Official Transcript of Proceedings

NUCLEAR REGULATORY COMMISSION

DOCKET NUMBER
PROPOSED RULE PR 1,2,13 + 110
(70 FR 74949)

Title: Public Meeting to Discuss the Proposed Electronic Filing Rule

Docket Number: (not applicable)

Location: Rockville, Maryland

Date: Tuesday, January 10, 2006

Work Order No.: NRC-814 Pages 1-57

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Template = SECY-067

SECY-02

1 U.S. NUCLEAR REGULATORY COMMISSION

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3 PUBLIC MEETING TO DISCUSS THE PROPOSED ELECTRONIC

4 FILING RULE

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6 TUESDAY,

7 JANUARY 10, 2006

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9 The above-entitled matter convened at the

10 Nuclear Regulatory Commission in the Auditorium at Two

11 White Flint North, 11545 Rockville Pike, Rockville,

12 Maryland, at 9:30 a.m., Darani Reddick, Office of the

13 General Counsel, presiding.

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17 PARTICIPANTS:

18 DARANI REDDICK Office of the General Counsel

19 TONY EITREM

20 EMILE JULIAN Office of the Secretary

21 KENNY NGUYEN Office of Information Systems

22 TRIP ROTHSCHILD

23 JOHN SKOCZLAS Office of Information Services

24

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

2 9:35 A.M.

3 MS. REDDICK: Good morning. Can everyone
4 hear me all right? Okay, good morning, welcome to the
5 NRC's public meeting on the proposed e-filing Rule.
6 My name is Darani Reddick. I'm from the office of the
7 General Counsel. Let me introduce who is up here on
8 the panel today. We have John Skoczlas from
9 Information Services, Emile Julian from the Office of
10 the Secretary, Trip Rothschild, also from the General
11 Counsel's Office, Kenny Nguyen from Information
12 Services, and Tony Eitrem from the Atomic Safety and
13 Licensing Board.

14 The purpose of today's meeting is to
15 demonstrate electronic filings and to discuss
16 questions and take your comments about the proposed
17 rule. I would like to point out we do have a Court
18 Reporter here today in the back of the room who's
19 transcribing the meeting, so all of the comments that
20 are made here today will be part of the official rul-
21 emaking record. So if you make a comment at the
22 meeting today you need not submit it in writing unless
23 you choose to do so. And the deadline to submit
24 comments is March 1st, 2006.

25 The agenda for the meeting today, we'll

1 start with kind of a brief overview of the major
2 features of the proposed rule by myself. John will do
3 a demonstration of the Electronic information Exchange
4 System. Emile will then follow up with some
5 information on the Electronic Hearing Docket and how
6 the proposed rule effects the EHD and Kenny will give
7 us some information about the format for submissions
8 and how to convert documents into pdfs. I'm hoping
9 that the overview of the proposed rule may answer some
10 of your questions, so if you wouldn't mind holding
11 that until the end of that part of the presentation
12 and then any of us up here can try and answer any
13 questions for you.
14 So, let me start by giving some background
15 of the proposed rule and all this is contained in the
16 Federal Register Notice that we do have copies of
17 everything outside, if you didn't get to pick up. We
18 have copies of the slides, the Federal Register
19 Notice, so please pick that up. The proposed rule
20 essentially requires the use of electronic submissions
21 in all agency hearings except for high level waste
22 which is already required to submit electronically
23 under Subpart J of 10 CFR. There will be exceptions
24 allowed to permit paper filings in limited
25 circumstances but the preference will be to file

1 electronically and I'll talk a little bit more later
2 about the exceptions.
3 The reasons that we are proposing this
4 rule is pretty much drawn from the NRC's experience
5 with electronic submissions. In 2003, the NRC
6 promulgated the E-Rule which was implemented shortly
7 thereafter in January of 2004. And the E-Rule
8 essentially encourages electronic submissions of
9 documents but did not cover adjudications. The reason
10 for that is at the time of the E-Rule there were some
11 unresolved technical issues that prevented the rule
12 from covering adjudications.
13 But there have been some changes since
14 then that we think warrant the current proposed rule.
15 For example, recent adjudicatory hearings have shown
16 that participants are submitting filings
17 electronically via e-mail even though the official
18 record required method of submission is still paper
19 copies. So parties do seem to be submitting by e-
20 mail. And another change since the 2003 E-Rule is
21 that pdf has just become more commonly used.
22 Another reason for the proposed rule is
23 that it implements the Government Paperwork
24 Elimination Act and this Act requires government
25 agencies to provide the public with an option to file

1 electronically where it's practical to do so. And one
2 reason that we're proposing to use the electronic
3 information exchange or what we call the EIE system
4 instead of e-mail is because it's more secure. For
5 example, we can verify the identities of the users
6 versus on e-mail and I think John may touch upon that
7 a little bit as well.
8 Let me go over some benefits of the
9 proposed rule from our perspective. The first is cost
10 effectiveness. Now, although we believe there will be
11 perhaps some cost expenditure, for example, it may
12 require some participants to acquire software that
13 will save or render documents in the acceptable pdf
14 formats. However, all the other necessary software
15 will be provided by the NRC. So for example, the EIE
16 software, you can download from the NRC for free. So
17 we believe there was be substantial cost savings,
18 particularly in copying and mailing paper copies and
19 this is probably more applicable for large service
20 lists or participants who are participating in
21 multiple proceedings.
22 The second benefit of the proposed rule is
23 efficiency. By submitting everything in an acceptable
24 pdf format will allow for tech searching capabilities
25 and also the NRC already processes filing in

1 electronic formats for its official records which we
2 call the ADAMS system. So we wanted to use a system
3 that's compatible with ADAMS.
4 The third benefit of the proposed rule is
5 timesaving. Obviously, electronic submission is
6 faster than physical mail delivery and also there are
7 a couple of changes that would speed up this time
8 frame as well. The first is that the current rule
9 allows for an additional day for electronic filings
10 that are received after 5:00 p.m. in the recipient's
11 time zone. And we would propose to get rid of this
12 additional day and along the same lines, time for
13 filings that are delivered by first class mail
14 currently is five days, five additional days, but
15 we're proposing to cut that down to three days and the
16 reason for this is to match the Federal Rules of Civil
17 Procedure and also to follow along with the study that
18 was done of the U.S. Postal Service's delivery times.
19 We found that three days is the current delivery time.
20 The fourth and last benefit that I'll talk
21 about today of the proposed rule is universality.
22 We're not allowing attachments to e-mail because of
23 concerns with authenticity and security. And we want
24 to use the EIE because it's a universal system which
25 receives and transmits and distributes the documents

1 filed in proceedings. Like I mentioned earlier, it's
2 also compatible with ADAMS so it would be a universal
3 system that everyone would be able to use.
4 In terms of implementation, our goal is to
5 have the final rule by this summer. And when we do
6 have a final rule out, we will establish a help desk.
7 We'll have technical help lines and we'll also have it
8 available on the website for any technical problems.
9 So let me just go over a few of the major features of
10 the proposed rule, starting with digital ID
11 certificates. Now, in order to use the EIE system,
12 you must get a digital ID certificate and this is
13 available free of charge on the NRC's website. You
14 must request this ID before your first filing and so
15 you're encouraged to get one before participating in
16 any proceeding if you anticipate that you will be.
17 And also the hearing notices that will be
18 sent out will also reflect the E-Rule requirements, E-
19 Filing Rule requirements and we'll remind you of the
20 need to get the digital ID certificate. There are two
21 types of digital ID certificates, there are individual
22 and group. Now, the individual ID's are assigned to
23 one specific person and they are associated with that
24 person's electronic signature. On the other hand, a
25 group ID is assigned to an entire firm or organization

