

January 28,2008

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE PRE-LICENSE APPLICATION PRESIDING OFFICER BOARD

In the Matter of)	Docket No. PAPO-00
)	
U.S. DEPARTMENT OF ENERGY)	ASLBP No. 04-829-01-PAPO
)	
(High Level Waste Repository: Pre-Application Matters))	DEN-4
)	

**THE DEPARTMENT OF ENERGY'S MOTION TO STRIKE
JANUARY 16,2008 CERTIFICATION OF CLARK COUNTY**

The Department of Energy (DOE) moves to strike the January 16, 2008 certification to this Board made by Clark County, Nevada (Clark County) pursuant to 10 C.F.R. § 2.1009. Clark County's certification is facially invalid and does not evidence a substantial, good faith effort to establish, provide training on, and implement the procedures required by 10 C.F.R. § 2.1009 and, accordingly, to make available all documentary material as required by 10 C.F.R. § 2.1003. Specifically, the language of its certification is ambiguous. Its late-adopted and minimal procedures were apparently not followed for purposes of its current certification. If Clark County wants to be a party to the licensing proceeding, it must comply with the rules established for the licensing proceeding. Fairness requires that all potential parties in the licensing proceeding comply in good faith with the requirements of Subpart J

BACKGROUND

On January 16, 2008, Clark County filed with this Board a document entitled "Clark County Nuclear Waste Oversight Program Licensing Support Network," dated January, 2008. The header that appears on each page of that document reads: "Clark County Nuclear Waste

Oversight Program LSN Policy and Procedure Manual" (LSN Procedure Manual). A recurring footer describes the document as "Final Policy." Included at page 10 is a "Memorandum of Understanding" that describes the scope of Clark County's LSN obligation in the following terms:

Clark County will use due-diligence in locating and making available **supporting document material** which is referenced in our Clark County LSN Document Collection. The form "Log of research used in an effort to locate Clark County's reference material and bibliographies for the LSN collection" (attached) will be used in documenting our efforts in locating particular references and data backup used **in support of our position** in the proceedings for a construction authorization for a high-level radioactive waste repository proposed at Yucca Mountain.¹

Page 8 of the Clark County LSN Procedure Manual contains the "Certification of Clark County LSN Document Collection," dated January 8, 2008 as follows:

Clark County, Nevada Nuclear Waste Program has followed the guidelines and rules as they apply in connection to the Nuclear Regulatory Commission's Licensing Support Network system and hereby certify our document collection with the Pre-Application Presiding Officer Board (PAPO).

That form was executed by Irene Navis, who is identified as Clark County Comprehensive Planning, Nuclear Waste Manager, and by Philip Klevorik, who is identified as Senior Management Analyst, Clark County Nuclear Waste Coordinator. The Clark County LSN Procedure Manual identifies Philip Klevorik as the official responsible for Clark County's compliance with its LSN obligations.²

At the time of its certification, Clark County made only 44 documents available on the LSN. Although there appear to be some discrepancies between the dates in document headers

¹ Clark County LSN Procedure Manual at 10 (attached hereto as Exhibit A) (emphasis added).

² Clark County LSN Procedure Manual at 1.

and the dates on the documents themselves, the following represents the chronological distribution of documents based on the bibliographic headers:

- 2008: 1 document;
- 2007: 6 documents;
- 2006: 0 documents;
- 2005: 2 documents;
- 2004: 1 document;
- 2003: 4 documents;
- 2002: 2 documents;
- 2001: 19 documents;
- 2000: 4 documents;
- pre-2000: 5 documents (oldest is 1993).

The documents in Clark County's LSN collection consist primarily of reports, with 40 of their documents identified with a document type of one of the following: final document, final report, report, or draft publication. The remaining four consist of a handbook and correspondence. There are no emails in Clark County's production.

ARGUMENT

A. Clark County's Certification Is Facially Invalid.

The Board should strike Clark County's certification in the first instance because that certification is facially invalid. The requirements for Clark County's LSN certification, like those for all potential participants in the Yucca Mountain proceeding, are set forth in 10 C.F.R. § 2.1009(b). That regulation requires Clark County's responsible official to certify that (i) "the procedures specified in paragraph (a)(2) of this section have been implemented" and (ii) "to the

best of his or her knowledge, the documentary material specified in § 2.1003 has been identified and made electronically available."

