



# **The NRC HLW Hearing Process**

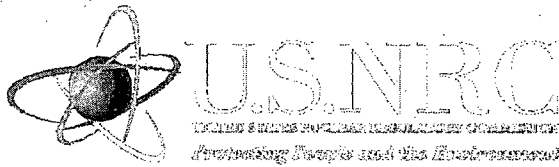
**Marian Zobler, Senior Attorney  
Office of General Counsel**

**Workshop for Affected Units of Local Government  
June 19-20, 2007**



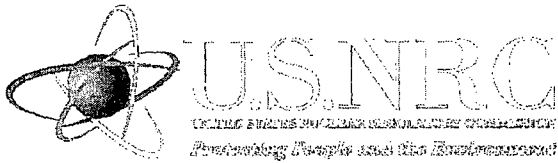
## OUTLINE

- What is the hearing process?
- How can a local government participate?
- What are the important phases of the hearing process?
- What is the timeline?



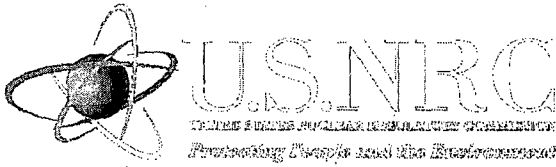
# What is the Hearing Process?

- Formal, trial-type process with established rules and procedures
- Atomic Safety and Licensing Board presides
- Participants include:
  - NRC Staff
  - Department of Energy (DOE)
  - Intervenors (e.g., host state, affected units of local government, Indian tribes, individuals, organizations)
  - Interested state and local governments, and Indian tribes



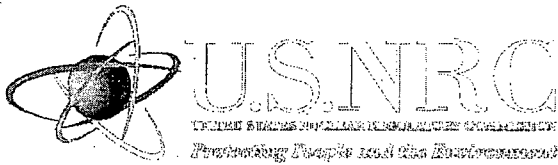
## How can a local government participate?

- Affected Units of Local Government can participate in the NRC Hearing in either of two ways:
  - As a **party**
  - As an **interested governmental participant**



# Who is a party?

- Anyone whose interest may be affected and who wants to be a party must file a petition for leave to intervene that describes:
  - How their interest may be affected by the outcome of the proceeding, (i.e., standing)
    - Affected Units of Local Government do not have to demonstrate standing
  - One or more admissible **contentions** (statements of contested law or fact)
  - If the petition is granted, the person becomes a **party** to the proceeding (sometimes called an intervenor)

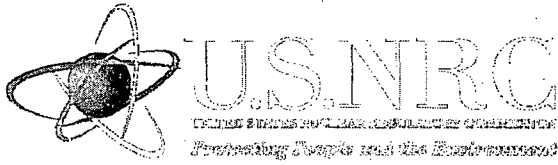


# What is a contention?

- Legal or factual issues (e.g., safety and/or environmental disputes) that a petitioner wants decided —

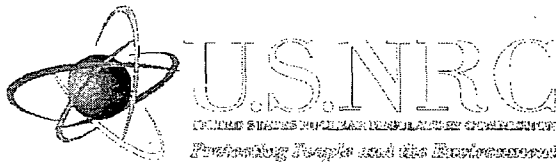
They must

- Be specific
  - Be supported by documents or expert opinion
  - Demonstrate a dispute with DOE on a material factual or legal issue regarding proposed action
  - Include specific references to the application
  - Be within the scope of the proceeding
- Usually allege applicant failed to satisfy some legal or regulatory requirement
  - ASLB rules on admissibility based on established criteria



## **What is an interested governmental participant?**

- Can be
  - An Interested State Government
  - A local Governmental Body
  - An Federally-recognized Indian Tribe
- Not otherwise admitted as a party

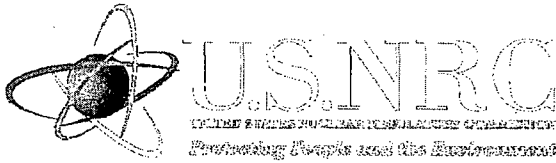


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## What is an interested governmental participant ?

- Files a request to participate
- Designates a single representative for the hearing
- Before the hearing, must identify admitted contentions on which it will participate





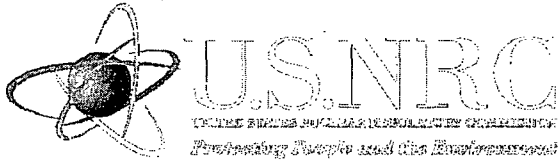
## What Does Participation Entail?

- Both Parties and Interested Governmental Participants can:
  - Engage in discovery
  - Introduce evidence
  - Interrogate witnesses
  - File proposed findings
  - Appeal to the Commission



## Party or Governmental Participant?

- **Party**
  - Has at least one contention admitted
  - Admissible contentions will be subject to litigation
- **Governmental Participant**
  - Need not take a position on an issue
  - Relies on other parties to raise contentions

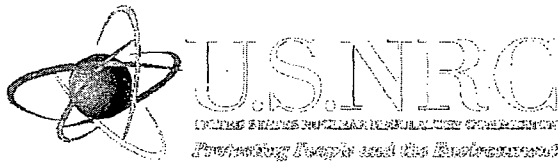


## **Important phases in the hearing process**

### ***First Pre-hearing Conference:***

Parties, interested governmental participants, and petitioners for intervention meet before the ASLB to discuss:

- Identity of participants in the proceeding
- Proposed contentions
- Discovery schedule
- Decisions and schedules will be set in an order issued by the ASLB

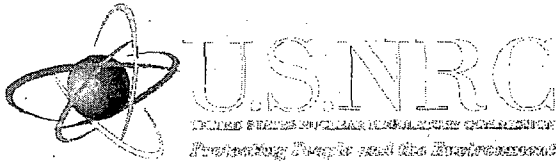


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## **Important phases in the hearing process**

### ***Second Pre-hearing Conference:***

- After the Staff issues its SER
- Participants will meet before the ASLB to discuss:
  - Final issues for evidentiary hearing
  - The schedule for the filing of testimony
  - The schedule for the hearing
- Decisions and schedules will be set in an order issued by the ASLB

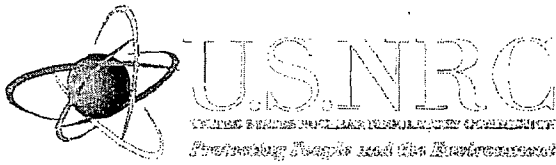


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## Important phases in the hearing process

### ***Discovery***

- Allows parties to learn basis for each party's case
- Methods include:
  - LSN (electronic access to documents)
  - Interrogatories (written questions)
  - Depositions (oral questions answered under oath before a court reporter)

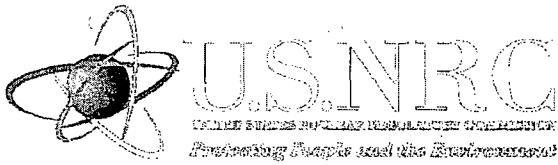


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## Important phases in the hearing process

### *Evidentiary Hearing*

- Trial-like process
- ASLB presides over conduct of hearing
- Oral and documentary evidence
- Witnesses cross-examined



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## Important phases in the hearing process

### *Initial Decision*

- Written decision on matters in controversy in the proceeding
- Findings of fact and conclusions of law based on record of the proceeding
  - Exhibits
  - Transcript of testimony
  - Rulings on legal issues



(cont).

## **Important phases in the hearing process**

### ***Appeals to the Commission***

- Initial decisions and certain preliminary rulings can be appealed to the Commission.
- ASLB may refer rulings to Commission; parties may request certification of a question for Commission review
- Based on alleged errors of fact or law





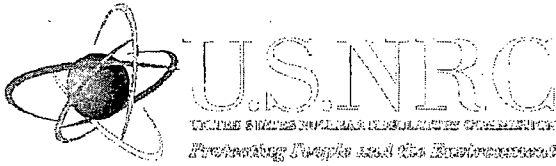
# Prohibited communications

Participants to a proceeding may not communicate with any Commission adjudicatory employee regarding the merits of the proceeding in the absence of the other participants.

Ex parte rule – applies to interested persons outside the agency

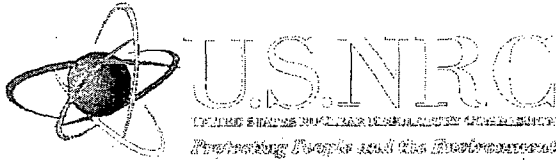
Separation of Functions rule – applies to NRC employees

- Commission adjudicatory employees include:
  - Commissioners and their personal staff
  - Members of the Atomic Safety and Licensing Board Panel
  - Any other employee who advises the Commission regarding a decision in a proceeding.