1 and this can be downloaded onto multiple computers and
2 it can be used by multiple people to either get served
3 by the EIE or to retrieve filings for it. But it's
4 important to remember that even if a firm or an
5 organization has a group ID, in order to actual file
6 a filing, you must have someone with an individual ID
7 submit the filing and the reason for that is because
8 we need that electronic signature that's associated
9 with the individual ID.
10 There will be an electronic distribution
11 list for each electronic docket and this list will
12 include everyone that's participating electronically
13 and once you're added to this list, upon your initial
14 filing you'll be able to then access and file
15 documents in that proceeding. But despite the fact
16 that there will be this list, it does not replace the
17 need for a certificate of service. So the requirement
18 for a COS remains valid and the reason for this is
19 because we can't rely on the electronic distribution
20 list in place of the service list because there is the
21 possibility and someone will get an exemption and file
22 by paper and if they do so, they wouldn't be on this
23 electronic distribution list. So, therefore, we need
24 to have a full service list.
25 The second feature I'd like to talk about

1 is signatures. There will be two ways to sign an
2 electronic submittal and the first is through the
3 digital ID certificate. If you're using the digital
4 ID certificate, there will be a signature block in
5 your document that will read "signed electronically
6 by" and it will be followed by the person's name and
7 address, phone number, e-mail, et cetera.
8 If you use a digital ID certificate, you
9 need not sign or keep an original paper copy. And the
10 way that you will attach your signature to this is
11 when you're on the EIE system, you'll click a button
12 that says click to digitally sign, so it will be right
13 there for you and that will attach your digital
14 signature. And John will show you this in the next
15 presentation.
16 The second way to sign the document would
17 use another kind of signature block what we call the
18 original signed by designation, in which case the
19 signature block will read "originally signed by" and
20 in this case you'll have to sign and keep a paper copy
21 in your records. Now, it's important to remember
22 anything under oath or affirmation must be signed with
23 the original signed by designation. So, therefore,
24 you'd have to keep the original signed in your
25 records.

1 The next feature is electronic
2 transmission itself. Essentially, documents will have
3 to be converted into acceptable pdf formats. This
4 will be according to parameters that are specified in
5 the e-filing guidance and Kenny will talk about this
6 a little more later. The e-filing guidance was
7 attached to the end of the Federal Register notice and
8 it essentially sets out the technical standards for
9 submissions but it's not part of the rule and the
10 reason we did that is because we wanted to be able to
11 keep up with technological advances without having to
12 do an additional rule-making each time.
13 There are three types of files that we
14 anticipate that we've categorized for electronic
15 submissions. The first is what we call a simple file
16 and a simple file is one where documents are in
17 acceptable pdf formats and can be transmitted all in
18 one single submission to the EIE. The second type of
19 file is what we call a large file and a large file is
20 also similarly documents that are in acceptable pdf
21 formats but they're over 50 megabytes. So in this
22 situation when you have a document over 50 megabytes,
23 you would break it up into smaller files and you would
24 submit each of those to the EIE and the EIE would then
25 reunite them all into one document.

1 And if you do have this kind of large
2 file, you would also send the other participants say
3 a CD Rom or any kind of simple storage medium that's
4 agreed upon. You would use a CD Rom or such to submit
5 the entire large document to the other parties. And
6 again, it would be up to the board's discretion to
7 determine how to serve this CD Rom or whatever media
8 you would choose to use.
9 The third type of file is what we call a
10 complex file. And that's either a file that's not
11 entirely in pdf or one that contains safeguards or
12 classified information or one that exceeds 50
13 megabytes and cannot be segmented. So in this
14 situation what you would do is you would
15 electronically submit any parts of your documents that
16 are in pdf that don't contain the safeguards or
17 classified information or that can be segmented under
18 50 megabytes and similar to the large file, you would
19 then deliver the entire complex file via CD Rom to the
20 rest of the parties.
21 As I mentioned earlier, there will be
22 exemptions from the electronic filing requirements.
23 You must show good cause in order to be granted any
24 kind of requests for this and you should submit your
25 request for this exemption with the presiding officer

1 with the initial filing. So with your first filing,
2 you should request an exemption from electronic
3 filing. Possible examples of good cause may include
4 disability, lack of e-mail access, the cost of
5 purchasing a computer, things like that, but it's
6 important to remember that all the requests will be
7 evaluated by the board on a case-by-case basis.
8 Now, if an exemption is requested after
9 the first filing, the requester must not only show
10 good cause but also an unforeseen change in
11 circumstances and must also show that granting a
12 request is in the interest of fairness. And please
13 remember that under the proposed rule, until a late
14 request is granted, the requester must continue to
15 file electronically. So we also have an electronic
16 transmission exemption which basically means that the
17 participant can submit in an acceptable pdf format but
18 for some reason can't submit through the EIE lack of
19 internet access. Those people would get an exemption
20 from having to transmit through the EIE and then would
21 serve either by CD Rom or other such media.
22 There is also the electronic document
23 exemption. And this is the exemption from the
24 requirement to both file in the pdf format as well as
25 to transmit through the EIE. And in such

1 circumstances, the participant would file and serve
2 paper copies by whatever method the presiding officer
3 determines and that participant would, in kind, be
4 served with paper copies.
5 And because of this possibility, we have
6 what we call a mixed service proceeding. A mixed
7 service proceeding is one where some but not all of
8 the participants will file and serve by the same
9 method. So for example, if everyone is filing
10 electronically except for one participant has an
11 exemption to file and serve paper copies, so that's
12 what we call a mixed party -- a mixed service
13 proceeding and in such proceeding the time lines for
14 service would be set by the presiding officer on a
15 case by case basis.
16 Now, as for completeness of the filing,
17 when you know that your filing has been electronically
18 submitted and that that's complete, we're using the
19 last act standard and that basically means when the
20 filer performs a last act that's necessary in order to
21 transmit the document electronically. For electronic
22 filings, the last act would be actually hitting the
23 send or transmit button and John will show you that as
24 well. The reason we're using the last act standard
25 is because we feel that it's fair, that it only

1 penalizes participants for events within its control.
2 You must make a good faith effort to transmit the
3 filing and your filing will not be considered complete
4 if the filer knows or has reason to know that there is
5 an error in transmission. So, for example, if you get
6 an e-mail message back or something that says there
7 was an error, then you must continue to try and make
8 a good faith effort to transmit the filing.
9 The last act standard is also akin to the
10 last act for physical mail which we kind of consider
11 dropping it in the mailbox, so that's why hitting the
12 send button would accomplish the same thing. When
13 multiple filing methods are used, filing will be
14 considered complete when all of the methods used are
15 complete. So for example, I mentioned earlier,
16 complex files that may contain safeguards information.
17 If a document has safeguards information and you mail
18 the CD Rom with the safeguards information on Monday
19 and submit the rest of the document, the non-
20 safeguards document, on Tuesday, then the filing is
21 actually not considered complete until Tuesday, so
22 until all methods of filing have been completed.
23 Now, in order to retrieve documents, the
24 EIE will send a notification e-mail to everyone that's
25 on the electronic distribution list that's been

1 selected by the submitter and the e-mail will notify
2 you that a filing has been made in the proceeding and
3 it also provides a link to that document, and John
4 will demonstrate how to view this link and how to
5 access documents that way. And this link will be good
6 for a certain amount of time and once that's up, the
7 document is also available in the electronic hearing
8 docket through ADAMS and Emile will discuss that.
9 So next, we can move onto John's
10 demonstration of the Electronic Information Exchange
11 System. If there are any questions, we can take those
12 now or as John and Emile and Kenny are doing their
13 presentations. Please, I'm sorry, also please state
14 your name and your organization for the Court
15 Reporter.
16 MR. WROBEL: George Wrobel, Constellation.
17 Just a question, you were talking about not having
18 attachments. Could you explain that a little bit
19 more? I mean, I'm not sure I understood how you can't
20 have attachments or you just have to type real long?
21 MS. REDDICK: I'm not sure I understood
22 your --
23 MR. WROBEL: I thought you had said
24 earlier that attachments would not be accepted for
25 submittal. Did I hear wrong?