In its August 31, 2004 Memorandum and Order granting the State of Nevada's motion to strike DOE's LSN certification in 2004, this Board emphasized that "a straightforward certification of compliance" is required to satisfy that regulation.⁴ The Board made clear as well that this command applies not only to DOE, but also to "other participants" for "future certifications."⁵

Clark County's certification does not meet this standard on its face. Clark County has not provided a straightforward certification of compliance in which its responsible official attests unambiguously that (i) Clark County implemented the procedures specified in 10 C.F.R. § 2.1009(a)(2) and (ii) to the best of his knowledge, "the documentary material specified in § 2.1003 has been identified and made electronically available" by Clark County. Rather, Clark County's certification makes the ambiguous and insufficient statement that Clark County's Nuclear Waste Program "hereby certify [sic] our document collection."

That statement by Clark County facially fails to meet the requirements of 10 C.F.R. § 2.1009(b). Clark County's certification does not attest that Clark County has implemented the procedures required by 10 C.F.R. § 2.1009(a)(2). *See, e.g.*, August 2004 PAPO Order at 50 (DOE is "required to certify that these procedures 'have been implemented'"). Nor does it attest that Clark County has made available all its documentary material as required by 10 C.F.R. § 2.1003. *See, e.g.*, August 2004 PAPO Order at 52 (characterizing the NRC's certification that

³ 10 C.F.R. § 2.1009(b).

⁴ August 2004 PAPO Order at 48.

⁵ August 2004 PAPO Order at 48.

"documentary material specified in 10 C.F.R. § 2.1003 has been identified and made electronically available" as a "straightforward certification of compliance," and noting that "[t]his is what is required . . ."). This is true despite the fact that its own LSN Procedure Manual specifically called for certification in these terms. *See* Clark County LSN Procedure Manual § 2.1 at 3 ("In addition the Clark County's certifying official will certify to the PAPO that the procedures specified in the LSN Rule have been implemented and that, to the best of his knowledge, the documentary material specified in the LSN Rules has been identified and made electronically available.").

Nor should Clark County be allowed the simple expedient of replacing its deficient certification with one that includes corrected language. Clark County's involvement with what is now known as the Licensing Support Network (LSN) dates back to early meetings of what was then known as the HLW Licensing Support System Advisory Committee. *See* Exhibit B. Clark County has been on notice of the requirements for its certification since at least this Board's August 2004 Order. Clark County should not now be permitted to simply proffer substitute language to cure the defect. It should have to explain that choice and why substituted language, if provided, should be accepted as good faith compliance with 10 C.F.R. § 2.1009. Clark County should be required to demonstrate actual compliance with the regulations.

B. **Clark County's Certification Does Not Demonstrate Compliance With The Applicable Regulations.**

Even if Clark County provided substituted language correcting its facial invalidity, that would not remedy the underlying substantive deficiencies of its certification. The PAPO Board should strike Clark County's certification for the additional reason that its certification reveals that it did not make a substantial, good faith effort to comply with § 2.1009(a)(2) and

§ 2.1003(a). Clark County's certification shows that it did not timely implement LSN procedures and that it did not identify and make available all of its documentary material.

1. Clark County Did Not Timely Implement Procedures.

The PAPO Board made clear in its August 2004 Order that the procedures required by § 2.1009(a)(2) must amount to "an advance plan for gathering the right documents."⁶ To accomplish that, the PAPO Board observed, the procedures cannot be after-the-fact creations. The "procedures are to precede the implementation and the certification is to assure that the procedures were implemented."⁷ The Board additionally reminded potential participants in its September 9, 2005 Order that a "potential party 'may not be granted party status under § 2.309, or status as an interested governmental participant under § 2.315, if it cannot demonstrate substantial and timely compliance with the requirements of § 2.1003.'"⁸ Part of implementation of the procedures is the training of staff to those procedures and the responsibility to provide documentary material. 10 C.F.R. § 2.1009(a)(3).

Rather than having developed and implemented an "advance plan," the Clark County LSN Procedure Manual is dated January 2008, the very month of Clark County's certification. And even though Clark County states in Section 3.0 of the LSN Procedure Manual that its "procedure involving LSN documents has been established, completed and adopted," Clark County reported on September 24, 2007, that "staff members are working on completing our LSN policy and procedure right now." *See* Exhibit C. The Clark County LSN Procedure Manual does not refer to any pre-existing procedures and appears to be the first promulgation of

⁶ August 2004 Order at 50.