## Timeline, If Application Is Received

- Possible docketing of application; Notice of Hearing; and Environmental Impact Statement Adoption Determination in the *Federal Register* (FR)  
→ within 6 months after receipt of Application
- Petitions for leave to Intervene must be filed  
→ within 30 days after FR notice
- Prehearing Conference  
→ within 70 days after FR notice



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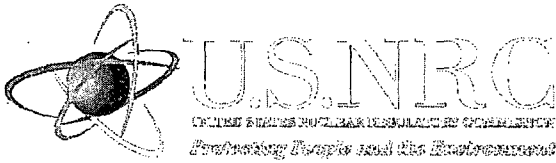
## Timeline, if Application Is Received

- Prehearing Conference order on intervention → within 100 days after FR notice
  - Discovery schedule set
- NRC Staff completes Safety Evaluation Report → within 18 months after FR notice



## Timeline, If... (cont.)

- Evidentiary hearing begins → within 24 months after FR notice
- Initial Decision → within 32 months after FR notice
- Commission decision → about 3 years after FR notice



## Summary

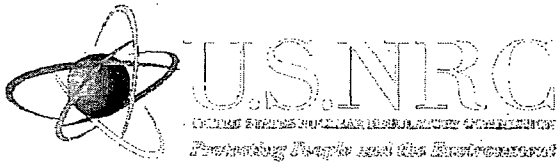
- Any NRC decision on a potential license application for a repository will be based on a full and fair public hearing
- Hearing will follow formal, well-established rules to ensure an open, objective decision
- Affected Units of Local Government have two possible ways to participate



# **An Overview of the NRC Licensing Process: Judging The Safety Of A Proposed Repository**

**Lawrence E. Kokajko, Director  
Division of High-Level Waste Repository Safety**

**2<sup>nd</sup> Workshop for Affected Units of Local Government  
June 19-20, 2007**



## Purpose

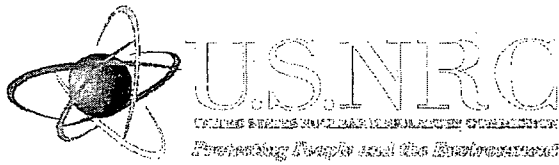
- Respond to request from several Affected Units of Local Government for a second workshop
- Describe environmental review, technical review, and hearing process NRC will use if we receive an application for a repository license
- Explain options for participation by Affected Units of Local Government
- Provide an opportunity for dialogue – we value your input



# NRC's Role At Yucca Mountain

- Independent regulator
- Primary mission is to protect public health and safety and the environment
- Must decide whether to authorize DOE to construct the proposed repository
- If authorization is granted, NRC will inspect to assure DOE complies with requirements
- After construction is substantially complete, NRC will review DOE's update of the license application to receive and possess, and later the amendment for permanent closure





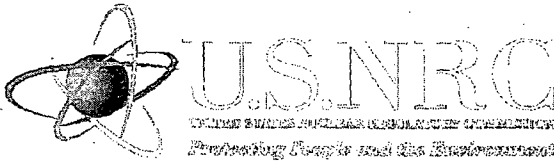
## **Roles Of Other Agencies At Yucca Mountain**

- Department of Energy (DOE)
  - Characterize site; prepare Environmental Impact Statement; prepare license application
  - Subject to NRC authorization: construct, and operate the repository safely; provide long-term oversight
- Environmental Protection Agency (EPA)
  - Establish environmental standards that NRC must use to decide whether to authorize the potential repository



## **Who Makes The Decisions At NRC?**

- **Five NRC Commissioners**
  - Appointed by the President
  - At most 3 of any one political party
  - 5-year term of service
  - Chairman designated by the President
  - Professional staff composed of accomplished scientists, engineers, attorneys



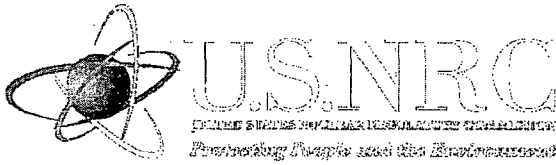
## **What Is The Role Of NRC's Professional Staff?**

- Implement Commission regulations and policies
- Recommend public health & safety, environmental, and security regulations
- Evaluate license applications and amendments
- Inspect applicants and licensees
- Advise Commission on safety, environmental, and security matters
- Communicate with the public



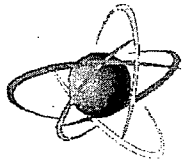
## **What Is The Role Of The Atomic Safety And Licensing Board Panel?**

- Independently conducts all licensing and other hearings for the Commission usually with three-judge Hearing Boards
- Panel manages activities of the High-Level Waste Licensing Support Network and maintains the Digital Data Management System



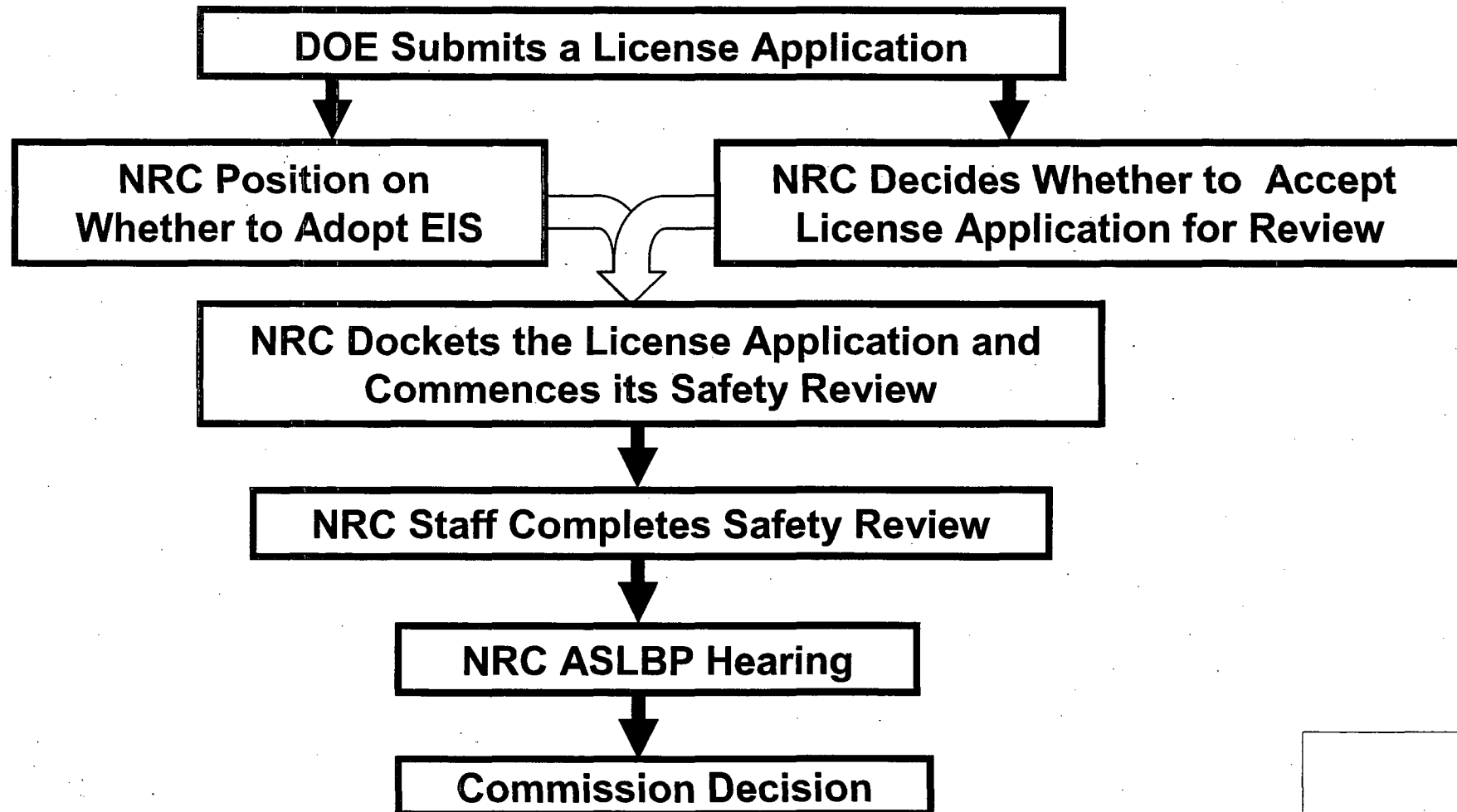
## **NRC Must Decide Whether To Allow DOE To Construct A Repository At Yucca Mountain**

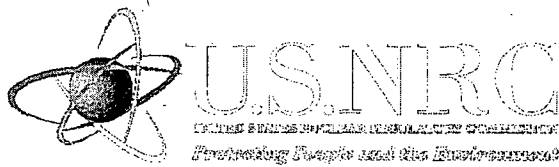
- If DOE submits a license application, the Nuclear Waste Policy Act, as amended, provides that NRC decide within three to four years



**U.S. NRC**  
UNITED STATES NUCLEAR REGULATORY COMMISSION  
*Protecting People and the Environment*

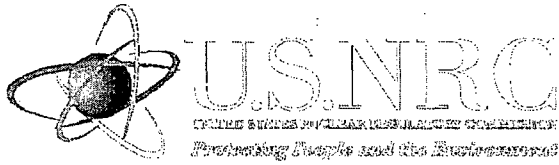
## **NRC Activities**





## **NRC Staff Review For Docketing**

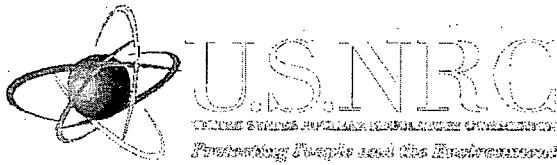
- Verify that the license application:
  - Contains all required information
  - Documents DOE's safety claims and technical bases
  - Complies with document access requirements
- Not a detailed technical review
- If docketed, safety review begins