1 MR. ROTHSCHILD: Yeah, let me take that.
2 I think what you're saying is right now, individuals
3 are just attaching to their e-mail their pleading and
4 sending it onto the boards. And what we're going to
5 do is we're going to move away from that. You'll have
6 to send everything by EIE rather than by an e-mail.
7 Now, your EIE submission may have lots of attachments
8 to the particular submission.
9 MS. REDDICK: Yes, please.
10 MS. CURRAN: What are we certifying to in
11 the certificate of service if all we're doing is
12 sending it to some -- or one address. I have no idea
13 whether this thing is going to reach everyone on the
14 service list. So what am I certifying to?
15 MR. JULIAN: Well, you're not really doing
16 away with your standard certificate of service. Can
17 you hear me?
18 MS. CURRAN: I can year you.
19 MR. JULIAN: You're not really doing away
20 with that. The paper certificate of service will
21 simply be in electronic form and you still attach it
22 to your pleading when you submit it. The service list
23 or let's call it a distribution list that's part of
24 the EIE or the Electronic Information Exchange
25 Service, will be a service list that's available not

1 only to you in terms of checking to see who is on it,
2 but also to other parties. The way we envision this
3 is similar to what is occurring now in a high level
4 waste proceeding. Once you submit a document, John
5 will explain that, you'll select the electronic
6 service list, make sure that the individuals that are
7 going to be served by you are no that list and when
8 you're satisfied with that, you'll return to the form.
9 There's a form, a process, and John will show, that
10 you go through. You'll return to the form and then
11 click for sending or click for serving, if you will,
12 the pleading on individuals that are on both your
13 regular service list and your electronic service list.
14 MS. CURRAN: Okay, so essentially there's
15 a way to verify that the pleading is going to the
16 people I say it's going to.
17 MR. JULIAN: That's right.
18 MR. ROTHSCHILD: And I think it will just
19 say something like, "I certify that I filed
20 electronically, you know, a document entitled X".
21 MS. CURRAN: Okay.
22 MR. ROTHSCHILD: And that will be
23 acceptable to the NRC and if some of the people are
24 being served by paper, then we'll have to have -- you
25 know, that will have to be indicated on the statement

1 of service.

2 MS. CURRAN: Okay, and when serving

3 declarations or affidavits, attaching them to a

4 pleading, does the person that signs the affidavit

5 have to do the electronic signature or do you just

6 copy it onto a pdf document?

7 MR. JULIAN: Under the proposed rule you

8 really don't -- the person who's submitting the

9 declaration or the person who use signs the

10 declaration, should still sign it, save it as a copy

11 during the length of the proceeding, but what is

12 submitted by EIE does not have to show a signature on

13 it. We have some flexibility with using what we call

14 native applications would be Word, WordPerfect,

15 whatever Lotus is putting out these days. So whatever

16 your native application is that you draft the

17 declaration in, it would not have to be signed by the

18 affiant or signed by the person who's making the

19 declaration.

20 You would keep, however, or that

21 individual would keep a signed copy of it in case it's

22 necessary for a hearing that may take place in which

23 you have to offer as part of the evidence the signed

24 declaration. So those are the purposes or those are

25 the reasons why you would keep it but a signature, in

1 and of itself, is not necessary.

2 MS. REDDICK: Yeah, you would use the

3 original signed by designation when you're submitting

4 it. So you would type that into the signature block

5 but then you would keep a hard copy with the affiant's

6 actual signature on that. You'd keep that in your

7 records and then that person, the affiant, would not

8 have to, you know, digitally sign because they've used

9 the original signature.

10 MR. ROTHSCHILD: Yeah, we gave a lot of

11 thought in developing this rule to what are those

12 signatures, and one way would have been to have the

13 affiant sign the thing and scan the signature. And

14 what we found is the searchability when you use

15 scanned signatures is not as good and what we thought

16 a better way of doing it would be easier for everyone

17 and not insisting that people scan in signatures,

18 would be just to write original signed by. We're

19 going to consider that legally enforceable as if it

20 had been a real signature. We're asking people to

21 keep the copy so in case any question comes up as far

22 as authenticity -- we thought this would be a lot

23 easier for you than actually scanning signatures and

24 just using original signed by.

25 Now, obviously, if the affiant happens to

1 be the attorney as well, who is actually submitting
2 the document, you could have the one digital signature
3 if that happens to be the person. That would solve
4 that issue and you wouldn't need the original signed
5 by if the same person is submitting it. If someone
6 different, which I assume will be in most of the
7 cases, the affiant is someone other than the attorney
8 submitting the document, the original signed by would
9 suffice for our purposes.
10 MS. CURRAN: And are you going to have a
11 phone number as we're going through this where I know
12 there's going to be a lot of questions the first time
13 I'm doing one of these things.
14 MS. REDDICK: There will be a help line,
15 so there will be technical phone lines that you could
16 call in to as well as there will be, I believe a
17 website that you can ask questions and things.
18 MS. CURRAN: Okay, thanks.
19 MR. ROBERTS: Tom Roberts, Constellation
20 Energy. The question about, is there provisions to
21 handle proprietary documents?
22 MR. JULIAN: We do plan -- well, first
23 off, a proprietary document can be submitted to the
24 docket and you'll find that it can be submitted via
25 EIE. We plan to have a secure access folder that's

1 part of the electronic hearing docket structure and
2 proprietary documents and documents of that
3 sensitivity level will be kept in that folder for
4 access by or limited access by certain parties or
5 their counsel. So, yes, we can take care of
6 proprietary documents, yes, we can house them in the
7 electronic hearing docket. Yes, they'll be
8 accessible. The structure for access will be very,
9 very controlled. It will be password access and a few
10 other safeguards that we're going to put on the
11 folder. But, that's our plan, once we do have e-file
12 into place.
13 MR. ROBERTS: Thank you.
14 MR. POLONSKY: Good morning, Alex
15 Polonsky, Morgan Lewis. This is modeled after what
16 the Federal District Courts are doing and I know at
17 least in DC every now and then I get an e-mail from
18 the District Courts that, "The system is down and so
19 you need to make alternate arrangements for filing".
20 I read through the guidance. I didn't see anything
21 that would suggest that there's an alternative way,
22 but are we expected to always be ready to file via e-
23 mail or the old way if there is -- the system is down
24 and will there be some mechanism for you to
25 communicate to us that it is down?