⁷ August 2004 Order at 50.

⁸ September 9, 2005 Memorandum and Order at 2, citing 10 C.F.R. § 2.1012(b)(1).

procedures for compliance with § 2.1009(a)(2). The manual describes what Clark County aspires to do. Consistent with that, its procedures are written in the future tense.

Further confirmation that Clark County's procedures were only recently established comes from Clark County's lack of compliance with those procedures. The Manual calls for Clark County staff to submit a "written recommendation" -- presumably regarding a document for inclusion on the LSN -- to Clark County's Nuclear Waste Program Coordinator who will "ultimately determine if the document is suitable for inclusion" and "will reply in writing to staff with an approval or disapproval."⁹ The Manual additionally requires that "[d]ocumentation of these communications between the Coordinator and staff will be printed and kept within the LSN binder found in Clark County's LSN library."¹⁰

If Clark County's LSN Procedure Manual merely memorialized a previously undocumented "advance plan for gathering the right documents,"¹¹ there should be the required documentation in Clark County's LSN library for every document in Clark County's LSN collection as well as for every other document submitted for consideration but excluded for some reason. However, when DOE requested access to this documentation, Clark County advised that no such documentation exists (other than paper copies of the documents that appear in its LSN collection). Accordingly, it appears that Clark County did not comply with 10 C.F.R. § 2.1009 because it (i) adopted the procedures in its LSN Procedure Manual on the eve of its certification to give the appearance of having implemented procedures and (ii) failed to implement those procedures.

⁹ Clark County LSN Procedure Manual § 3.0.

¹⁰ *Id.*

¹¹ August 2004 Order at 50.

2. Clark County's Procedures Are Inadequate.

Clark County's LSN Procedure Manual provides no basis for a valid certification for the additional reason that its procedures are facially inadequate to enable Clark County to comply with § 2.1003(a). The procedures mandated by § 2.1009(a)(2) must be good faith procedures that truly enable a participant to identify and make available all of its documentary material. Clark County's procedures, however, are self-evidently deficient. Even if followed by Clark County, they would not enable it to demonstrate substantial, good faith compliance with its production obligation under § 2.1003(a).

The most significant and obvious deficiency results from Clark County's apparent limitation in its production to "supporting" documentary material. The definition of "documentary material" for purposes of this proceeding encompasses three categories of information, often generally referred to as Class 1 or supporting information, Class 2 or non-supporting information, and Class 3 or relevant reports and studies.¹² Despite the "reliance" element of both Class 1 and Class 2 documentary material, the Board has noted that the "Commission still expects all participants to make a good faith effort to have made available **all** of the documentary material **that may eventually be designated** as Class 1 and Class 2 documentary material" notwithstanding that the "full scope of coverage of the reliance concept will only become apparent after proffered contentions are admitted."¹³

Clark County's procedures ignore its obligation to identify and make available non-supporting information as well as other reports and studies. Clark County's LSN Procedure Manual references its "policy to implement the requirements of Section 2.1003 of the LSN

¹² 10 C.F.R. § 2.1001.

¹³ August 2004 PAPO Order at 30, n.43, citing 69 Fed. Reg. at 32,843 (emphasis added).

Rule.”¹⁴ That policy, titled "Policy 1 - Availability of document material: Memorandum of Understanding," is attached to the manual." That policy does two things. First, it recites the NRC's definition of "documentary material." But then, the Policy makes clear that Clark County's focus is limited to the Class 1 or supporting documentary material: "Clark County will use due-diligence in locating and making available **supporting** document material which is referenced in our Clark County LSN Document Collection" (emphasis added).¹⁶ This policy contains no provision for the identification, preservation, collection and production of all documents with potential non-supporting information. It also does not mention reports and studies.

Further, the Clark County LSN Procedure Manual outlines in Section 3.0 what happens *if* documents are submitted by "staff" to the Clark County Coordinator. But nowhere in the manual or its attachments is there a procedure affirmatively obligating Clark County employees, contractors, consultants and other agents to identify, preserve and submit documents within all three categories of the NRC's definition of documentary material. Instead, the procedures in this section come into play only on the chance that a Clark County "staff" member happens to submit a written recommendation. There also is no reference to training for Clark County employees, consultants, experts or agents on any requirement to identify, preserve, and submit all three classes of documentary material.

Accordingly, it is not clear (i) whether and what mechanism has been adopted to ensure that Clark County employees, contractors, consultants and other agents preserve their

¹⁴ Clark County LSN Procedure Manual § 2.0 at 1.