## **NRC Staff Environmental Review**

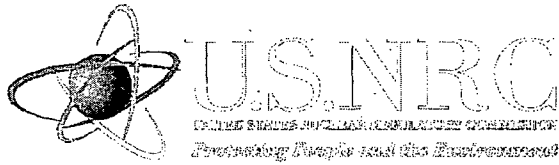
- License Application includes DOE's Environmental Impact Statement (EIS)
- Law requires NRC to adopt DOE's EIS "to the extent practicable"
- NRC must determine extent to which it can adopt DOE's EIS after review against regulatory adoption criteria





## **NRC Staff Safety Review**

- Thorough, technical review of DOE's license application
- If needed, NRC staff may:
  - request additional information
  - conduct independent confirmatory analyses
- Results documented in the NRC staff's and discussed in hearing "Safety Evaluation Report" (SER)



## **NRC Will Decide Whether To Deny Or Authorize Construction Of A Repository By...**

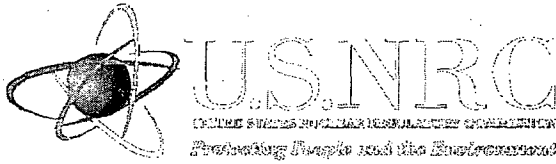
- Reviewing all information objectively
- Making open decisions based on the facts
- Maintaining an open, public adjudicatory process



## Possible Outcomes

If the license application is submitted in June 2008, NRC could:

- Deny the license application
- Authorize construction of the repository with or without specific conditions



## Summary

- Any NRC decision on a potential license application for a repository will:
  - Be based on NRC staff's comprehensive, independent safety review
  - Include a full and impartial public hearing that follows formal, well-established rules to ensure an open, objective decision



# **Deciding Whether To Adopt DOE's Environmental Impact Statement: How Affected Units of Local Government Can Participate**

**Christine Schulte, Senior Project Manager  
Licensing and Inspection Directorate**

**Workshop for Affected Units of Local Government  
June 19-20, 2007**



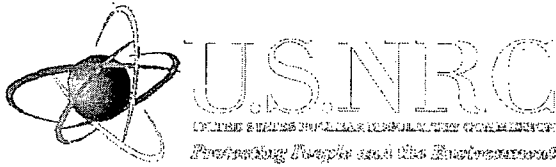
# Purpose

To help you understand NRC's role  
and how you can participate  
in NRC's process



# Outline

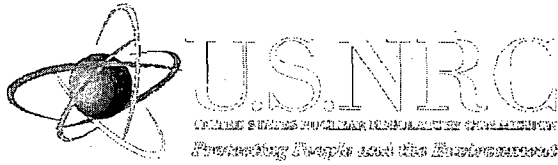
- Governing legislation
- Timeline
- NRC's regulations and process
- Participating in the hearing process



## **National Environmental Policy Act (NEPA)**

- Requires federal agencies to consider the impacts of their proposed actions through a public process
- Requires environmental impact statements (EISs) for *major federal actions*
- Proposed Yucca Mountain repository is a major federal action

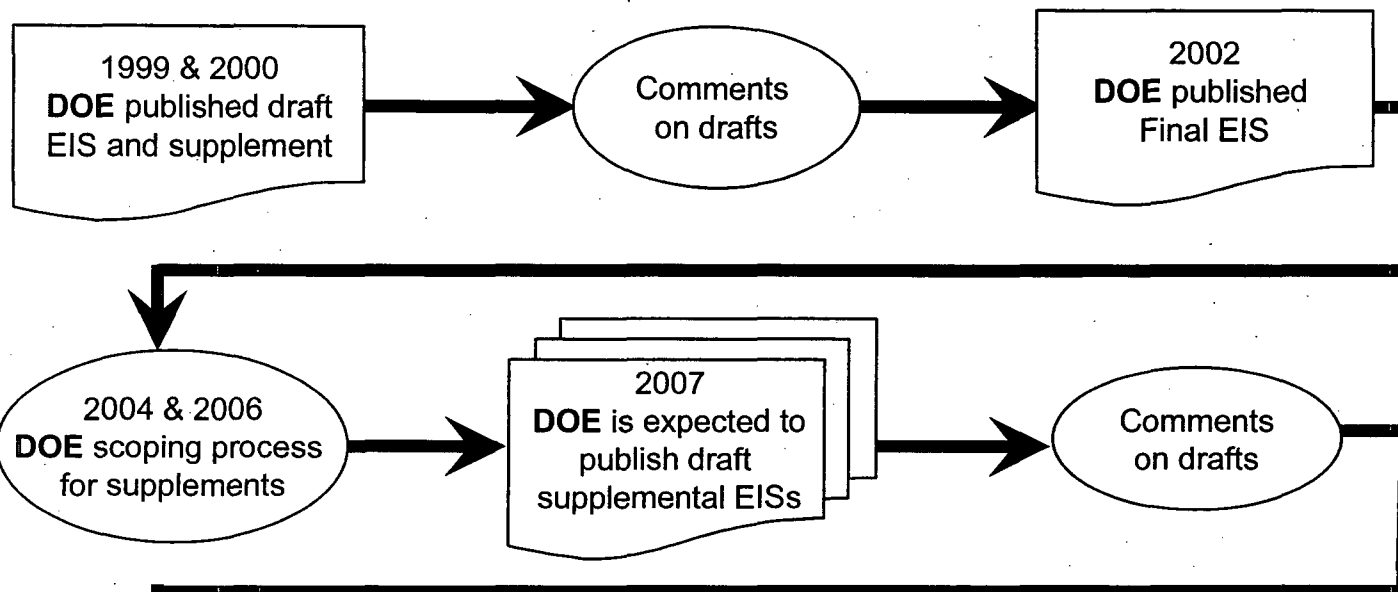




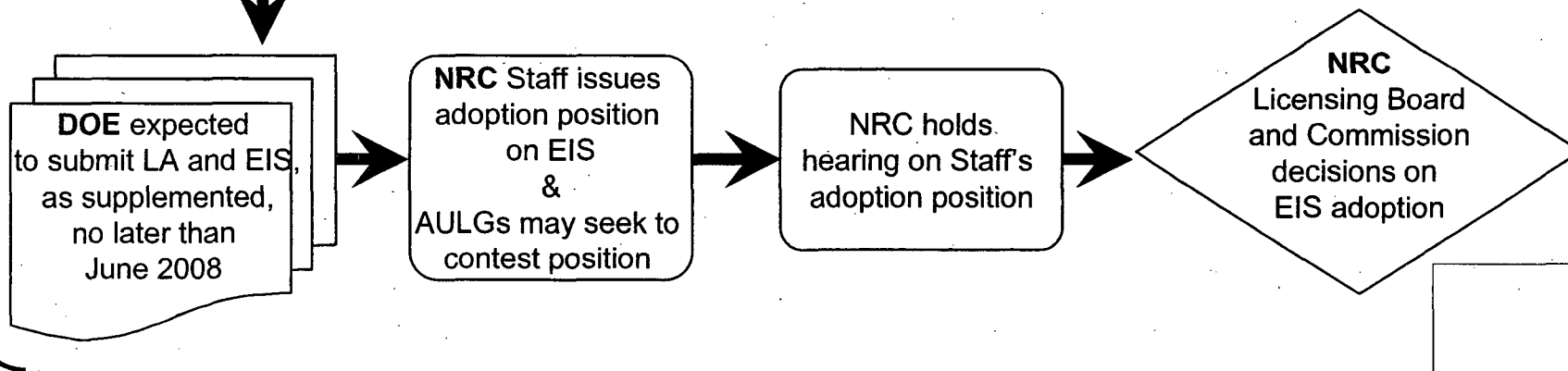
## **Nuclear Waste Policy Act (NWPA)**

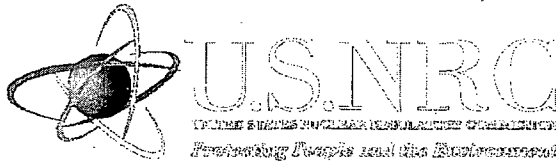
- Requires DOE to prepare EIS for the proposed repository
- Requires NRC to adopt DOE EIS “to the extent practicable”
- To the extent NRC adopts the EIS, NRC’s responsibilities under NEPA are satisfied

# Timeline



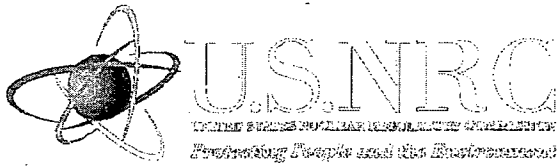
**NRC Process**





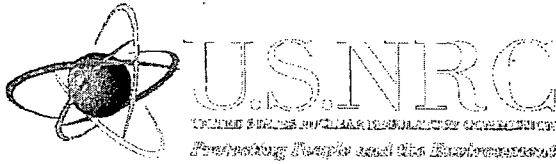
## **NRC Regulations Define Basis for Adopting DOE'S EIS**

- Regulations are in 10 CFR Part 51.109
- NRC must adopt the EIS unless:
  - NRC licensing action differs from the action proposed in the license application in a way that may significantly affect the environment
  - or**
  - Significant and substantial new information or considerations make the EIS inadequate



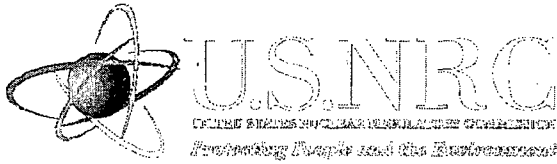
## EIS Adoption Review

- EIS adoption review schedule parallels license application docketing review
- NRC will review the EIS against the adoption criteria
- NRC will publish the staff's position on adoption in *Federal Register* notice of hearing
- NRC will publish a report on the adoption determination – referenced in the FRN



