20 available for this prototype that we couldn't possibly do  
21 both.

22 MR. FRISHMAN: Might be a better RFP.

23 MR. LEVIN: Yeah. That's what I'm saying, pay  
24 me now or pay me later. This saves time up front.

25 MR. MURPHY: That's right, that's what I had

1 in mind.

2 MS. NEWBURY: Can we report back to you on  
3 what we think whether or not it's a reasonable alternative  
4 at the next meeting?

5 MR. GANDI: We may be able to provide very  
6 limited access very cheaply.

7 MR. SILBERG: Well, that's great.

8 MR. LEVIN: Especially if you can use the  
9 Internet, I mean that's something that's already in place,  
10 we don't have to craft that access mechanism.

11 MR. GANDI: But like I said, to complete our -  
12 -

13 MR. LEVIN: That would be very convenient.

14 MR. GANDI: -- acceptance testing, anyway,  
15 first.

16 SPECTATOR: John?

17 MR. GANDI: Yes.

18 SPECTATOR: I want -- if I may, John, one  
19 suggestion, because there isn't an infrastructure in place  
20 to provide wide area network access to this system, but if  
21 what you're really looking for is interaction with the  
22 system to get feedback as to what inner requirements and  
23 all that, the easiest thing is for people to come in to  
24 see the system, putting it on your desk top at a remote  
25 site. That is a big deal because you need the

1 infrastructure in place in terms of what area networks and  
2 things like that, which is --

3 MR. LEVIN: Well, if it's the Internet you'd  
4 need a gateway and a --

5 SPECTATOR: It's not an Internet system.

6 MR. LEVIN: There's no way, okay, so you can't  
7 tell that to --

8 SPECTATOR: You're not going to send 500-page  
9 documents over the Internet, it's not -- I realize that's  
10 a model and you'd mentioned that yesterday, but it's not  
11 an Internet system.

12 MR. GANDI: Let us look into it and we'll --

13 SPECTATOR: That's why we want -- I think the  
14 goals you're trying to accomplish could be achieved but  
15 probably by --

16 MR. MURPHY: Well, but even --

17 SPECTATOR: -- bringing people -- the mountain  
18 to Mohammed, would be a lot less impact. Just a  
19 suggestion.

20 MR. MURPHY: Even if we have to come down here  
21 and use it to check it out, that's still helpful.

22 MR. GANDI: Yeah, exactly. We'll --

23 MR. MURPHY: It's helpful to you and it's  
24 helpful to me.

25 MR. GANDI: -- we'll get back before the next

1 meeting and with some type of a recommendation.

2 MR. HOYLE: If it's not Internet it's not  
3 valid --

4 MR. GANDI: Well, even if it's only header  
5 information at a remote site just to get the feel --

6 MS. NEWBURY: Let us get back --

7 MR. GANDI: Let us get back with that.

8 MR. MITCHELL: I think the NCAI would be very  
9 interested in seeing a prototype --

10 SPECTATOR: John --

11 MR. HOYLE: Excuse me.

12 SPECTATOR: -- another possibility, I don't  
13 know if you would be interested in this, but we are  
14 developing a CD system for our own remote participants for  
15 records retrieval and it has the images on it. And that  
16 will be deployed when we deploy our image processing  
17 system. So, you might -- in other words, we could give  
18 you a CD application that you could use in a limited way,  
19 and then if you wanted the on-line system you could --

20 MS. NEWBURY: We'll discuss it when we get to  
21 that.

22 MR. HOYLE: Lloyd?

23 MR. MITCHELL: Yeah, I don't know if we had  
24 gotten that message earlier. I think the NCAI would  
25 really like to see a prototype, per se, if you want to

1 call it that, model available to see things going. I  
2 think it would be kind of neat. Thanks, John.

3 MR. HOYLE: Any further discussion of this  
4 item? All right. DOE --

5 MR. CAMERON: I just wanted to -- what did we  
6 decide to do about priority loading, trying to make the  
7 connection here in the relationship to the --

8 MR. HOYLE: I had noted that DOE would come  
9 back next meeting --

10 MS. NEWBURY: Yes.

11 MR. HOYLE: -- to talk about priority loading  
12 issues. And give us an update --

13 MR. FRISHMAN: And we're talking -- we're  
14 talking in terms of, if there are to be any priorities, if  
15 the system even requires it, it probably should follow the  
16 sequencing of the technical basis reports. And Claudia  
17 was going to bring back, or get to us before the next  
18 meeting, the new sequence.