¹⁵ Clark County LSN Procedure Manual at 10.

¹⁶ Clark County LSN Procedure Manual at 10.

documentary material and (ii) whether a mechanism has been adopted to establish the process and criteria to be used by a staff member of Clark County when submitting a written recommendation.

In short, the LSN Procedure Manual is insufficient to ensure Clark County's substantial, good faith compliance with Subpart J. Adherence to those procedures is inadequate to attest to a substantial, good faith production of all documentary material in Clark County's possession, custody and control now, and going forward.

3. Clark County's Limited Production Demonstrates Its Non-Compliance with the Applicable Regulations.

The limited number of documents Clark County has made available on the LSN as a consequence of whatever procedures it followed further evidences a lack of compliance with the LSN regulations. Clark County dates its focus on issues associated with Yucca Mountain to 1983, and its formal involvement as an affected unit of local government to 1988.¹⁷ According to Clark County, “[s]ince at least 1983, the County has attempted to fulfill its responsibilities under the NWPA and its subsequent Amendments . . . as well as its mandate to protect the health, safety and welfare of its residents.”¹⁸ While Clark County's collection does not show it, other parties' LSN collections amply demonstrate the scope and extent of Clark County's immersion in Yucca Mountain matters. For example, there are over 7,000 documents evidencing the continuing participation -- by attendance at official meetings, through receipt of technical documents, or in other ways -- of Clark County Yucca Mountain representatives, Engelbrecht

¹⁷ See The History of Clark County's Oversight of the Proposed Yucca Mountain Repository (January 11, 2000) prepared by the Urban Environmental Research, LLC for the Clark County Department of Comprehensive Planning, Nuclear Waste Division (CLARK000000051), page H-1.

¹⁸ Id. at H-1-H-2.

von Tiesenhausen and Dennis Bechtel. Yet, all Clark County has made available from this quarter-century of effort is 44 documents, including no emails at all. It defies credibility that a substantial, good faith production could yield so few documents. It is not apparent how Clark County, its consultants, experts, contractors and other experts could have so few documents that could qualify as documentary material.

Clark County's focus on Yucca Mountain issues, moreover, is sufficient to justify establishing its own Nuclear Waste Division and funding outside scientific research. For example, by December 2006, Clark County joined Nevada in funding volcanism research by Dr. Gene Smith of the University of Nevada at Las Vegas. Even though that work was described as ongoing in December 2006,¹⁹ neither Nevada's nor Clark County's respective LSN collection contains documents authored by Dr. Smith in 2006 or thereafter.

Also entirely absent from Clark County's LSN collection are e-mails as a class of documents. The complete absence of e-mails does not seem plausible. The absence of e-mail is worthy of inquiry into the good faith of Clark County's production, procedures, and certification, particularly in light of the PAPO Board's observation that "e-mails are often the source of unvarnished information that can be invaluable to the parties and the decision-makers."²⁰

CONCLUSION

Clark County's certification is facially invalid. Its certification, accompanying LSN Procedure Manual, and its document collection, moreover, do not evidence a substantial, good faith effort to comply with the requirements of 10 C.F.R. § 2.1009 and § 2.1003. Accordingly, the PAPO Board should enter an Order striking Clark County's certification. In the alternative,

¹⁹ See Exhibit D (December 2006 Report and Recommendations of the Nevada Commission on Nuclear Projects at page 26).

²⁰ August 2004 PAPO Order at 27

the PAPO Board should call upon Clark County to either substantiate why its certification should be accepted as good faith compliance with 10 C.F.R. § 2.1009 or compel it to remedy its deficiencies.²¹

U.S. DEPARTMENT OF ENERGY

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²¹ Counsel for DOE conferred with representatives of Clark County prior to the filing of this Motion. In accordance with 10 C.F.R. § 2.323(b), DOE certifies that it has made a sincere effort to resolve the issues raised in this Motion, but still seeks the relief discussed above.

January 28,2008

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)	Docket No. PAPO-00
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US. DEPARTMENT OF ENERGY)	ASLBP No. 04-829-01-PAPO
)	
(High-Level Waste Repository:)	
Pre-ApplicationMatters))	

THE DEPARTMENT OF ENERGY'S MOTION TO STRIKE
JANUARY 16,2008 CERTIFICATION OF CLARK COUNTY
CERTIFICATE OF SERVICE

I certify that copies of the foregoing THE DEPARTMENT OF ENERGY'S MOTION TO STRIKE JANUARY 16,2008 CERTIFICATION OF CLARK COUNTY in the above-captioned proceeding has been served on the following persons on January 28, 2008 through the Electronic Information Exchange.