## EIS Adoption Decision

- First: NRC staff position in *Federal Register*
  - Not adopt
  - Adopt
  - Adopt in part
- Next: Licensing board holds formal hearing and decides
- NRC Commissioners have final word



## **How Can Affected Local Governments Participate in NRC Process?**

- Regardless of NRC staff position on whether it can adopt the EIS, you could seek to:
  - Contest NRC staff's position as a party to the proceeding and submit contentions
- or
- Participate as an Interested Government on another party's admitted contention



## Summary

- NRC's NEPA review is defined by NWPA
- NRC must adopt DOE's EIS unless established criteria are met
- Affected units of local government may participate in NRC's process as a party or interested government



# ***Use of Licensing Support Network (LSN) in the HLW Licensing Proceedings***

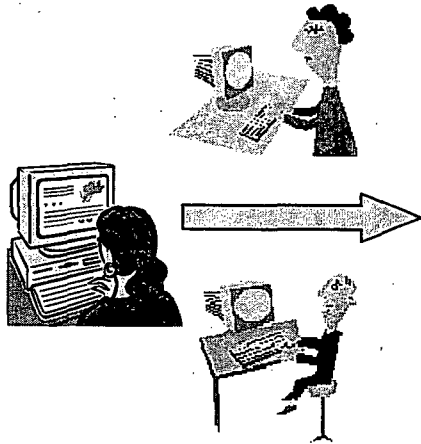
Dan Graser, LSN Administrator  
Atomic Safety and Licensing Board





# An Electronic Environment

## Licensing Support Network (LSN)



## Electronic Information Exchange (EIE)



U.S. Nuclear Regulatory Commission

**Board Selection**

**Instructions**

Please select the ASLBP description or hearing to which you are directing this submission. You must also select a filing status before submitting.

**Please Select Description:**

Select ASLBP Description ▼

**Please Select A Filing Status:**

Select POF Status ▼

Go Cancel



## Electronic Hearing Docket



**ADAMS**

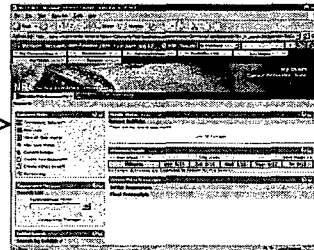
AGENCYWIDE  
DOCUMENTS  
ACCESS AND  
MANAGEMENT  
SYSTEM

ADAMS Release 4.3.2



## Enterprise DDMS

Clerk of Court  
(AdHoc  
Documents)





# What is the Challenge?

## ***The Known - -***

- What issues concern you
- Need to uncover facts supporting (or not) issues and contentions
- Need to identify and acquire documentary materials to support issues and contentions

## ***Vs. The Unknown - -***

- Information is out there
  - 3.4 million documents – 40 million pages
  - Homogenous collection
- Haven't time to read it all
  - May not want to read it all



## **Where the LSN Fits in the Process**

- Search – Look for information
- Identify – What it is & Who is the owner
- Organize and Acquire – Collect documents in electronic format needed for a submission
- Submit – Pre-filed materials to Electronic Hearing Docket (EHD) via Electronic Information Exchange (EIE)
- Present – Digital documents at hearing via Digital Data Management System (DDMS)



## **Licensing Support Network Overview**

- Primary mission - - support scientific & legal teams of the parties to the proceeding
- Part of NRC's Rules of Practice
- Portal software connects document collections
- Single location search interface
- Available via Internet via standard browsers
- Operational October 2001



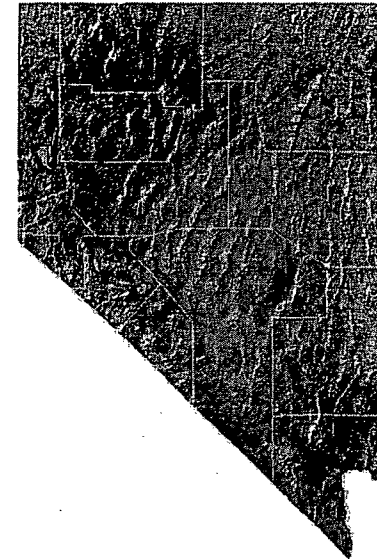
# LSN Availability

- Distinguishes between priority users and public
  - Ensures participant access during peak usage
  - Accessible even if public access turned off
- Participants can obtain priority user IDs
  - Candidates are coordinated through each organization's LSN Point of Contact
- Public may lose ability to search via LSN if denial of service attacks are experienced



# Currently Involved

- NRC operates central LSN search site
- Participants maintain their file collections
- Parties and potential parties:
  - ✓ State of Nevada
  - ✓ Affected Units of Local Government
  - ✓ Nevada Nuclear Waste Task Force
  - ✓ U.S. Nuclear Regulatory Commission
  - ✓ U.S. Department of Energy
  - ✓ Nuclear Energy Institute
- On the horizon:
  - ✓ Tribal Interests
  - ✓ Other Federal, state and local government agencies
  - ✓ Environmental and citizen interest groups
- Over 3,430,000 documents online





# What is a Portal?

A gateway to like-kinds of information of interest  
to a community of users

Licensing Support Network (LSN) - Microsoft Internet Explorer provided by USNRC

File Edit View Favorites Tools Help

Address: http://www.lsnnet.gov/ infoseek Go

**Licensing Support Network (LSN)** Privacy and Disclaimer Notices

Home Adv. Search EHD EIE Links Login HELP

**Site Information**

- LSN Home Page
- About LSN
- Calendar of Events
- LSN Participants
- LSN Hours of Operation
- Announcements
- Changed Documents

**Quick References**

- 5 USC 552, FOIA
- 42 USC 106, NWPA of 1982, Amended
- 10 CFR 2
- 10 CFR 50
- 10 CFR 51
- 10 CFR 63
- NRC FOIA Guide
- NRC News Releases
- NRC's Yucca Mountain Review Plan
- EPA's Laws & Regulations on Yucca Mountain

**Search the LSN Document Collection**

Viewing the LSN Document Collection requires several different document viewer plug-ins. [More Information.](#)

- Advanced Search Form** [HELP](#)  
Search by LSN Document information fields, natural language query or boolean query.
- Accession Number** [HELP](#)  
This search provides direct access to a document if you know the document LSN or Participant Accession Number.  
LSN:  **Search**  
OR  
Participant:  **Search**
- Document Content** [HELP  
Search the LSN Document Collection of text content using a word, group of words or a natural language query.  
  
\*\*Search\*\*](#)

Done Start Novell GroupWise - Mailbox AULG Workshop 2007.ppt NRC @ Work - Microsoft Licensing Support Net... Internet 2:34 PM



# Search Tools in LSN

- **Content search**

- Using many terms (or a sentence) gives more “Hits” - - but more likely to be highly relevant

- **Suggest more**

- Finds other documents with similar topical content

- **Advanced search**

- Combine bibliographic field criteria and content to narrow list of “Hits”