19 MS. NEWBURY: Right.

20 MR. FRISHMAN: As of a few days ago.

21 MS. NEWBURY: As of our baselining effort I  
22 was going to find the new bucketing of --

23 MR. CAMERON: I guess the reason I asked was  
24 the -- did we mention the access to the DOE system that we  
25 were just talking about, that that might satisfy some of

1 the priority loading requirements also?

2 MS. NEWBURY: Let me think about that, because  
3 I think the answer --

4 MR. CAMERON: I mean, I don't know, I was just  
5 trying to remember whether it was connected or not.

6 MS. NEWBURY: I don't think so.

7 MR. CAMERON: But that's okay, never mind.

8 MS. NEWBURY: I don't think so. I don't know.

9 MR. HOYLE: All right, anything else on that?

10 MR. LEVIN: I was just wondering if this was  
11 something that could be -- that the technical working  
12 group might be able to tackle as their next -- after their  
13 current activity? Is that something that would facilitate  
14 getting this done quicker?

15 MR. GANDI: Which is that?

16 MR. LEVIN: The prototype, you know, talking  
17 about the prototype and access.

18 MR. GANDI: No, I think I need to check my  
19 checkbook mainly.

20 MS. NEWBURY: Yeah, anything that's internal  
21 stuff we need to deal with.

22 MR. LEVIN: Okay.

23 MR. HOYLE: All right, there are no other  
24 topics on the agenda that we haven't covered then, I  
25 think, other than next meeting schedule. Is there any new

1 business that wasn't on the agenda that we should talk  
2 about getting on?

3 All right, before we talk about the next  
4 meeting schedule is there anyone in the audience that  
5 would like to make a comment who hasn't had an opportunity  
6 to do so yet?

7 Next meeting schedule, the Commission, NRC  
8 Commission does want a public meeting on the LSS. And  
9 it's my understanding that a date in early May is being  
10 looked at, the date of May 3rd I have --

11 MR. MURPHY: Public meeting --

12 MR. HOYLE: -- Claudia thinks it might be --

13 MR. MURPHY: -- before the Commission?

14 MR. HOYLE: Before the Commission.

15 MR. MURPHY: May 3rd is right in the middle of  
16 the big International Radioactive Waste Management  
17 Conference down here.

18 MS. NEWBURY: The dates I heard were May 9th  
19 and 10th or there's another one in late May.

20 MR. HOYLE: Yes, I may have -- right. I'm  
21 sure it would have to be consistent with other schedules.  
22 But they would be in Washington or in Rockville. The  
23 Commission wants to have the IG present a public  
24 discussion of his report, would like to have the staff  
25 respond to that, and would like to have DOE there. Mr.

1 Dreyfus has been informed and invited.

2 I guess one question I have is would some of  
3 you perhaps be going there, having heard about this, and  
4 if so, could we come up with a half-day meeting, you now,  
5 in Rockville at that time like we did last September or  
6 so, September a year ago, and at least talk about the item  
7 that the working group is going to discuss on the  
8 requirements. And maybe by phone we could have already  
9 handled that, I'm not sure, but at least we could ratify  
10 at that time, guidance to DOE. And I don't know if that  
11 timing would present enough time for you to prepare some  
12 of these other briefings.

13 MR. MURPHY: What date are you talking about  
14 for the --

15 MR. HOYLE: Well, Claudia is saying the 9th or  
16 10th of May. I had an earlier date from my staff. But  
17 I'll have to confirm that.

18 MR. MURPHY: Yeah, May --

19 MR. HOYLE: But I think the issue is, is that  
20 timely?

21 MR. MURPHY: Well no, I guess it isn't. I  
22 mean May 3rd is right in the middle of the International  
23 Conference --

24 MR. HOYLE: I mean is early May timely for us  
25 to get together again, if it could be worked out?

1 MR. MURPHY: Yeah.

2 MR. CAMERON: Forgetting about the Commission  
3 meeting?

4 MR. MURPHY: Well, I don't want to forget  
5 about the Commission meeting.

6 MR. CAMERON: No, but I mean --

7 MR. MURPHY: If the future of the --

8 MR. FRISHMAN: Well, they're saying they're  
9 not going to overlap.

10 MR. MURPHY: What?

11 MR. FRISHMAN: They're saying they won't  
12 overlap. They'll move --

13 MR. MURPHY: Yeah, but I want to talk about  
14 the Commission meeting because if the future of the LSS --  
15 to hell with the LSSARP.