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EXHIBIT A



**Clark County Nuclear
Waste Oversight Program
Licensing Support Network**

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1.0 Introduction

The Nuclear Regulatory Commission's (NRC) Licensing Support Network (LSN) responds to a congressional mandate that if the Department of Energy (DOE) submits a license application for construction authorization for a high-level radioactive waste repository at Yucca Mountain, the NRC must reach a determination on the application in a three-year time frame. The NRC is replacing the classic "discovery" exchanges among parties with electronic access to discovery materials prior to the docketing of a license application. Subpart J was revised in 1998 to adopt the LSN system, a World Wide Web (www) approach to connecting each interested party's documentary collections within a design standard to ensure exchange of data between the LSN and interested parties.

The LSN web portal is not a central repository, but the central source for discovery information for the proceedings. Therefore, Clark County has its own site where relevant data is stored and made available to the LSN using Hyper Text Transfer Protocol (HTTP) links and pointers to enable searches by their WebCrawler to serve up requests made by users.

Clark County has established policies and procedures as required by the NRC Title 10 - Energy, Chapter I, Part 2 - Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders, Subpart J--Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository and has met all guidelines to certify with the Pre-Application Presiding Officer Board (PAPO) as follows.

2.0 Actions Planned or Completed

- Designated an official who will be responsible for administering Clark County's Nuclear Waste Division License Support Network (CCLSN) responsibilities. Clark County has designated this responsibility to Philip Klevorick, LSN Coordinator.
- Designated the technical point of contact for various functions including who will act as webmasters for our CCLSN site, who is responsible for the website help desk, and who should be contacted for loss of server and related problems will be the Departmental Systems Administrator for Comprehensive Planning.
- Adopted and established policy to implement the requirements of Section 2.1003 of the LSN Rule. (See NRC Guideline Attachment III - Availability of Material) and Clark County's **Policy - 1 Memorandum of Understanding Availability of Document Material**. We will also make our documentary material available in electronic format *in* accordance with this ruling within the ninety (90) day period mandated in the Nuclear Waste Policy Act and NRC rules.
- Clark County, using a due-diligence process has made every effort to locate and make available backup information which is referenced in our document collection and has duly recorded our efforts using the form titled, "**Log of research used in an effort to locate Clark County's reference material**"

and bibliographies for the LSN collection." A copy of the form is attached to this document and is a part of our **Policy 1**.

- Clark County will make available (for inspection and copying) any document not provided in electronic form and can produce those documents within five business days after it has been requested.
- Clark County has uploaded and made available on the CCLSN those documents which will be located or will create a link to any document which already exists on the internet. Copies of the logged information will also be found in a binder located in the Clark County Nuclear Waste Oversight Program library, PDF copies of Clark County documents on the Clark County P-drive.
- Clark County has complied with all standards for presentation of documentary materials established by the NRC LSNA as follows.
 - a Textual material has been formatted to comply with the ISO/IEC 8859091 character set and be in one of the following acceptable formats: ASCII, native word processing (Word, WordPerfect), PDF Normal, or HTML.
 - o Image files have been formatted as TIFF CCITT G4 for bi-tonal images or PNG (Portable Network Graphics) per (<http://www.w3.org/TR/REC-png-multi.html>) format for grey-scale or color images, or PDF (Portable Document Format--Image). TIFF, PDF, or PNG images will be stored at 300 dpi (dots per inch) or greater, grey scale images at 150 dpi or greater with eight bits of tonal depth, and color images at 150 dpi or greater with 24 bits of color depth. Images found on Clark County's machines will be stored as single image-per-page to facilitate retrieval of no more than a single page, or alternatively, images may be stored in an image-per-document format if software is incorporated in the web server that allows image-per-page representation and delivery.
- Clark County has also continued to cooperate in the advisory review process established by the NRC under Section 2.101 1(d) of the LSN Rule.
- Clark County will publish and maintain data to our LSN website as required by NRC's LSN operation and functionality guidelines.
- Clark County will provide full cooperation & responsiveness in the NRC's LSNA review of corrected, changed, or deleted documents on our LSN website.
- Clark County will follow the new ruling as it applies to supplementing its documentary material and will adjust to any further rulings in this regard per action items from the PAPO. (See NRC PAPO ruling **Suspension of Monthly Supplementation - Attachment 3**).
- Clark County has not included in our document collection those documents that fall under the NRC LSN Guidelines, Part 2—Subpart J—Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository **§2.1005 Exclusions (Attachment 2)**.