1 MR. SKOCZLAS: I'm not exactly sure about
2 the alternate methods. EIE itself has shown to be
3 over 99 percent reliable. Now, that doesn't mean the
4 internet doesn't go down occasionally on your end and
5 our end and everything else. At that point, we
6 usually put a message up. The longest outage we've
7 had in the last four years has been two hours.
8 MR. POLONSKY: That's great. Okay, but
9 there's no plan to have any alternate in place for an
10 e-mail distribution at least for those who are
11 participating in an ongoing proceeding if it is down?
12 There's no scheduled maintenance where it's taken down
13 or anything like that?
14 MR. ROTHSCHILD: I don't think so. I
15 think what we'll have to do is the individual boards
16 deal with it when they set up the proceedings and
17 issue guidance to the parties.
18 MR. POLONSKY: Okay. At least at our law
19 firm, we change over computers, I think, every three
20 years. We lease our computers. Would we, every time
21 we get a new desktop or laptop, need to reregister for
22 a digital signature.
23 MR. SKOCZLAS: No.
24 MR. POLONSKY: No, okay.
25 MR. SKOCZLAS: No, once you get a

1 certificate, it's downloadable and there's
2 instructions as to how to save it and save it to a
3 diskette or a CD and then what happens is the next
4 time you go to get your new computer, you just go
5 ahead and import it back into that computer. It's
6 transportable so that you can file from other
7 locations also.
8 MR. POLONSKY: Okay. And finally, an
9 issue about filing classified information. In looking
10 through the guidance, it appears to contemplate filing
11 only on an optical storage disk or medium, OSM,
12 whatever the acronym is. Unless we, as the filing
13 entity, whether it's a law firm or whoever it might
14 be, have the ability to possess not only classified
15 information but have a classified computer security
16 program, approved by the NRC or DOE or whoever it
17 might be, we can't be the individuals possessing that
18 storage medium and filing that medium. And there
19 doesn't appear to be an exception for filing paper
20 classified information. For example, if our law firm
21 had a security -- secure storage facility, we could
22 possess paper, but we can't possess electronic media,
23 we would not be able to file that as an attachment
24 even through the regular mail, because right now the
25 guidance appears to require only OSM not paper.

1 MS. REDDICK: I think that might be
2 something that the individual boards would also
3 consider and that's a good point that you raised about
4 having classified computers at your firm, needing
5 those in order to burn the OSMs.
6 MR. POLONSKY: That's right.
7 MS. REDDICK: So I think that's something
8 that we'll definitely take into consideration and it
9 might be something that each board will have to
10 consider on a case-by-case basis but we'll definitely
11 look into that, thank you.
12 MR. POLONSKY: Okay, thank you.
13 MS. REDDICK: Okay, if there's no other
14 questions at this point, then we'll move onto John's
15 demonstration and he'll actually show you the EIE
16 system and how you would go about getting a
17 certificate and filing documents.
18 MR. SKOCZLAS: Okay, what I'm going to do
19 is just step through a few slides at first, give you
20 a quick background and then I'll do a demo of the
21 actual system itself. Just to answer a little bit
22 more in-depth, we have a service level agreement for
23 the high level waste that says that maintenance can
24 only be done between midnight and 4:00 a.m. and we've
25 met that. So that's the only time we do maintenance

1 on the system.

2 I'm John Skoszlas. I'm with the Office of
3 Information Services. And what I want to talk about
4 is EIE or Electronic Information Exchange. It's an
5 internet based, managed public key infrastructure
6 system that allows for the secure transmission of
7 documents and data. It uses xml forms and digital
8 certificates. What it provides, and the reason we put
9 this system together is that it provides for security
10 in transmission over the internet. It provides for
11 the authentication of the sender using the digital
12 certificates.

13 It certifies the document is the document
14 is the document that we sent in its entirety and that
15 there are no errors and it provides for digital
16 signaturing. We first started working on this concept
17 in 1994, so it's been awhile. We met with the nuclear
18 industry through Nuclear Information Records
19 Management Association down in the Crowne Plaza at the
20 time, I think it's the Doubletree now and started
21 working through this and the issued a White Paper the
22 next year which we followed up on and started
23 developing the system.

24 Between 1998 and 2000 we developed a pilot
25 system which we had five plants that were involved in

1 sending documents in and working them through our
2 processing system. The real first application became
3 part of a licensing for Part 50 submittals where we
4 allowed all Part 50 submittals to be submitted without
5 a rule change. What we did was we issued a regulatory
6 information -- regulatory issued summary which allowed
7 for electronic submittals.
8 With the success of that particular
9 program we went on and issued an E-Rule that allows
10 the filing of -- electronic filing of documents
11 virtually for everything coming into the agency.
12 There are some exceptions. If you'd read through the
13 guidance, it says some financial, some administrative
14 stuff can't be sent in electronically. And until just
15 recently the Part 2 adjudicatory documents were not
16 able to be sent.
17 The current users of EIE are all of the
18 high level waste participants, licensees, national
19 labs, government agencies and members of the public
20 conducting official business with the NRC. The
21 current applications, we have general submittals
22 coming in from the licensees and basically, it's
23 mostly licensing submittals and we get between 50 and
24 100 a week. The criminal history files, which are the
25 fingerprint submittals for access authorization, we

1 get between 40,000 and 60,000 a year. Almost 99
2 percent of the plants are doing that electronically.
3 The pre-application high level waste hearing
4 submittals are all filed electronically.
5 What happens to them once they're sent?
6 Okay. All the electronic submittals come into the
7 agency web server and then are sent behind the
8 firewall and a copy of everything goes to the document
9 processing center for inclusion into ADAMS if it's
10 supposed to be. All hearing submittals are also sent
11 to SECY, so if it's a hearing submittal, it goes to
12 SECY and it goes to the document processing center.
13 In adjudications other recipients are
14 determined by the service lists and I'll show you how
15 that works when I do the demonstration. After about
16 three days the submittals are available on the EHD,
17 the Electronic Hearing Docket. After 14 days which is
18 a default, the submittals are deleted from the EIE
19 server. So if you try to access it through the e-mail
20 that I'll show you, after 14 days you'll not be able
21 to access it there. You'll have to get it through the
22 electronic hearing docket.
23 What I'd like to do is just go through a
24 quick demonstration of the system. Okay, the way that
25 you access the system is through the NRC home page and

1 electronic submittals. And this is the electronic
2 submittals or the EIE home page. What I'll do is go
3 ahead and just show you. We don't have a separate
4 adjudicatory form set up. We anticipate that that
5 would come with each separate hearing but what I'm
6 going to show you is the Part 2 process, the high
7 level waste hearings.
8 Okay, now what it's done is since I signed
9 on originally and looked at my certificate and
10 verified that it is me, okay, and what we've done is
11 we've pulled up the first page of the Part 2, the high
12 level waste submittal form. And we anticipate that
13 right now there's only one hearing there which is the
14 high level waste. This would be populated with all
15 the different hearings that existed so that in the
16 drop-down list you would just click on whatever
17 hearing you wanted to participate in.
18 We have protective order file, is it or
19 isn't it a protective order file? I'm going to say no
20 and show you how that works. I can then go to the
21 form and this is what it looks like. As you can see,
22 it's pretty minimalist. It's asking for -- it will
23 fill in certain areas for you. Of course, there
24 wouldn't be an LSN number unless you're doing it with
25 the high level waste. Author name, date, author