- **Accession number**

- LSN accession number or participant accession number if already known



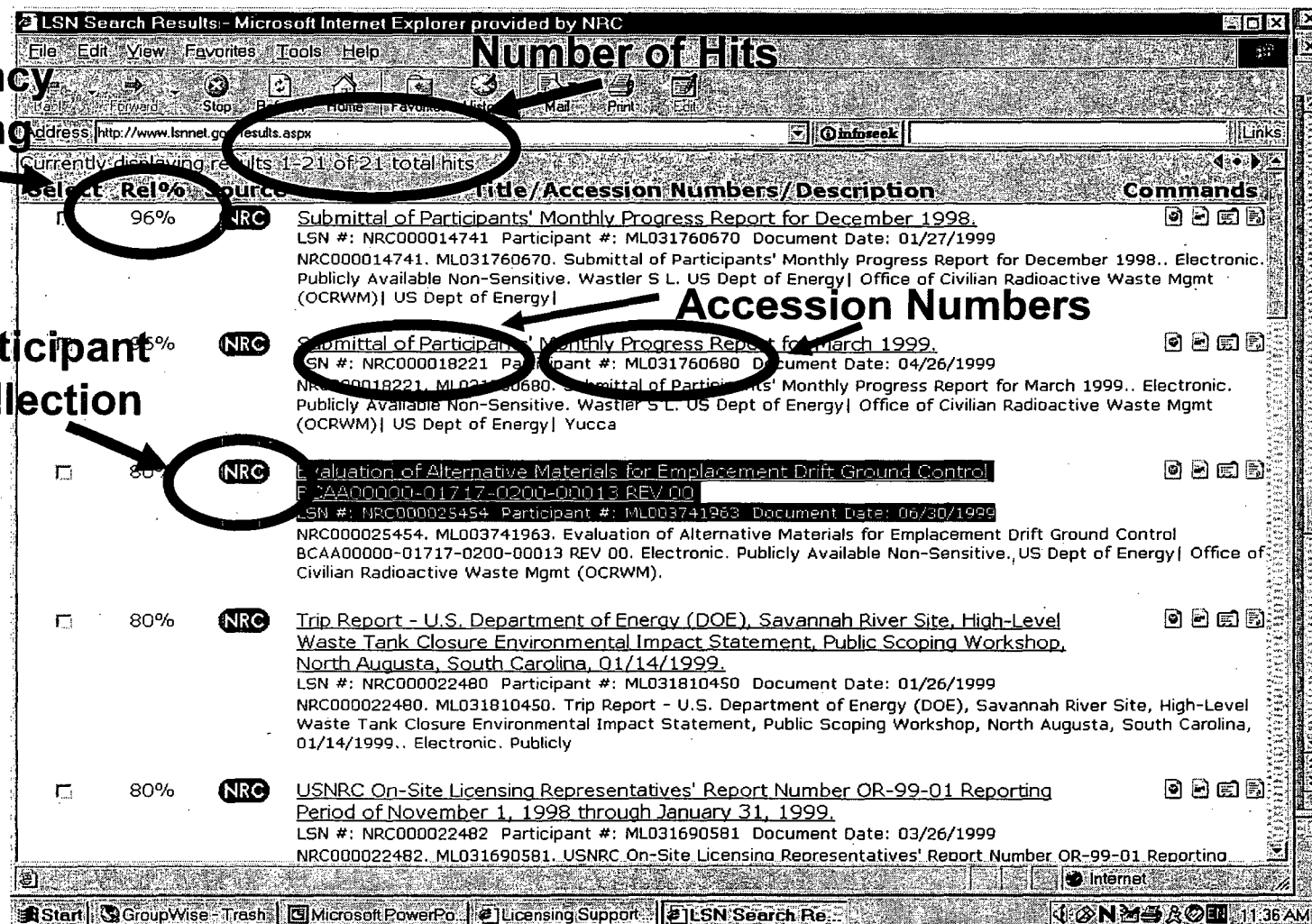
# Identify Information Sources

**Relevancy Ranking** →

**Number of Hits** →

**Participant Collection** →

**Accession Numbers** →



Select	Rel%	Source	Title/Accession Numbers/Description	Commands
<input type="checkbox"/>	96%	NRC	Submittal of Participants' Monthly Progress Report for December 1998. LSN #: NRC000014741 Participant #: ML031760670 Document Date: 01/27/1999 NRC000014741. ML031760670. Submittal of Participants' Monthly Progress Report for December 1998.. Electronic. Publicly Available Non-Sensitive. Wastler S L. US Dept of Energy  Office of Civilian Radioactive Waste Mgmt (OCRWM)  US Dept of Energy	
<input type="checkbox"/>	95%	NRC	Submittal of Participants' Monthly Progress Report for March 1999. LSN #: NRC000018221 Participant #: ML031760680 Document Date: 04/26/1999 NRC000018221. ML031760680. Submittal of Participants' Monthly Progress Report for March 1999.. Electronic. Publicly Available Non-Sensitive. Wastler S L. US Dept of Energy  Office of Civilian Radioactive Waste Mgmt (OCRWM)  US Dept of Energy  Yucca	
<input type="checkbox"/>	80%	NRC	Evaluation of Alternative Materials for Emplacement Drift Ground Control BCAA00000-01717-0200-00013 REV 00 LSN #: NRC000025454 Participant #: ML003741963 Document Date: 06/30/1999 NRC000025454. ML003741963. Evaluation of Alternative Materials for Emplacement Drift Ground Control BCAA00000-01717-0200-00013 REV 00. Electronic. Publicly Available Non-Sensitive. US Dept of Energy  Office of Civilian Radioactive Waste Mgmt (OCRWM).	
<input type="checkbox"/>	80%	NRC	Trip Report - U.S. Department of Energy (DOE), Savannah River Site, High-Level Waste Tank Closure Environmental Impact Statement, Public Scoping Workshop, North Augusta, South Carolina, 01/14/1999. LSN #: NRC000022480 Participant #: ML031810450 Document Date: 01/26/1999 NRC000022480. ML031810450. Trip Report - U.S. Department of Energy (DOE), Savannah River Site, High-Level Waste Tank Closure Environmental Impact Statement, Public Scoping Workshop, North Augusta, South Carolina, 01/14/1999.. Electronic. Publicly	
<input type="checkbox"/>	80%	NRC	USNRC On-Site Licensing Representatives' Report Number OR-99-01 Reporting Period of November 1, 1998 through January 31, 1999. LSN #: NRC000022482 Participant #: ML031690581 Document Date: 03/26/1999 NRC000022482. ML031690581. USNRC On-Site Licensing Representatives' Report Number OR-99-01 Reporting	

# Identifies Document Attributes

LSN Document Viewer - Microsoft Internet Explorer provided by NRC

File Edit View Favorites Tools Help

Back Forward Stop Refresh Home Favorites History Mail Print Edit

Address <http://www.isnnet.gov/docview.aspx?mode=3&lsn=NRC000025454&ic=1&im=0&sc=1&sm=0> Infoseek Links

HEADER VIEW: NRC000025454 - ML003741963  
Evaluation of Alternative Materials for Emplacement Drift Ground Control BCAA000000-01717-0200-00013 REV 00

<b>LSN Accession #</b>	NRC000025454
<b>Information Source</b>	NRC
<b>Participant Accession #</b>	ML003741963
<b>Title</b>	Evaluation of Alternative Materials for Emplacement Drift Ground Control BCAA000000-01717-0200-00013 REV 00
<b>Document Date</b>	06/30/1999
<b>Comments</b>	
<b>Non-Digital Media</b>	Electronic
<b>QA Record Indicator</b>	
<b># Of Images</b>	33
<b>Descriptors</b>	NRC000025454
<b>Access Controls</b>	Publicly Available Non-Sensitive
<b>Addressee Names</b>	
<b>Addressee Orgs</b>	
<b>Author Names</b>	McKenzie D G, Nolting R, Tang D, Thiers G R
<b>Author Orgs</b>	US Dept of Energy  Office of Civilian Radioactive Waste Mgmt (OCRWM)
<b>Document Numbers</b>	BCAA000000-01717-0200-00013 Rev 00
<b>Document Types</b>	Report, Technical
<b>Packages Ids</b>	
<b>Related Record #s</b>	
<b>Related Record Codes</b>	
<b>Traceabilities</b>	
<b>Versions</b>	

Done

Start GroupWise - Trash Microsoft PowerPoint Licensing Support LSN Search Result LSN Document 11:38 AM

Internet

Version Info

Size of Document

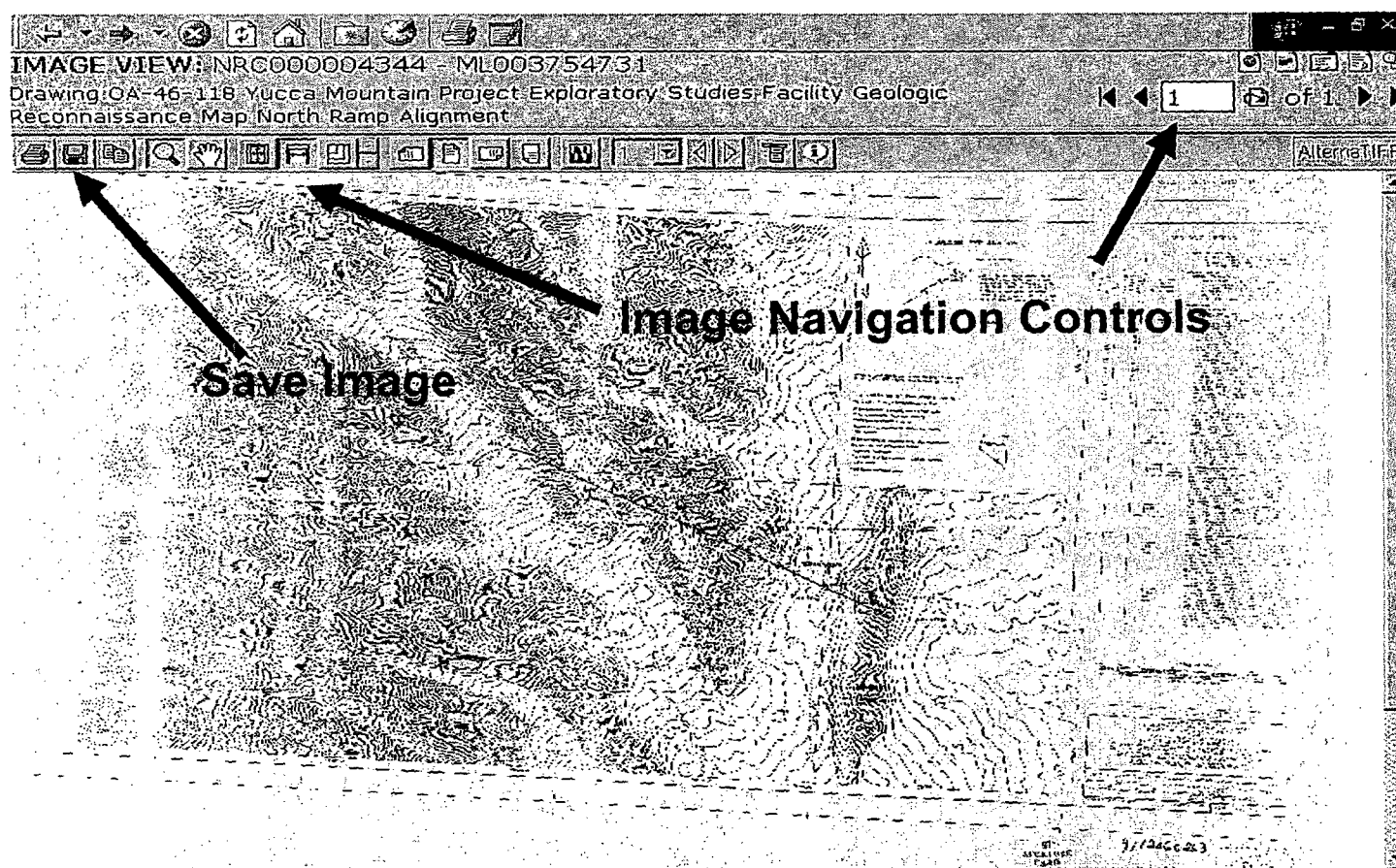
Expect Text/Image Online?