2.1 Website Security

Clark County Nuclear Waste Oversight Program has established protocol and security guidelines for Clark County LSN website having firewall ports closed and the Web in SSL per NRC guidelines.

Clark County has adopted policy for Clark County's Nuclear Waste Oversight Program's CCLSN website. In addition, Clark County uses a secure host which requires login password and code and who continues a virus scan and firewall operation on the host server. Verified and verbally recognized by NRC's Atomic Panel Staff - Matt Schmit (December 2007)

- Clark County will demonstrate substantial and timely compliance with participation in the licensing proceedings in accordance with the requirements of Section 2.1003 of the LSN Rule and will;
- Transmitted all filings in the adjudicatory proceeding on the license applications electronically according to established requirements.
- In addition the Clark County's certifying official will certify to the PAPO that the procedures specified in the LSN Rule have been implemented and that, to the best of his knowledge, the documentary material specified in the LSN Rule has been identified and made electronically available. The initial certification will be made within the time period as required to comply with rule 2.1001,

2.2 Management of Electronic Information

Clark County will follow the electronic document production and the electronic docket rulings and provisions per NRC's 10 C.F.R. Part 2--Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders, Subpart J--Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository, § 2.1011 Management of electronic information (Attachment 5) specifically:

Clark County has obtained the computer system necessary to comply with the requirements for electronic document production and service of those documents.

Clark County has met the responsibility for obtaining a web host who maintains other computer systems which also comply with the requirements for electronic document production.

- Clark County will make textual (or, where non-text, image) versions of their documents available on a web accessible server which is able to be canvassed by web indexing software (i.e., a "robot", "spider", "crawler") and Clark County's current system has made both data files and log files accessible to this software.
- Clark County will make bibliographic header data available in structured data containing the bibliographic header and is available in a standard database readable [e.g., XML (Extensible Markup Language <http://www.w3.org/xml/>), comma delimited, or comma separated value (.csv)] file language.

- Clark County's textual materials are formatted to comply with the ISO/IEC 8859091 character set and are an LSN ruling acceptable format: a native word processing (Word, WordPerfect), Portable Document Format–Image (PDF) Normal, or HTML.
- Clark County's image files are formatted PDF and are stored at 300 dots per inch (dpi) or greater, grey scale images at 150 dpi or greater with eight bits of tonal depth, and color images at 150 dpi or greater with 24 bits of color depth. Images found on Clark County's machines are stored as single image-per-page to facilitate retrieval of no more than a single page, or alternatively, an image-per-document format if operator software is incorporated in the web server which is calling the files to allow image-per-page representation and delivery.
- Clark County will programmatically link via hyperlink the bibliographic header record with the text or image file it represents. Clark County's system affords the LSN software enough information to allow a text or image file to be identified to the bibliographic data that describes it.

To facilitate data exchange, Clark County has adhered to hardware and software standards, including, but not limited to:

- Network access is at least HTTP/1.1 [<http://www.faqs.org/rfcs/rfc2068.html>] over TCP (Transmission Control Protocol, [<http://www.faqs.org/rfcs/rfc793.html>]) over IP (Internet Protocol, [<http://www.faqs.org/rfcs/rfc791.html>]).
- Our associated server names with IP have the DNS (Domain Name System), [<http://www.faqs.org/rfcs/rfc1034.html>] and [<http://www.faqs.org/rfcs/rfc1035.html>].
- Web page construction is HTML [<http://www.w3.org/TR/REC-html40/>] per LSN NRC ruling.
- Electronic mail (e-mail) exchange between e-mail servers is SMTP (Simple Mail Transport Protocol, [<http://www.faqs.org/rfcs/rfc821.html>]).
- Format of an electronic mail message is [<http://www.faqs.org/rfcs/rfc822.html>] optionally extended by MIME (Multipurpose Internet Mail Extensions) per [<http://www.faqs.org/rfcs/rfc2045.html>] to accommodate multipurpose e-mail.
- The LSN shall be coordinated by Clark County's LSN Coordinator, who has been designated before the start of the pre-license application phase.