1 affiliation, I'm just going to go ahead and throw in
2 a couple of -- well, let me back up. I'll do it with
3 the protective order file. What we also have involved
4 is the service list. These are all the people who are
5 registered electronically and as you'll notice, each
6 one of them has a check mark by their name. You can
7 either select or deselect. The default is that
8 everyone is selected on the service list.
9 Whenever this document is sent out, all
10 these people are sent an e-mail notice that they can
11 go ahead and access the filing. When you're in the
12 process of filing, and let me just go back, and I'm
13 going to click on -- okay, now what I've done is I've
14 said this is a protective order file and because of
15 that what's happened is, you'll notice that on the
16 service list, no one is checked or notified, and I'd
17 like to do it that way. That way all these people
18 aren't going to get this particular transmittal that
19 I'm going to send. And if I could read this, I'd be
20 able to find my name somewhere. Here we go.
21 All right, so what I've done is I've
22 selected myself as the only other recipient and you'll
23 notice at the top it says that all of these submittals
24 go to the office of the secretary and to the document
25 processing center. So let's go ahead and fill this

1 in. And today, I believe is the 10th. And I'm just
2 going to -- instead of typing in the title, I'm just
3 going to put test, so that the document processing
4 center knows not to process it. We have a pull-down
5 list for the type of filing that it is. I don't know
6 what any of these mean because I'm not a lawyer. I've
7 already gone ahead and checked who I wanted on the
8 service list so now what I'm going to do is attach a
9 file. And just like e-mail, it will allow me to go
10 ahead and browse various locations to find the file.
11 Okay, I've attached a file to it and I'm
12 going to sign it. Now, I'm going to serve it. As you
13 can see, it's just clicking right through. Now, at
14 this point, this document is completely locked down.
15 There can be no changes made to it. You can't change
16 the form. You can't add any information or subtract
17 information after it's been signed. It's a feature of
18 the system to make sure that no one can tamper with it
19 after the final signature has been put on it.
20 Now, what I'm going to do is just submit
21 it to the NRC. Every submittal gets this notification
22 which tells you what was submitted, when it was
23 received into the agency and how to retrieve it, but
24 what I'm going to do is go back to my e-mail because
25 right here what's happened is that I've received -- I

1 should have received -- I think I deleted it. Okay,
2 when the dialogue box came up, I think I deleted my e-
3 mail. Let me just check. I was just mentioning, I
4 wore my contacts today and I forgot that after awhile
5 if you don't wear them for awhile that you can't
6 adjust to them and I'm not adjusting very well. So,
7 okay, what I'll do is I'll go ahead and retrieve it
8 from the website. Okay. What would normally happen
9 and I think what I did was I deleted it, is I get an
10 e-mail message that says, "You have a document waiting
11 for you that was served," and it says that it comes
12 from hearing docket which is part of the SECY and it
13 gives you a link and this is the link that would be
14 contained in the e-mail and all you have to do is
15 click on the link if you have a certificate, and then
16 you can either save the file or view it.
17 Okay, there's the document that I attached
18 earlier. And this is in a pdf format. So once again,
19 what you get is an e-mail. It has a link in it. You
20 click on the link, it opens up the form. From the
21 form, you can either save the document so that you can
22 keep it locally or you can just view it. It's
23 viewable from EIE for 14 days. After 14 days you have
24 to get it from the electronic hearing docket. Okay?
25 Again, signatures and serve, all those appear there.

1 Now, that's been just a very, very quick step-through
2 of the EIE system. The main thing that I wanted to do
3 was to -- for you to understand that it's much like e-
4 mail except that you have a certificate and you -- we
5 provide you with the form viewer. You attach
6 documents the same, you submit it. It gives you a
7 notification that it has been successfully submitted
8 and then it sends you and all the other recipients an
9 e-mail as to how to retrieve it. And once you get
10 that e-mail, you can click on it and for 14 days,
11 you'll be able to retrieve it from that e-mail until
12 after that, you'd have to go to the electronic hearing
13 docket.
14 This is me and you're going to have a list
15 of contacts in your handout and I am mostly -- I can
16 answer some questions. I can answer all the questions
17 about EIE and I try to make myself available. That's
18 my office number and cell number so that you can
19 contact me and my e-mail address. Are there any
20 questions? I know that's kind of rushing through it
21 but it's very simple to use.
22 MS. REDDICK: Can I just bring up one
23 thing and John had pointed this out, in the beginning
24 when you're -- you first get on the EIE page and
25 there's a drop-down box that will be populated with

1 all the different hearings, for initial filings, I
2 believe what we plan on doing is using a generic
3 docket drop-down for those filings that -- for
4 hearings that haven't been created yet. There would
5 just be a generic docket that you would click on and
6 then after it's been instituted, then you would see it
7 populated in that drop-down there.
8 MR. SKOCZLAS: Yeah, that brings up
9 another interesting point that I forgot to mention is,
10 that unless you're a participant in the hearing and
11 unless you're on the service list, you can't access
12 that particular hearing from EIE. You can't submit to
13 it and you won't be notified of any filings. You'd
14 have to access it through EHD. So it's on a docket
15 level security and that keeps everyone, just the
16 participants involved in the particular hearing.
17 Okay, any questions about that? So you have to be a
18 participant in the hearing to be able to access it
19 through EIE.
20 MR. ROTHSCHILD: Okay, let me explain
21 first filing a little bit. You're filing an
22 intervention request or a request for a hearing and we
23 haven't got a docket and you hit the generic box
24 there. Once the first filing has been filed, SECY
25 will then set up a service list. It'll give it a

1 docket number. It will notify everyone involved, the
2 Applicant, Intervener, what the new docket number is,
3 consistent for all subsequent filings. You will have
4 something in place where you won't use a generic
5 docket number.
6 MR. JULIAN: Okay, I'm Emile Julian with
7 the Office of the Secretary and what I'm going to do
8 today is just simply step through the location of the
9 Electronic Hearing Docket. We call this the General
10 Proceeding Electric Hearing Docket as opposed to the
11 High Level Waste Electronic Hearing Docket that some
12 of you might have had an opportunity to access for
13 that proceeding. The Electronic Hearing Docket has
14 been around for about two years. It contains
15 currently all of the active case files and proceeding
16 documents for each individual case that we currently
17 have.
18 There may be some old things there. We'll
19 get rid of them sooner or later but it is a good tool
20 to have around as opposed to using the public access
21 ADAMS because the documents are located in a concise
22 location. To get to the Electronic Hearing Docket, we
23 have started with the NRC home page and when you first
24 access the NRC Home page, if you look to the right of
25 the screen, you'll see the electronic reading room.

1 Can I have the next slide?

2 If you move your cursor over to the

3 electronic reading room or if you click on it, well,

4 if you move your cursor over, you'll get a drop-down

5 menu and on that drop-down menu is a number of

6 selection sites, one of which is the Electronic

7 Hearing Docket. If you don't get the drop-down menu

8 when you move your cursor over the electronic reading

9 room, just simply click on it and you'll go to a

10 website that actually has all of those listings and

11 you can pick the Electronic Hearing Docket from that.

12 Can I have the next slide?

13 After you've done that, you'll be taken to

14 the Electronic Hearing Docket home page or the EHD

15 home page and if you'll look at the screen, you'll see

16 first time user and that's where you want to click on

17 if you are a first time user, if you haven't used the

18 Electronic Hearing Docket before. When you click on

19 that you'll be taken to a screen that allows you to

20 download a small file that will enable you to actually

21 view the contents of the Electronic Hearing Docket.