16 If the Commission is going to look at the IG's  
17 report, and look the senior management team's thinking,  
18 and start thinking about you know whether or not what do  
19 we do about the LSS, it may very well be that Les wants me  
20 to be there. If it's on the 3rd of May, I can't be there  
21 because I'm presenting a paper to the International  
22 Conference down here the next day.

23 MR. CAMERON: I don't think it's going to be  
24 on the 3rd of May.

25 MR. MURPHY: Well, okay, well, I just want to

1 make that point.

2 MR. CAMERON: But that makes --

3 MR. MURPHY: If it's on the 9th, if it's on  
4 the 9th or 10th of May the Interaction Scheduling Meeting  
5 is on the 10th, which a lot of DOE and NRC and state,  
6 local government people are involved in.

7 MR. CAMERON: And that's in?

8 MR. MURPHY: It's usually televideo, between -  
9 -

10 MR. GANDI: So, that doesn't --

11 MR. MURPHY: -- the Forestall building --  
12 yeah, we could be in DC for it, but it's usually televideo  
13 between the Forestall building and the DOE office down  
14 here.

15 MR. CAMERON: And I think John's question was,  
16 is there enough time between now and the Commission  
17 meeting, the May 9th or 10th or whatever it is, for any  
18 productive things to be done related to the ARP to justify  
19 holding a meeting of the ARP at that time. Is there going  
20 to be anything else to report?

21 MR. FRISHMAN: I think if we're going to need  
22 any further discussion on the requirements, the  
23 recommendations that we're making, that timing is right  
24 and it fits Claudia's schedule. And I'd be much more  
25 comfortable if we had a meeting coming out of that working

1 group just to look at that rather than just pass it around  
2 on a fax and everybody say okay or no.

3 MR. HOYLE: All right, well let me then --  
4 let's pin down the dates. I know Chairman Sell -- how  
5 long is that voice conference, all week?

6 MR. MURPHY: All week.

7 MR. HOYLE: It's all week.

8 MR. MURPHY: Monday through Thursday, I  
9 believe. Monday through Thursday -- Sunday through  
10 Thursday.

11 MR. HOYLE: So, the chairman, I think, is  
12 planning to be here on Monday the 1st, and perhaps he was  
13 not realizing that later in the week everybody else was  
14 going to still be here.

15 MR. MURPHY: Yeah, he's speaking on Monday the  
16 1st.

17 MR. HOYLE: Yeah.

18 MR. MURPHY: Why don't we -- if we postpone  
19 this until after July 1st, and we only have one --

20 MS. NEWBURY: No.

21 MR. MURPHY: -- we only have one NRC  
22 commissioner and he'll come out here. Did I hit on a sore  
23 subject there, John?

24 MS. NEWBURY: I need my functional  
25 requirements okayed before --

1                   MR. HOYLE:  Yeah, I was reacting more to DOE's  
2 problems.  We may have one commissioner come July 1.

3                   MR. CAMERON:  We'll have one at least, won't  
4 we?

5                   MR. HOYLE:  We will have one at least.

6                   Okay.  I don't know that I want to establish a  
7 large agenda for this meeting.  I do want to put on at  
8 least the requirements item.  Let me consult with Claudia  
9 and see if we could put on a briefing on the records  
10 management -- you know, an update on what the system is,  
11 whether there's anything about the priority loading  
12 activity.  It might be early to talk about the pilot or  
13 prototype activity which we just finished discussing a few  
14 minutes ago.

15                   When would you want to meet after that?  Let's  
16 say this is a short meeting, maybe only one or two topics,  
17 when is the next open window for discussion and is there  
18 something bigger on the horizon than we've had on our  
19 plate today that I'm overlooking in some way?  I don't see  
20 it.

21                   MR. FRISHMAN:  What about the Phase 2 report,  
22 Claudia, didn't you say you're trying to get that out  
23 about the middle of June?

24                   MS. NEWBURY:  No, we begin -- let me find my -  
25 -

1 MR. SILBERG: To begin April 12th.

2 MS. NEWBURY: No, that's when we start -- the  
3 15th of June is when we were supposed to have completed  
4 that.

5 MR. MURPHY: Would it make sense to meet right  
6 after that?

7 MR. SILBERG: Maybe three or four weeks after  
8 that?

9 MR. HOYLE: Does that Phase 2 report then go  
10 to the technical working group or working -- looking for  
11 the rest of us as they did in Phase 1?