Clark County will follow the rules established by the PAPO regarding dispute resolution regarding LSN availability, including disputes on the availability of any individual Clark County data.

Clark County has identified any problems regarding the integrity of documentary material certified in accordance with § 2.1009(b) by Clark County to be in the LSN.

- Will provide periodic reports to the Commission on the status of Clark County's LSN functionality and operability.

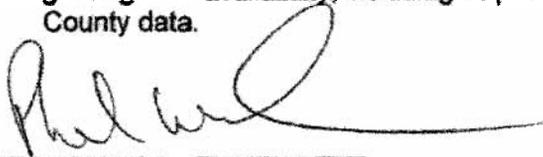
Clark County will follow the NRC's Petition for Rulemaking § 2.802. (See Attachment 4 -
Petition for Rulemaking)

2.3 Acceptance of Clark County's LSN Coordinator Responsibilities

Clark County's LSN Coordinator has completed the following tasks and will continue to follow the guidelines and policies as set forth in this document.

- Identified technical and policy issues related to implementation of the LSN for NRC's LSN Advisory Review Panel and Commission consideration;
- Addressed and will continue to address any consensus advice of the NRC LSN Advisory Review Panel, and

Identified any problems experienced by Clark County regarding LSN availability, including the availability of individual Clark County data, and has provided a recommendation to resolve any such problems to the PAPO relative to the resolution of any disputes regarding availability, including disputes on the availability of an individual Clark County data.



Philip W. Klevorick
Senior Management Analyst
LSN Coordinator

January 8/2007
Date

3.0 Procedures

Clark County's procedure involving LSN documents has been established, completed and adopted by the Clark County Commissioners and is as follows:

Clark County's LSN document collection will be determined by written recommendation submitted by staff to Clark County's Nuclear Waste Program Coordinator. The Coordinator will ultimately determine if the document is suitable for inclusion in Clark County's LSN Document Collection and will reply in writing to staff with an approval or disapproval. Documentation of these communications between the Coordinator and staff will be printed and kept within the LSN binder found in Clark County's LSN library.

Once the document has been determined to be appropriate, Clark County's LSN Coordinator will follow NRC LSN guideline Part 2—Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders, Subpart J—Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository. <http://www.nrc.gov/reading-rm/doc-collections/cfr/part002/>

(Note) If these guidelines change Clark County will update this Policy and Procedures Manual and will follow those guidelines & set forth by the NRC.

Certification

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE WE PRE-LICENSE APPLICATION PRESIDING OFFICER BOARD

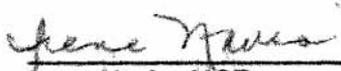
In the Matter of)	
U.S. DEPARTMENT OF ENERGY)	Docket No. PAPO-00
(High-Level Waste Repository: Pre-Application Matters))	ASLBP No. 04-829-01-PAPO
)	January 8, 2008

Certification of Clark County LSN Document Collection

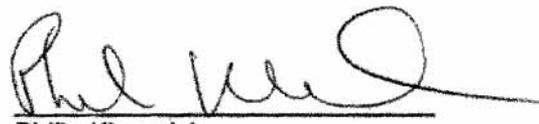
Clark County, Nevada Nuclear Waste Program has followed the guidelines and rules as they apply in connection to the Nuclear Regulatory Commission's Licensing Support Network system and hereby certify our document collection with the Pre-Application Presiding Officer Board (PAPO).

Respectfully submitted,

Dated at Las Vegas, Nevada
this 8 day of January, 2008



Irene Navis, AICP
Clark County Comprehensive Planning
Nuclear Waste Manager



Philip Klevorick
Senior Management Analyst
Clark County Nuclear Waste Coordinator

To comply with all the requirements of NRC 10 CFR, Subpart C, (Part 2, §2.304 formal requirement for documents; acceptance for filing) an original and two (2) copies of this document will be mailed within two (2) days to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff.

Policies

Policy 1- Availability of document material:

Memorandum of Understanding

Document material is described by NRC as follows:

- (1) Any information upon which a party, potential party, or interested governmental participant intends to rely and/or to cite in support of its position in the proceeding for a construction authorization for a high-level radioactive waste repository at a geologic repository operations area pursuant to parts 60 or 63 of this chapter, a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to parts 60 or 63 of this chapter;
- (2) Any information that is known to, and *in* the possession of, or developed by the party that is relevant to, but does not support, that information or that party's position; and
- (3) All reports and studies, prepared by or on behalf of the potential party, interested governmental participant, or party, including all related "circulated drafts," relevant to both the license application and the issues set forth in the Topical Guidelines in Regulatory Guide 3.69, regardless of whether they will be relied upon and/or cited by a party. The scope of documentary material shall be guided by the topical guidelines in the applicable NRC Regulatory Guide.