22 That's the Active X control that you see there.

23 Clicking on that, it will be downloaded, installed and

24 then you're ready to go. After which you will come

25 back to the Electronic Hearing Docket home page and

1 instead of going first time user, now if you look
2 down, we'll see general proceedings and repeat user
3 login. Click on repeat user login and that will take
4 you to the Electronic Hearing Docket home -- I'm
5 sorry, to the Electronic Hearing Docket library, which
6 should be the next slide.
7 Click on repeat user login and that takes
8 you to the library for all of the proceedings that are
9 housed on the Electronic Hearing Docket. If you look
10 in the left-hand top corner of the screen, I should
11 say if you look in the left-hand corner, you'll see a
12 library icon with EHD under it. I don't know if you
13 can see it from here and the slides are pretty small
14 that you have in hand, but if you click on the EHD
15 library icon, what will happen is a dialogue box will
16 pop up for entry into the Electronic Hearing Docket.
17 It's pre-populated with guests. You don't have to put
18 your name in it. And we don't encourage you to put
19 your name into it for viewing documents that are
20 publicly available.
21 As I mentioned earlier, we will have a
22 secure section of the EHD for proprietary documents
23 and documents that are under protective order, and I
24 should say, all documents will be under protective
25 order that you'll find in that folder. The type of

1 dialogue box that you'll see will actually have a
2 password field for logging in with an actual password
3 which we will give you as part of the proceeding once
4 documents that are sensitive are authorized by NASLB
5 to be contained on the Electronic Hearing Docket.
6 After you've logged in, logged in as
7 guests, you can return to the library icon and click
8 on that and you'll see -- before we go to the next
9 screen, you'll see in the white area you'll see the
10 library icon and under that there is a folder called
11 "Adjudicatory Proceedings". That's the top level
12 folder for all subfolders that are proceeding folders
13 and for all documents. So clicking on the folder, not
14 the library icon at this point, clicking on the
15 Adjudicatory Proceedings folder will then take you to
16 an array of folders which house the actual proceeding
17 documents. Now, here if you look on the right-hand
18 side of the screen, you'll see a number of folders,
19 active cases, some of you are probably involved in
20 these cases. And they house the -- oh, yeah, they
21 house the actual proceeding documents.
22 Now, I selected Clinton just as an
23 example. Once you get to the folder right here on the
24 left-hand side of the screen, select a folder you're
25 interested in. I selected Clinton and what we have on

1 the right side is a number of subfolders that organize
2 the documents in a presentation that we thought would
3 allow for easy access when you're looking for a
4 particular document. For instance, we have orders as
5 you can see, pleadings, transcripts, and hearing file,
6 hearing file and today's proceedings is a very
7 necessary part of the Electronic Hearing Docket. It
8 houses basically documents that the staff is
9 populating the hearing file under Board direction and
10 it's useful for discovery purposes.
11 Well, this array is what you'll see once
12 the e-filing rule goes into effect and I'm going to
13 show you the documents in the pleading folder. All of
14 these in this particular proceeding, all of the
15 secondary -- oh, if you would go back. All the
16 secondary folders that you see on the left-hand side
17 of the screen house documents at this point. The
18 array that we're looking at is from the Clinton ESP
19 Pleadings folder. It's every pleading that has been
20 submitted other than at this point in time, any
21 proprietary information or information that would be
22 withheld for a -- let's say a privacy purpose.
23 And we're going to select one document
24 from this array and you can see that it's similar to
25 the document that John showed you. As a matter of

1 fact, I gave John a copy of the response from the
2 licensee to this particular document. And this is how
3 we get to the Electronic Hearing Document and how we
4 sort of drill down to actually get to a particular
5 document. It's in pdf form. Chances are in our
6 today's environment, it's a scanned copy of a document
7 that came in, in paper form rather than a native
8 format document, but we do have those also in the
9 docket. And I think that concludes EHD if there's any
10 questions. Okay, thank you.
11 MS. REDDICK: We're going to have Kenny
12 Nguyen next who's going to talk to you a little bit
13 about the acceptable pdf formats and show you how to
14 convert documents to pdf.
15 MR. NGUYGEN: In this part of the
16 demonstration I'm going to introduce the Desk
17 Reference Guide. I'll do a live demonstration on how
18 and where to convert and install Distiller profile, a
19 preconfigured one, and also a preconfigured Adobe
20 Preflight Profile. There are several slides on how to
21 convert a Microsoft Word to pdf. I'll go over
22 supporting contact information, some frequent asked
23 questions and have open discussions, answer any
24 questions you might have.
25 This Desk Reference Guide was prepared to

1 assist customers and federal agencies to generate pdf
2 documents that would comply with the NRC's guidance
3 for submission of Electronic Docket materials under 10
4 CFR Part 2, Subpart J and the E-Rule, specifically
5 Section 21, 25, 26 and 29. The Guide contains
6 information for hardware and software requirements for
7 both Windows and McIntosh platforms. It contains
8 instructions to create and configure Adobe's Distiller
9 profile for Adobe Version 5, 6 and 7 and instructions
10 to create and configure the Adobe Preflight Profile
11 for Versions 6 and 7 Professional.
12 The guide also has step by step
13 instructions on how to generate pdf files from various
14 applications such as Microsoft Word, Access, Excel,
15 PowerPoint, Publisher and also from Corel Office
16 Suites such as Word Perfect, Presentation and Quattro
17 Pro. There's also a section in the guide that shows
18 you how to convert TIFF images to pdf. That's either
19 from a scanned source or from photograph applications.
20 Last but not least, there are several illustrations in
21 the guide that you can follow to insure your newly
22 created pdf will have no errors such as fast Web View,
23 hidden text error or embedded font errors.
24 These are the requirements for Windows and
25 McIntosh Platforms. You need Adobe Distiller 5 or 6

1 or 7, Office Suite if you're using Word, Corel Office
2 Suite if you're using Word Perfect. You need a
3 minimum of a Pentium processor running OS from Windows
4 95 all the way to XP. If you're using a McIntosh, you
5 need a minimum of Power PCT3 with OS -- with Mac OS
6 8.6 all the way to the latest Tiger OS X. You need a
7 minimum of 32 megs of RAM and 26 megs of hard disk
8 space to install.
9 Okay, we've created preconfigured Adobe
10 Distiller profiles and a preconfigured Adobe Preflight
11 profile that you can download from the web. The
12 instructions to create them is also in the guide.
13 I'm going to show you where and how to download and
14 install it. You can access it by going to our public
15 site at nrc.gov. Go to electronic submittals. It's
16 the same page that you were submitting your document.
17 Scroll down near the bottom, you will find the desk
18 reference guide right here. Also there's the latest
19 updates. If you guys have any concerns or
20 recommendations that you can mail us, I can add that
21 to that file.
22 Here are the distiller profiles for 5, 6,
23 and 7. Below that is preflight profiles. For this
24 part of the presentation, I'm going to do Adobe 7.
25 You right click on it, you save target as. Okay,

1 apparently we did this before but you can save it
2 wherever you want. We recommend to save it as at
3 Distiller settings directory. We're there already.
4 The default is -- it assumes that this profile is a
5 text file, so we need to change that to a job options.
6 You'll save. Okay, do the same thing for Preflight
7 profiles. Preflight extensions is different. You'll
8 note this is kfp, leave as default, save as, okay.
9 Now, we download it already, we need to
10 install it. I'm going to launch Adobe Distiller.
11 Okay, by default, the profile is standard, so you see
12 to add it, you go to settings, add Adobe pdf settings,
13 browse to the location you download at, files. You
14 see a list of job options. The one we downloaded was
15 nrc10, version 7, click and open, there it is. Okay,
16 that's for the Distiller profile.
17 For those of you that don't know what
18 preflight is, it's a new module that's been added to
19 Adobe 6 and 7 professional that allows you to check
20 your documents to see if you have any errors and stuff
21 prior to submittal to us. So to use that profile, you
22 go to advance preflight. Again, these are the default
23 profiles that Adobe gives you. You need to go
24 options, import preflight profile. Okay, there it is
25 on the list. That's it for that part.