12 MR. MURPHY: I would think so. So, we'd  
13 probably want the technical working group to look at it  
14 first and then meet after you guys had a chance to report  
15 to us.

16 MR. HARDWICK: Yeah, and the technical working  
17 group it has its meetings according to when the ARP  
18 meetings are. So, you guys schedule a meeting and we'll  
19 work around it and get our meetings taken care of for  
20 whatever work we have to get done.

21 MR. MURPHY: Is mid-July too late for you?

22 MR. FRISHMAN: Three to four weeks enough for  
23 you to get --

24 MR. HARDWICK: Plenty, yeah.

25 MR. FRISHMAN: -- the thing and then have

1 something to run --

2 MR. HARDWICK: Plenty, that was what we had on  
3 this other thing.

4 MR. MURPHY: So, if your report comes out in  
5 mid-June, if we met in mid-July would that -- would that  
6 be ample time?

7 MR. CAMERON: You've got to give the working  
8 group time to look at it.

9 MR. MURPHY: That's what I mean.

10 MR. HARDWICK: About four weeks would probably  
11 --

12 MR. HOYLE: How about the week of July 17th?

13 MR. METTAM: Bad.

14 MR. HOYLE: Bad.

15 MR. METTAM: Before that week, but that week -  
16 - the last two weeks are sort of bad.

17 MR. MURPHY: Why is that?

18 MR. METTAM: Tech working group, Kansas City,  
19 and then other stuff.

20 MR. MURPHY: Is that the transportation  
21 working group?

22 MR. METTAM: Yeah, transportation and external  
23 coordination.

24 MR. MURPHY: Uh-huh. The week before that is  
25 -- part of the week before that is the TRB meeting in Salt

1 Lake City.

2 MS. NEWBURY: We'd need it early in July.

3 MR. MURPHY: How about the 4th?

4 MS. NEWBURY: Sounds good to me, right.

5 MR. METTAM: How about the 6th of July or  
6 somewhere out in that -- does everybody take that week  
7 off?

8 MR. HOYLE: The 6th of July was proposed.

9 MR. MURPHY: What day is it?

10 MR. METTAM: It's a Thursday, Thursday the  
11 6th.

12 MR. HARDWICK: The 6th.

13 MR. HOYLE: You all coming east?

14 MR. MURPHY: That's fine.

15 MR. HOYLE: Brad, are you coming east?

16 MR. METTAM: Whatever you guys are doing, I --

17 MR. MURPHY: Thursday the 6th of -- no, we  
18 don't want to meet in DC in July. It's worse than out  
19 here in July.

20 MR. HOYLE: Then we'll be in Reno in July,  
21 right?

22 MR. MURPHY: That's fine.

23 UNIDENTIFIED SPEAKER: Why not Tonopah?

24 MR. MURPHY: Tonopah. Have you ever been to  
25 Tonopah, John? Don't scowl without -- you'd probably

1 enjoy it.

2 MS. NEWBURY: It's probably time --

3 MR. MURPHY: Yeah.

4 MS. NEWBURY: -- winery --

5 MR. MURPHY: What's that?

6 MS. NEWBURY: The winery in Perump.

7 MR. MURPHY: Yes, meet in Perump. Meet in  
8 Perump, we'll all go have dinner at the winery, it's a  
9 great restaurant.

10 MR. HOYLE: Do they have conference room space  
11 at the winery?

12 MS. NEWBURY: Yeah, they do.

13 MR. MURPHY: Yes, as a matter of fact I've had  
14 a meeting there. They do.

15 MR. HOYLE: I wouldn't mind going up to Reno  
16 or Carson City or somewhere up there. Where's the  
17 preference over here, Las Vegas or somewhere else?

18 MR. MITCHELL: Is it required for us to have  
19 the meeting at the Las Vegas or DC?

20 MR. LEVIN: No. It's just convenience because  
21 --

22 MR. MITCHELL: Oneida's a nice place. I was  
23 going to suggest that we have that July area is a real  
24 special time for us up there. We have many, many guests  
25 come there and it would be really a fun thing up there, if

1 you guys -- I could probably ask, I don't think it would  
2 be any problem, but if you guys want to consider that I  
3 think that would be great. And not only -- I think it  
4 would be wonderful relations too, to have the meeting out  
5 on an Indian Reservation.