Document Type

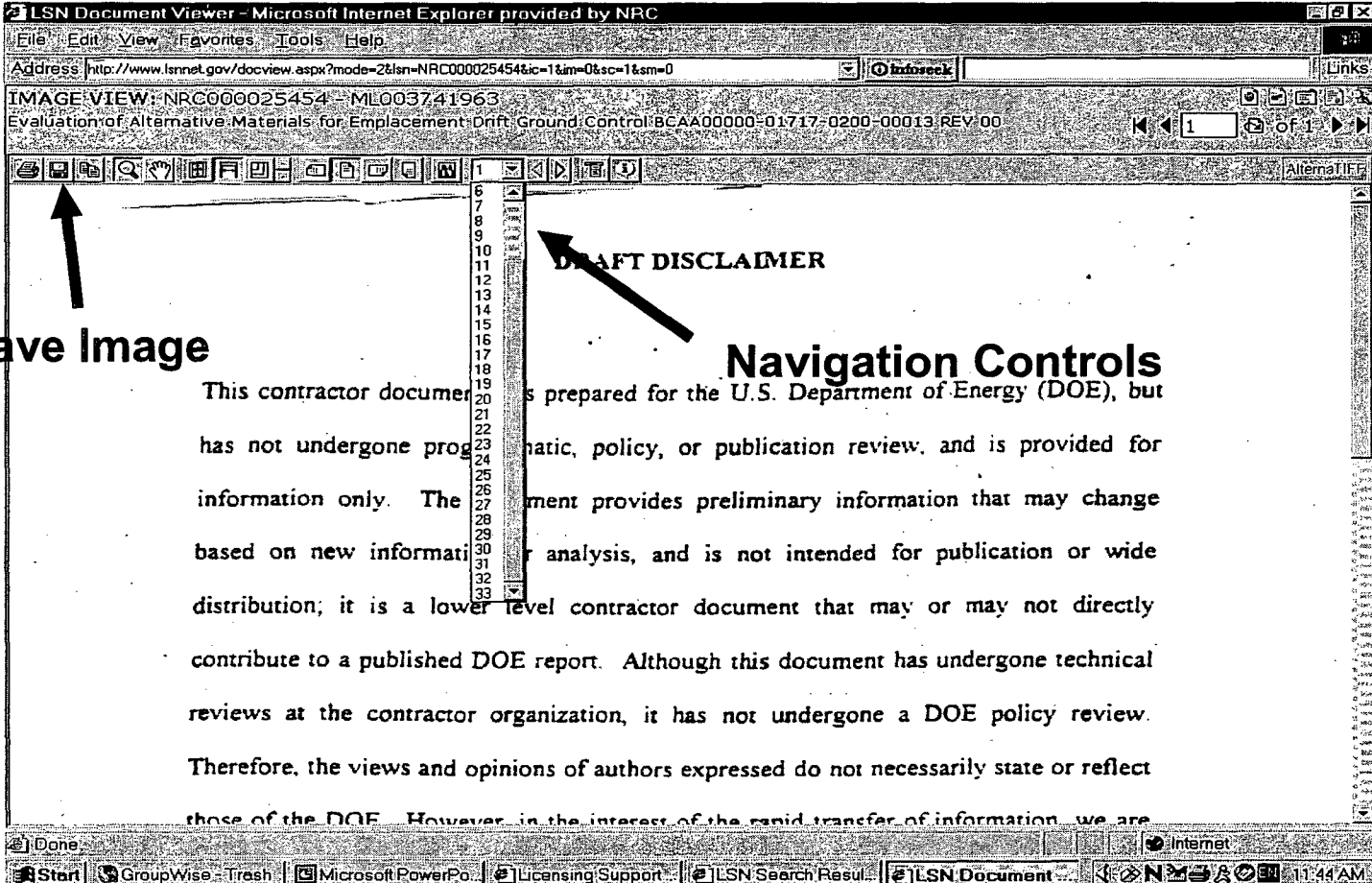


# Acquiring an Official Record NRC Image via LSN

**Absent Cause, Exhibits Must Have Been Made Available  
via the LSN Before Being Offered as Evidence**



## Acquiring an Official Record DOE Image via LSN



The screenshot shows a web browser window titled "LSN Document Viewer - Microsoft Internet Explorer provided by NRC". The address bar displays the URL: <http://www.lsrnet.gov/docview.aspx?mode=2&lsn=NRC000025454&ic=1&tm=0&sc=1&sm=0>. The page content includes the text: "IMAGE VIEW: NRC000025454 - ML003741963" and "Evaluation of Alternative Materials for Emplacement Drift Ground Control BCAA000000-01717-0200-00013 REV 00". A vertical scrollbar on the right side of the document area is labeled "DRAFT DISCLAIMER". A horizontal toolbar at the top of the document area contains various icons, with an arrow pointing to the "Save Image" icon. A large arrow points from the text "Save Image" to the "Save Image" icon in the toolbar. Another large arrow points from the text "Navigation Controls" to the scrollbar. The text "Navigation Controls" is written in a large, bold font. The text "Save Image" is written in a large, bold font. The text "DRAFT DISCLAIMER" is written in a large, bold font. The text "This contractor document is prepared for the U.S. Department of Energy (DOE), but has not undergone programmatic, policy, or publication review, and is provided for information only. The document provides preliminary information that may change based on new information or analysis, and is not intended for publication or wide distribution; it is a lower level contractor document that may or may not directly contribute to a published DOE report. Although this document has undergone technical reviews at the contractor organization, it has not undergone a DOE policy review. Therefore, the views and opinions of authors expressed do not necessarily state or reflect those of the DOE. However, in the interest of the rapid transfer of information, we are" is visible in the document area.

# Documents with No Text or Image



There is no text associated with this document. Examples of items that do not exist in a text format include physical documents and examples, missives, forms, and security-restricted documents.

If available, an image may be viewed by clicking on the icon (🖼️) provided in the navigation bar above. A description of the information, as well as format and location, may be found in the bibliographic header, which can be accessed by clicking on the icon (📄) provided in the navigation bar above.

Licensing Support Network (LSN) - Microsoft Internet Explorer provided by NRC

Mineral County, NV	Rod McCollum Nuclear Energy Institute 400, 1776 1 St. NW Washington, DC 20006 Phn: (202) 739-8082 Fax: (202) 484-8194 rxm@nei.org	Help Desk Nuclear Energy Institute, Suite 400, 1776 1 St. NW Washington, DC 20006 Phn: (202) 739-8186 Fax: ( ) - helpdesk@nei.org	Rod McCollum Nuclear Energy Institute, Suite 400, 1776 1 St. NW Washington, DC 20006 Phn: (202) 739-8082 Fax: (202) 484-8194 rxm@nei.org
Nuclear Regulatory Commission	NRC Public Document Room 1-800-397-4209 or 301-415-4737; TDD (for the hearing impaired): 1-800-635-4512 Washington, DC 20555 Phn: ( ) - PDR@NRC.GOV	NRC Public Document Room Telephone: 1-800-397-4209 or 301-415-4737; TDD (for the hearing impaired): 1-800-635-4512 Washington, DC 20555 PDR@NRC.GOV	High Level Waste Business and Program Integration Staff Nuclear Regulatory Commission Washington, DC 20555 Phn: (301) 415-7780 N/A
Nye County, NV	U.S. Department of Energy Harry Leake 1551 Hillshire Drive, Suite A Las Vegas, NV 89134 Phn: (702) 794-1457 Fax: (702) 562-6584 harry_leake@ymp.gov	Matt McLaughlin 1551 Hillshire Drive, Suite A Las Vegas, NV 89134 Phn: (702) 794-1450 mmclaughlin@cad.com	Harry Leake 1551 Hillshire Drive, Suite A Las Vegas, NV 89134 Phn: (702) 794-1457 Fax: (702) 562-6584 harry_leake@ymp.gov
White Pine County, NV			

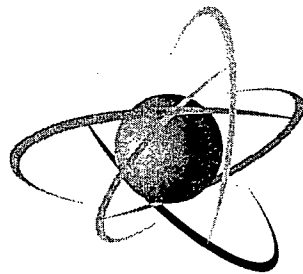
The Licensing Support Network (LSN) is an official United States Government web site.