1 Okay, the next demonstration I'm going to
2 show you how to convert a Microsoft Word document to
3 pdf. First you launch Microsoft Word and to insure
4 that Microsoft Word will convert the document to the
5 correct pdf file to comply with our rules, you need to
6 make sure that you use the right profile that we just
7 downloaded. To do so you go to Adobe pdf, select
8 change conversion setting. You see Acrobat pdf maker
9 window pops up. Make sure the conversion settings say
10 10 CFR, I mean, NRC 10 CFR 1, the one we just
11 downloaded. Default, you might see standards. Click
12 on okay.
13 Another thing we need to make sure
14 Microsoft configured correctly, it's go to choose
15 options in the save tab, make sure that the fonts in
16 the document is checked, right here, embedded true
17 fonts, all these fonts will embed along the conversion
18 process to create the correct pdf document. Click on
19 okay. Okay, now you're ready to convert your Word
20 document to pdf. There's two ways in Microsoft Word.
21 You can click on the icon or go to Adobe convert to
22 pdf. A save as window pops up, allows you to give it
23 a name, once you give it a name click on save. Then
24 you see a series of windows pop up that show the
25 conversion status. Okay, support and contact

1 information, if you have any issues about -- related
2 to the EIE website, you can send it to that url,
3 www.nrc.gov, but if you have any questions on EIE,
4 EHD, how they're related, you can send an e-mail to
5 that URL above or call the PDR at 1-800-397-4209.
6 This frequently asked questions, I just get it from
7 the guide, so you can take a little time looking
8 through that. But one worth noting is question number
9 4, that someone asked about do we accept jpeg2000 as
10 a compression method. The answer is no. The reason
11 why is that in the rule we stated that we would
12 support two versions back from the current version so
13 Adobe 5 doesn't support jpeg2000. So that answer is
14 no to that.
15 Okay, that's it.
16 MR. ROTHSCHILD: One thing I'd like to
17 say, developing this rule we spent a lot of time about
18 whether we would require pdf and it's one of the
19 reasons we've thought about this for a couple of
20 years. It's now pretty much a standard format. And
21 the advantage of saving everything in pdf is whether
22 you're at home, whether at the office, no matter what
23 kind of printer you have when you're actually printing
24 out a hard copy of the document it will paginate it,
25 and we just concluded that it was absolutely

1 imperative that all the parties in a proceeding were
2 working from the same paginated documents where when
3 you're before a Board and you refer to page 10 of a
4 document everyone has the exact same version of page
5 10.
6 If you didn't save it in pdf and you just
7 sent it by e-mail to somewhere, the pagination would
8 vary tremendously, depending on what the computer
9 setup happens to be and which computer you are using
10 and by locking everything and sending it in via pdf,
11 number one, we're sure that what you're sending is
12 locked down and can't be changed; two, it is easily
13 searchable by words or other things, phrases; number
14 three, when we send it in by EIE, it's secure and what
15 the NRC actually received and what the other parties
16 actually were served with was absolutely what you sent
17 without any kind of changes into it at all.
18 That's why we're moving into this kind of
19 methodology and this is why we're going to require
20 this kind of approach. It takes some time for people
21 to get used to it. If they're not used to saving
22 documents into pdf, if they're not used to sending
23 things in EIE, hopefully the growing pains will be for
24 a real short time period and we're going to be
25 available to provide a lot of assistance to you to

1 make sure you've got the right software downloaded and
2 you have the right configurations, that you're able to
3 successfully transmit documents.
4 The early feedback that we're getting from
5 the participants in high level waste, the
6 preapplication proceeding there, has been very
7 favorable. The parties have gotten used to it. They
8 really like it when they got used to it and it saves
9 everyone a lot of time of having to copy and stuff
10 envelopes and mail pleadings. We hope this will over
11 the long term be something that everyone is quite
12 happy with.
13 MS. REDDICK: Are there any other
14 questions on anything that any of us talked about?
15 MR. BESSETTE: My name is Paul Bessette
16 with Morgan Lewis and a lot of those Clinton
17 proceedings had my name on it. And what we normally
18 do, what we've done pdf, and I just usually hit pdf
19 writer, download it, save it and send it to you. And
20 I understood everything until this last presentation.
21 And that's what I do on all my federal filings. I
22 don't really understand what you're talking about, the
23 distiller and all these profiles. How does that
24 differ from me just saving it as a pdf file in the pdf
25 Acrobat Writer?

1 MR. JULIAN: We get a lot of filings on
2 practically all proceedings and we get a lot of pdf
3 attachments via e-mail. What we've found is that our
4 Holy Grail, if you will, of being able to add a filing
5 directly to Adams and save a step of waiting for the
6 paper copy doesn't exist because what happens is that
7 the file, the pdf file arrives, it's readable and it's
8 usable, but it doesn't meet agency standards. So
9 Kenny's demonstration and presentation is a glimpse at
10 what we'll be asking and what we'll be asking is to
11 comply with these standards when you send in a file.
12 It will be coming in via EIE rather than e-mail. And
13 it will be a lot easier for us to work with.
14 MR. BESSETTE: So your pdf format is a
15 mandatory requirement, it's not to convert it; is that
16 what you're saying? I'm just trying to understand.
17 I can't use what I've been doing. I have to convert
18 to a --
19 MR. JULIAN: When the E-Filing Rule is in
20 effect, if it takes effect, it will be mandatory.
21 MR. POLONSKY: Alex Polonsky, Morgan
22 Lewis. Emile, could you just go over the -- how
23 someone who had signed onto a protective order would
24 be accessing proprietary information through the
25 Electronic Hearing Docket so that I can get an

1 understanding and eventually can be able to convey to
2 my clients the sense of security, because right now,
3 I don't understand the process and I don't get a sense
4 of how secure it is?
5 MR. JULIAN: How it will take place,
6 essentially as we envision it, and it could change
7 over the next six, seven months, but essentially if
8 you have an EIE certificate, digital ID, a digital
9 certificate, that certificate will be recognized in
10 accessing the EHD's protective order file. So you
11 have your EIE digital certificate. It will be
12 recognized when you access the EHD and how you access
13 the EHD is through a password screen that you'll see.
14 There's going to be a password dialogue box. If you
15 look at high level waste EHD screen, you'll see a
16 secure login. Are we there yet? You'll see a secure
17 login screen and it's not useable to those who do not
18 have access authority.
19 But essentially when we get to the use of
20 regular or general proceeding EHD, you'll have that
21 screen, you'll log in with your password. The
22 background or the infrastructure that drives that will
23 be maintained by a number of us, including the Office
24 of the Secretary, and what we'll do is provide you
25 with the appropriate password for logging in. That

1 may change.

2 MR. POLONSKY: That password is only given

3 to people who sign the protective order in that

4 particular case?

5 MR. JULIAN: Absolutely.

6 MR. POLONSKY: Okay.

7 MR. JULIAN: That's the key concern. It

8 will only be given to those who sign the protective

9 order.