6 MR. LEVIN: Where?

7 MR. MITCHELL: In Oneida, Wisconsin.

8 MR. SILBERG: How far is that from Twin Cities  
9 or --

10 MR. MITCHELL: It's pretty far. We have the  
11 airport, the airport's right across the street. You get  
12 off the airplane and literally walk across the street to  
13 the -- we have a big convention center there on the  
14 reservation and everything. Radisson Hotels, swimming  
15 pool, all that kind of good stuff, a couple hundred rooms.  
16 It's a really nice place.

17 MR. MURPHY: Probably even have a casino,  
18 right?

19 MR. MITCHELL: Yeah, we have a casino there  
20 too.

21 MR. SILBERG: Chip just signed up for that  
22 one.

23 MR. MURPHY: Do you have a race book in the  
24 casino?

25 MR. MITCHELL: We have a -- no, we don't.

1 MR. CAMERON: I guess we're back to Reno.

2 MR. MITCHELL: But I could extend an  
3 invitation up there at this time, if you want to do that.

4 MR. MURPHY: Yeah, that's -- I think we ought  
5 to explore that possibility.

6 MR. SILBERG: Yeah.

7 MR. MITCHELL: I can get back with you -- I  
8 can get back to the NRC within a week, probably.

9 MR. SILBERG: Why don't you deal with John on  
10 that.

11 MR. HOYLE: Lloyd, would you do that, please?

12 MR. MITCHELL: Okay, no problem.

13 MR. METTAM: So location is TBD, huh, on the  
14 6th and 7th?

15 MR. HOYLE: The date is July 6th.

16 MR. MITCHELL: How many people would that  
17 encompass, I need to know that?

18 MR. HOYLE: I think approximately 50 people.

19 MR. MITCHELL: 50 people.

20 MR. HOYLE: How many people here did not have  
21 to travel to get here, by air? Did not have to.

22 MR. METTAM: By air?

23 MR. HOYLE: I'm just trying to see, if we went  
24 to your territory everyone would have to travel.

25 MS. NEWBURY: Some of these people would not

1 be there.

2 MR. HOYLE: Okay.

3 MR. METTAM: Yeah, it would narrow the ranks a  
4 little bit.

5 MR. HOYLE: Okay, please be in touch with me.

6 MR. MURPHY: But there are other  
7 considerations besides cost and travel. You know, and  
8 that would be -- what?

9 MR. HOYLE: All right, I think our next  
10 meeting will be July the 6th. I'll be in touch as to  
11 where that will be.

12 MR. HARDWICK: The May --

13 MR. HOYLE: I'm sorry, May 1st and then the  
14 next one July. Okay.

15 MR. MURPHY: And which day in May are you  
16 looking at, possibility of the 9th?

17 MR. HOYLE: Well, mark the 9th and 10th on  
18 your calendar.

19 MR. MURPHY: Okay.

20 MR. HARDWICK: One thing, John, on the  
21 technical working group meeting that we were going to have  
22 to review the level one requirements, it's just going to  
23 cause too much confusion and problems to try to change the  
24 dates. So, we're going to leave our dates the 17th and  
25 18th. And I will commit that I will have a draft out to

1 the panel of the document by the end of that week, which  
2 would be April 21st. I'll have a draft of what our  
3 conclusions were, and that will give everybody about two  
4 weeks, or two and a half weeks to look at it before our  
5 May meeting. And John and Claudia, you guys will get it  
6 just through the panel distribution.

7 MS. NEWBURY: Okay.

8 MR. HOYLE: Okay. If there are any of you that  
9 cannot travel to Washington in the May time frame that  
10 we're talking about, and you want a telephone hookup,  
11 perhaps we can arrange for that. So, let me know about  
12 that as well.

13 MR. MURPHY: Yeah, that might be -- yeah.

14 MR. HOYLE: I envision a half-day meeting  
15 there, not a day-and-a-half one like this.

16 MR. GANDI: Video center.

17 MS. NEWBURY: There's a possibility of video.

18 MR. HOYLE: Okay. Anything else? Thank you  
19 very much. Appreciate you --

20 (Whereupon, at 2:50 p.m., the public hearing  
21 was recessed)

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25

REPORTER'S CERTIFICATE

This is to certify that the attached proceeding before the United States Nuclear Regulatory Commission in the matter of:

NAME OF PROCEEDING: Meeting of Licensing Support System Advisory Review Panel

DOCKET NUMBER:

PLACE OF PROCEEDING: Las Vegas, Nevada

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.

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Roxanne M. Krause  
Official Reporter