**Use the Participant Accession Number to Request from Participant Point of Contact**



## Training Is Essential – Please Call Us!

- LSN will frustrate a user who:
  - Does not try alternative search strategies
  - Relies only on Content Searches
  - Does not leverage the indexing done on structured data by the system
  - Does not use root and wildcard appropriately
  - Does not understand “AND” vs “OR” and its effect



**U.S.NRC**

UNITED STATES NUCLEAR REGULATORY COMMISSION

*Protecting People and the Environment*

***Use of Digital Data Management  
System (DDMS) in the HLW Licensing  
Proceedings***

**Dan Graser, LSN Administrator  
Atomic Safety and Licensing Board**



# Where DDMS Fits in the Process

**A Portal for ASLBP Judges and Legal Counsel to Manage  
Digital Media During a Proceeding**

- Search – Look for information
- Identify – What it is & who is the owner
- Organize and Acquire – Collect documents in electronic format needed for submission
- Submit – Pre-filed materials to Electronic Hearing Docket (EHD) via Electronic Information Exchange (EIE)
- Present – Digital documents at hearing via Digital Data Management System (DDMS)





# Digital Data Management System

- Primary mission - Create and provide access to a comprehensive digital record for ASLBP proceedings generally
- Challenges associated with the HLW repository licensing proceeding:
  - Congressional mandate to complete adjudication in three to four years
  - 10 CFR Part 2, Subpart J requirement for access to electronic docket during hearings
  - Potential for multiple concurrent hearings



# Comprehensive Digital Record

- Evidence Presentation
  - Electronic Documents
  - Oral Testimony
  - Paper Documents (Document Camera)
  - VHS/DVD/CD Recordings
  - Audio Recordings
  - Computer Based
    - Simulations & Models
    - Slideshows
- Voice Activated Cameras
- Touch-Screen Annotation
- Court Reporter
  - Real-Time Transcription
  - Closed Captioning (ADA Compliance)
- Remote Participation
  - Tele-Conference
  - Video Conference
  - Web Streaming
- Infrared Headsets
- Interpreter Translation
- Assisted Listening (ADA Compliance)

# DDMS Main Screen

My Communities
Directory
Rockville - HQ
Las Vegas
My DDMS
Remote

Rockville - HQ  
BD01 Bollwerk\_Baratta\_Cole  
GG-MDHrg

**Common Tasks**  
Briefcase  
View All Documents  
View Live Video  
Current Exhibit

**Exhibit Search**  
Search by Exhibit #  
User: ☐ Official Ex. ☐ Party Ex.

**Appearance Manager**  
Search List  
Panel/Witness Name  
   
Appearance Manager

**Advanced Search**  
Enter search criteria:  
Full Text  
Title  
ADAMS  
Accession #  
LSI Accession #  
Date Docketed

**Exhibit Status**  
Recent Exhibits Identified On or After 01/01/1900  
(Expand View) Displaying 1 - 4 of 4

Official Exhibit #	Title	Status
EXL000004-00-ED01	TEST - PDF Test Document	Admitted
EXL000003-00-ED01	TEST - Non-PDF Test Document	Identified
HRC000002-00-ED01	2006/08/28-Grand Gulf-Limited Appearance Statement of Amory B. Lovins	Identified
HRC000001-00-ED01	2004/03/22-ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD	Admitted

View All Exhibits

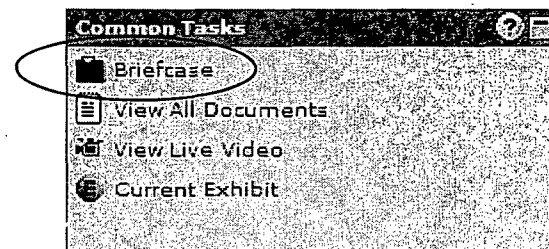
**Pre-Filed Testimony Portal**  
Testimony Date: 04/25/2007  
(Expand View) Displaying 1 - 3 of 3

Official/Party Exhibit #	Duration	Title	Party
4/25/07 - 4/25/07		2006/11/20-Grand Gulf ESP - HRC Staff Pre-Filed Testimony Concerning Hearing Issue G: Evaluation of Plant Parameter Envelope	NRCS
4/25/07 - 4/25/07		2006/11/20-Grand Gulf ESP - HRC Staff Pre-Filed Testimony Concerning Hearing Issue H: Continuity Between the ESP Stage and COL Stage	NRCS
4/23/07 - 4/27/07		2006/11/22-Pre-Filed Testimony of George A. Zinke, Marvin Morris, John G. Cesare, William R. Lettis, and Jeffrey L. Eachuber on Behalf of Applicant Concerning Hearing Issue H (Continuity Between the ESP Stage and COL Stage)	NRCS

**Scheduled Document Appearances**  
Appearance Date: 04/25/2007  
(Expand View) Displaying 1 - 3 of 3

Official/Party Exhibit #	Duration	Title	Party
4/25/07 - 4/25/07		Licensing Support Network Guidelines: Auditing System	NRCS
4/25/07 - 4/25/07		2004/03/01-Petitioners' Response to System Energy Resources Inc.'s Motion to Apply Revised Rules of Practice	NRCS
4/25/07 - 4/25/07		2004/03/22-ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD	NRCS

# Document Organization



Expand all Collapse all

Right Click on Folder Name for Actions

- [-] My Briefcase
  - [-] Grand Gulf
    - [-] North Anna
      - [-] October 17, 2007 Hearing
      - [-] Safety Issues
    - [-] Clerks
      - [-] Andy's Folder
      - [-] PAPO Hearing
    - [-] Test Folder
      - [-] New Level Down


## Viewing folder: Grand Gulf

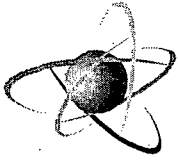
Party Ex. #	Official Ex. #	LSN #	DDMS #	Title	
	EXL000004-00-BD01		17626	TEST - POF Test Document	
	NRC000001-00-BD01		17623	2004/03/22-ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD	
		NRC000007192	17633	Licensing Support Network Guidelines: Auditing System	



# Electronic Exhibit Stamping

Schedule Exhibits		Save Selected to Briefcase		View Briefcase		Displaying 1 - 4 of 4	
Official Exhibit #	Party Exhibit #	Title	Identified	Admitted	Withdrawn	Rejected	Stricken
<input type="checkbox"/> EXL000003-00-ED01	<input type="checkbox"/>	TEST - Non-PQF Test Document	4/19/2007				
<input type="checkbox"/> EXL000004-00-ED01	<input type="checkbox"/>	TEST - PQF Test Document	4/19/2007	4/19/2007			
<input type="checkbox"/> NRC000001-00-ED01	<input type="checkbox"/>	2004/03/22-ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD	4/19/2007	4/19/2007			
<input type="checkbox"/> NRC000002-00-ED01	<input type="checkbox"/>	2006/08/28-Grand Gulf-Limited Appearance Statement of Amory B. Lovins.	4/19/2007				

 Nuclear Regulatory Commission Exhibit # - NRC000001-00-BD01 Docket # - 05200009 Identified Date - 04/16/2007	UNITED STATES OF AMERICA	
	RAS 7485	DOCKETED 03/22/04  SERVED 03/22/04
NUCLEAR REGULATORY COMMISSION		
SYSTEM ENERGY RESOURCES, INC.		
Docket No. 52-009-ESP  ASLBP No. 04-823-03-ESP		
<u>ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING BOARD</u>		
Pursuant to delegation by the Commission dated December 29, 1972, published in the <u>Federal Register</u> , 37 Fed. Reg. 28,710 (1972), the Commission's March 2, 2004 memorandum and order (CLI-04-08, 59 NRC __ (Mar. 2, 2004)), and Sections 2.104, 2.300, 2.303, 2.309,		



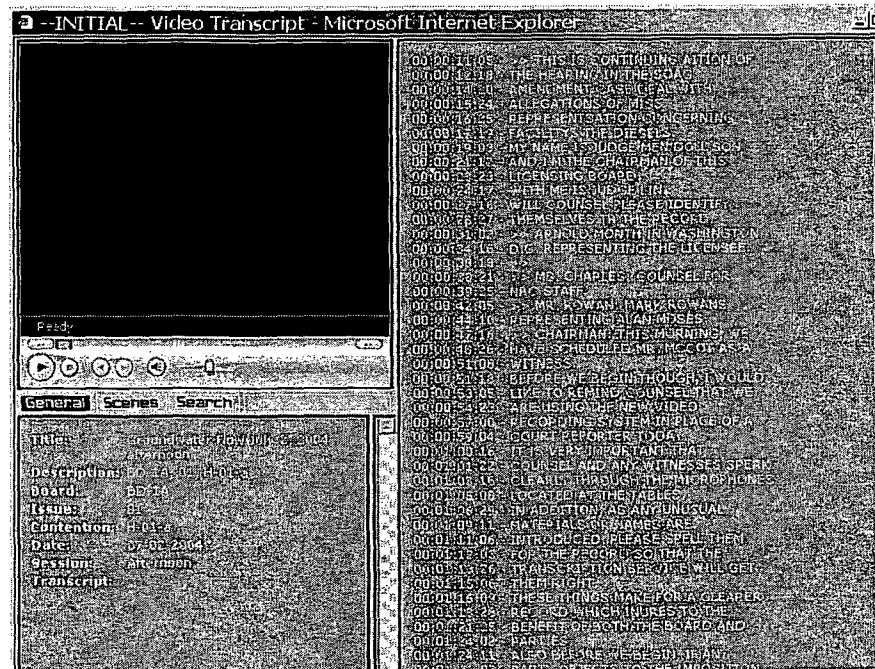
UNITED STATES NUCLEAR REGULATORY COMMISSION

## Protecting People and the Environment

# Initial Video Transcripts

During the hearing a court reporter records the hearing with closed captioned text. This becomes the 'initial video transcript'.

**Note: If the hearing is not closed captioned, there will not be an initial transcript.**



# Final Video Transcripts

Once the 'final transcript' is delivered, it is merged with the initial video to produce the final video transcript.