10 MR. POLONSKY: What about people who sign

11 the --

12 MR. JULIAN: I'm sorry, I'm sorry, sign

13 the access authorization, not the protective order.

14 MR. POLONSKY: Okay, what about people who

15 don't do any electronic filing at all but have signed

16 a protective order, so they don't have an electronic

17 digital signature or something along those lines?

18 MR. JULIAN: If they're approved for

19 access, we can issue them access. Now, on the high

20 level waste proceeding, we've looked for a nexus

21 between the proceeding participants and an individual

22 who is not a direct proceeding participant. Let's say

23 it's an affiant on an affidavit.

24 MR. POLONSKY: Right, some retained

25 expert, uh-huh.

1 MR. JULIAN: We can grant authority to
2 that individual. We can issue a password and we'll do
3 the same thing in the -- once the E-Filing Rule is in
4 effect.
5 MR. POLONSKY: Are there any limitations
6 on printing out from that protected area of the
7 electronic hearing document?
8 MR. JULIAN: I think the maximum caveat
9 enter. It's up to you as the end user as to what you
10 would do once you have access. We've thought about
11 controlling access down to that point but we haven't
12 because many attorneys and those who are working with
13 them who have let's say, quote "clearance" or "access
14 authorization", may want to work with that document,
15 so yes, you will be able to download it. There's --
16 let's say -- I'm groping for the right word to use.
17 There will be a trust factor involved in your access
18 to the EHD, to the protective order part of the EHD.
19 And beyond that, the trust factor will govern whether
20 or not you'll download it or whether you'll use it on
21 the screen or whether you'll just read it. But we
22 don't intend at this point to control access to the
23 usability level on the download.
24 MR. POLONSKY: Okay, thank you.
25 MS. ROMA: Hi, Amy Roma, Winston and

1 Strawn. I just have a question on clarifying the
2 differences between the group ID's and the individual
3 ID's. I understand you need an individual ID in order
4 to attach an electronic signature but other than that,
5 I don't understand necessarily the need for a group
6 ID. Maybe I just don't understand it completely.
7 MR. SKOCZLAS: Yeah, a perfect example is
8 at ASLBP. They have multiple lawyers that are
9 accessing the documents but we didn't want to send out
10 10 copies to the service list so they sent it to a
11 proxy mailbox that says ALSBP and all of those folks
12 can sign on and with their group ID go ahead and open
13 that document. So it's one e-mail address but many
14 users. Does that help?
15 MR. ROTHSCHILD: Yeah, for example, the
16 law firms, where you may have one attorney you want to
17 be the main person but you have several other
18 attorneys working on the case, you want them to have
19 access to filings so you want them to be able to --
20 they're in travel. You want them to view it on a
21 remote basis or something like that. With a group ID,
22 they'll be able to get in and view documents and
23 everything even though that group ID won't allow them
24 to actually sign the document.
25 MR. GAUKLER: Paul Gaukler, Pillsbury,

1 Winthrop, Shaw, Pittman. On the group ID then, the
2 people in the group ID will not get e-mails then that
3 the document has been filed with the EIE; is that
4 correct?
5 MR. SKOCZLAS: They would get it to that
6 particular group e-mail.
7 MR. GAUKLER: Oh, okay.
8 MR. SKOCZLAS: So if they had a group e-
9 mail, it would go to that. And for example, at the
10 NRC we have one that is the OGC mail center and there
11 are many people who can access that but it's the mail
12 center's e-mail that they would get notification from.
13 MR. GAUKLER: So we would have to have a
14 group e-mail at the law firm where we would --
15 MR. SKOCZLAS: Yes, once you get a group
16 ID, you would have to have some central mailbox that
17 would be a group mailbox and that's where we would
18 send it.
19 MR. GAUKLER: And I have a second
20 question. What's your schedule for implementing this
21 rule, do you expect to have it in final and in effect?
22 MR. ROTHSCHILD: I don't think we've
23 established a date. Frankly, the comment period
24 expires March 1st. I think a lot of it is going to
25 depend on how many comments do we actually get on th

1 is that we need to address, how many difficult
2 problems have we not thought through at this point.
3 Hopefully -- we've spent a lot of time, we've gone
4 very slowly on this thing, hoping that we could deal
5 with all the problems in the proposed rule. I'm
6 hoping we can have a final rule in the Federal
7 Register no later than August.
8 I think at that point, we're going to have
9 to make sure that we've got all our hardware and
10 software ready to serve you and if it turns out that
11 we're not quite ready to go, we may have a deferred
12 implementation date. We may not, you know, publish a
13 final rule and say it won't go into effect for four
14 months or six months or whatever it is. And I don't
15 think we're going to be prepared to make that decision
16 until we get pretty close to it. We've still got some
17 work to do here internally in software and everything,
18 make sure everything is there, including developing
19 forms and setting up a generic mailbox and some of the
20 things that we're going to need to do to make this
21 work.
22 I would hope to be able to do it by the
23 end of this fiscal year. I'm really not making any
24 promises. I think a lot of it will be to what extent
25 are you ready, to what extent are we ready to do this.

1 We've got to get a help desk. We're going to have to
2 train people on the help desk. I mean, the game plan
3 here is we're not going to implement this until we're
4 ready. We don't want chaos at the beginning and as
5 soon as we have the comfort level, we're going to do
6 it as soon as we can because we think this is going to
7 be something that participants in our proceedings
8 really want and we hope that people will look upon us
9 with favor.
10 MR. GAUKLER: Thank you.
11 MS. ROMA: Two question, Amy Roma, Morgan
12 Lewis. The first one you said that you're not going
13 to implement till you're ready. Do you mean you're
14 not going to issue the final rule until everything is
15 up and running, the help desk, and so there's not
16 chaos; is that what you meant by that?
17 MR. ROTHSCHILD: Well, we can do two
18 things. We can either issue the final rule when we're
19 ready to go and maybe make it effective 30 days
20 thereafter or when we got the final rule but we're not
21 quite ready to implement, we may have a deferred
22 implementation date in the rule, saying, "Here's the
23 final rule but we're not going to implement it for
24 four months". That's what we had done in the E-rule
25 of a few years ago. We had a delayed implementation

1 of several months and we're just not prepared to make
2 that decision right now until we make sure that
3 everyone is ready.
4 MS. ROMA: Okay, my second question is, in
5 the present proceedings that currently have -- use the
6 electronic submissions, how are they used in the
7 hearings, understanding that the DDMS system is not up
8 and running yet? Don't the parties still have to
9 bring the paper filings in? I just was wondering what
10 the advantage was of this?
11 MR. EITREM: It would be no difference in
12 terms of what happens in the hearing room because of
13 this rule yet.
14 MR. JULIAN: Yeah, I guess as a follow-up,
15 the DDMS is not being used currently in PAPO
16 proceedings, in the preapplication office proceeding.
17 In the high level waste proceeding, it will definitely
18 and it may be there somewhere along the line if the
19 PAPO proceeding continues. We have an expectation to
20 use it after the E-Filing Rule goes into effect, Amy,
21 but we'll have to see.
22 MS. REDDICK: Are there any other
23 questions or comments at this time? Okay, well, thank
24 you everyone for coming. If you have questions, our
25 contact information are in the slides. Thank you.

1 (Whereupon, at 10:57 a.m. the above-
2 entitled matter concluded.)
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CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: Public Meeting to Discuss The Proposed Electroni Filing Rule

Docket Number: n/a

Location: Rockville, MD

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.

Eric Mollen
Official Reporter
Neal R. Gross & Co., Inc.