--FINAL-- Video Transcript - Microsoft Internet Explorer

**MADAM CHAIR**  
This is the continuation of the hearing in the Vogtle Amendment case dealing with allegations of misrepresentation concerning the facility's diesels. My name is Judge Mendelson and I'm the chairman of this licensing board. With me is Judge Lin. Would Counsel for the parties please identify themselves for the record?

**MR. NOLAND**  
Arnold Noland, Your Honor, from the law firm Draw, Lickman and Associates in Washington, D.C., representing the licensee.

**MS. CHARLES**  
I'm Juanita L. Charles. I'm the Counsel for the NRC staff.

**MR. ROWAN**  
Mark Rowan of the Washington, D.C., law firm, Rowan & Rowan, representing inventor Allen Moses.

**MADAM CHAIR**  
Okay. This morning we have scheduled Mr. McCoy as a witness. Before we begin, though, I would like to remind Counsel that we are using the new video recording system in place of a court reporter today. It is thus very important that Counsel and any witnesses speak clearly into the microphones located at the tables. In addition, as any unusual terms or names are introduced, please spell them for the record so that the transcription service will get them right. These things make for a clear record which serves to the benefit of both the Board and the parties. Also, before we begin, if any party objects to the imposition of a sequestration rule, I'd like to hear from them. It seems to me that the same rule that we had last time for one issue should apply to all on this, since the major issue is credibility. And that would be that the witnesses should not be present for one another's testimony, and that they should not discuss either their Direct or Cross, once they've testified. Are there any comments about this sequestration suggestion?

**MR. NOLAND**  
Your Honor, we have alerted our witnesses to the prospect that the Board might invoke the sequestration rule again for this phase and therefore, they've all been warned not to come to the Hearing Room while other witnesses are testifying in this case.

**MADAM CHAIR**

Ready

General Exhibit Escapes Search

**Trial Session**

Title: Groundwater Flow July 2, 2004 morning

Description: BD-1A, 01, H-01-a

Board: BD-1A

Issue: 01

Contention: H-01-a

Date: 08-02-2004

Session: Morning

**Judges**

JUDGE MENDELSON

JUDGE LIN



# Advanced Search

Provides quick searches in five common categories:

Full Text

Title

ADAMS Accession #

LSN Accession #

Date Docketed

The screenshot shows a web browser window titled "Advanced Search". Inside the window, there is a section labeled "Enter search criteria:" followed by five input fields: "Full Text", "Title", "ADAMS Accession #", "LSN Accession #", and "Date Docketed". A "Search" button is located at the bottom right of the form area.





# Refining the Advanced Search

**Search Criteria**  
+ Add Criteria X

Search for Text:

Return results based on:  
☒ All Criteria ☐ Any Criterion

Sort results by: Rank

Property	Condition	Value
<input checked="" type="checkbox"/> Date Docketed	<input type="text" value="Comes After"/>	<input type="text" value="May 7, 2007"/>
<input checked="" type="checkbox"/> ASLBP Number	<input type="text" value="Contains"/>	<input type="text"/>
<input checked="" type="checkbox"/> LSN Number	<input type="text" value="Contains"/>	<input type="text"/>

## View Exhibit Properties

Title:

DDMS Item ID:

ADAMS Accession Number:

Party Exhibit #:

ASLBP Number:

LSN Number:

Transcript Page Range:

Physical File Location:

Official Exhibit Number:

Addressee Affiliation:

Addressee Name:

Availability:

Document Sensitivity:

Document Status:

Issues:

Party Identifier:

Document Type:

Date Docketed:

Docket Number:

Document Date:

Estimated Page Count:

License Number:

# Targeted Advanced Search

Search also allows:

- Use of Boolean (AND, OR) logic
- Multiple criteria searches (“any” or “all”)

Search Feature	Example Search Text	Returns Properties Containing
Parts of words	John* (You must include at least three characters.)	JohnM, Johnny, JohnDevries
ANDs, ORs, NOTs	(holiday OR vacation) AND schedule NOT 2001	2002 Holiday Schedule, Scheduling Vacation
Phrases	"holiday schedule"	holiday schedule (Exact phrase matches.)
Proximity	early <NEAR/10> retirement	Plan early for your retirement.

- Ability to Save Searches

Saved Searches	
Search Number One - All Exhibits	X
All Documents with LSN	X



# Facilitating the Hearings

## ■ Participants

- Secure Access to DDMS from the Hearing Rooms, Conference Rooms, and the Internet
- Fully Searchable Audio/Video Transcript, Including Prefiled Testimony and Electronically Presented Evidence
- Fully Searchable Exhibits, Both Prefiled and Ad Hoc
- Robust Fault Tolerance

## ■ Public

- Public Hearings Web Streamed (Proposed)
- Hearing Room Display Monitors

## ■ Assistive Technology in NRC Hearing Rooms

- Assisted Listening Devices
- Closed Captioning
- Compatible with Screen Reading Software



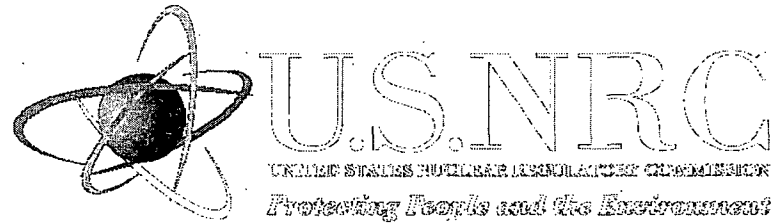
# Alternative Ways to Access Information

- Attendance in Person
- NRC Records Systems
  - Electronic Hearing Docket Access to Transcripts, Exhibits, Motions, Orders, etc.
  - Publicly Accessible Records System (PARS)
- Transcripts for Purchase (Public Document Room)
- Webstreaming (Same Day Non-Archived) (Proposed)



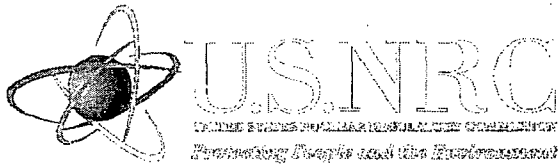
## Points of Contact

- Licensing Support Network
  - Dan Graser (301) 415-7401 [DJG2@NRC.GOV](mailto:DJG2@NRC.GOV)
  - Matt Schmit (301) 415-7469 [MRS2@NRC.GOV](mailto:MRS2@NRC.GOV)
- Digital Data Management System
  - Andrew Welkie (301) 415-6541 [AXW5@NRC.GOV](mailto:AXW5@NRC.GOV)
- EIE and EHD
  - Emile Julian (301) 415-1966 [ELJ@NRC.GOV](mailto:ELJ@NRC.GOV)



# **Requests to Facilitate Participation in NRC's Licensing Process**

Aby Mohseni, Deputy Director  
Division of HLW Repository Safety  
June 19-20, 2007



# Purpose

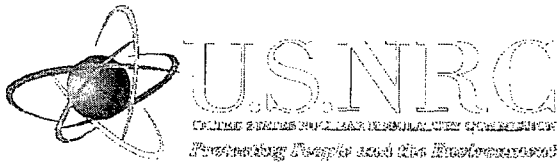
- To describe how AULGs can request NRC's support to facilitate their participation
- To describe what services and activities
- To set the stage for more dialogue



## **NRC regulations have long provided for affected government participation**

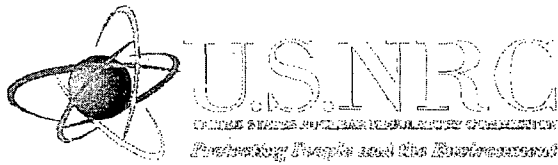
- Since the late 1970s, NRC has expressed support for the role and involvement of local communities affected by a potential repository
- Nuclear Waste Policy Act provided a role and funding for Affected Units of Local Governments
- In addition, NRC regulations provide a mechanism for AULGs to request NRC services or activities to facilitate AULG participation





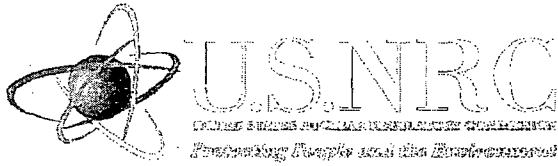
## **AULGs may seek to participate in particular aspects of NRC's license reviews**

- Such participation is voluntary
- AULGs may request NRC support to facilitate their participation
- NRC may provide assistance in the form of services or activities, such as
  - Educational or information services, or establishing Public Document Rooms, etc...
- NRC cannot provide direct funding
- AULGs may submit joint proposals



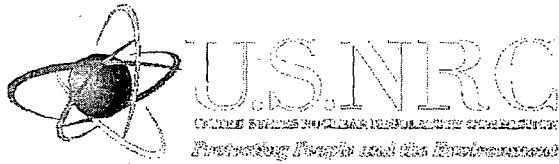
## **How do AULG's request NRC support?**

- AULG may make a proposal that identifies services or activities to be performed by NRC to facilitate AULG's participation
- Proposal should explain how those services or activities contribute to AULG's participation
- AULG may need to meet with NRC staff to discuss proposal and potential modifications



## **NRC can approve an AULG proposal if**

- NRC funds are available and
- The proposed services or activities:
  - are suitable, in light of the impacts the AULG may bear
  - enhance communication
  - make a productive and timely contribution
  - are authorized by law



## In conclusion

- NRC welcomes AULG participation
- We are particularly interested in activities that enhance communication between NRC and AULGs
- NRC expects that activities that further communication will be mutually beneficial during the license application review