Clark County will use due-diligence in locating and making available supporting document material which is referenced in our Clark County LSN Document Collection. The form "Log of research used in an effort to locate Clark County's reference material and bibliographies for the LSN collection" (attached) will be used in documenting our efforts in locating particular references and data backup used in support of our position in the proceedings for a construction authorization for a high-level radioactive waste repository proposed at Yucca Mountain.

Log of research used in an effort to locate Clark County's reference material and bibliographies for the LSN collection		
LSN Accession # & Title of document or report & @ researched		
Title of reference material assoc. with this document Page # in doc. ____		
Date	Cor pany name, person contacted & phone number, plus email address	Results
Signature Title	Date	

Attachments

Attachment 1 – PAPO Monthly Supplementation Requirement

A. Periodic Supplementation

ASLBP No. 04-829-01-PAPO states “On or before the first of each month following its certification of documents on the LSN, each potential party shall, as appropriate, either file, or make available on the LSN, the following supplementary material (1) any additional documentary material created or discovered after the time of its initial certification, (2) revised and updated privilege logs covering any documentary material, for which there is a claim of privilege under Part III herein, created or discovered after the time of its initial certification, (3) redacted versions of any documentary material for which there *is* a claim of privilege under Parts IV. or V. herein, created or discovered after the time of its initial certification. Each potential party shall make a diligent good faith effort to include all after-created and after-discovered documents as promptly as possible in each monthly supplementation of documentary material, logs, and redactions, and shall file a certification to that effect with the PAPO Board when the monthly supplement is made. Except as provided in Part III.B., supplementation shall not include claiming additional privileges for documents previously listed on a privilege log.

By order of February 9, 2006, the Board suspended this monthly supplementation requirement. That suspension shall terminate, and all monthly supplementation requirements in this proceeding shall be operative on the first of the month following DOE's next certification of its LSN document collection pursuant to 10 C.F.R. § 2.1009(b).”

Attachment 2 - Exclusions

NRC LSN Guidelines, Part 2—Subpart J—Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository § 2.1005 Exclusions.

The following material is excluded from the requirement to provide electronic access, either pursuant to § 2.1003, or through derivative discovery pursuant to § 2.1019(i)—

- (a) Official notice materials;
- (b) Reference books and text books;
- (c) Material pertaining exclusively to administration, such as material related to budgets, financial management, personnel, office space, general distribution memoranda, or procurement, except for the scope of work on a procurement related to repository siting, construction, or operation, or to the transportation of spent nuclear fuel or high-level waste;
- (d) Press clippings and press releases;
- (e) Junk mail;
- (f) References cited in contractor reports that are readily available;
- (g) Classified material subject to subpart I of this part;
- (h) Readily available references, such as journal articles and proceedings, which may be subject to copyright.
- (i) Correspondence between a potential party, interested governmental participant, or party and the Congress of the United States.

[63 FR 71738, Dec. 30, 1998; 69 FR 32848, June 14, 2004]

Attachment 3 – Availability of Material

NRC LSN Guidelines, Part 2—Subpart J—Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository § 2.1003 Availability of material.

(a) Subject to the exclusions in § 2.1005 and paragraphs (b), (c), and (e) of this section, DOE shall make available, no later than six months in advance of submitting its license application for a geologic repository, the NRC shall make available no later than thirty days after the DOE certification of compliance under § 2.1009(b), and each other potential party, interested governmental participant or party shall (has) make (made) available no later than ninety days after the DOE certification of compliance under § 2.1009(b)—

(1) An electronic file including bibliographic header for all documentary material (including circulated drafts but excluding preliminary drafts) generated by, or at the direction of, or acquired by, a potential party, interested governmental participant or party; provided, however, that an electronic file need not be provided for acquired documentary material that has already been made available by the potential party, interested governmental participant or party that originally created the documentary material. Concurrent with the production of the electronic files will be an authentication statement for posting on the LSN Web site that indicates where an authenticated image copy of the documents can be obtained

(e) Each potential party, interested governmental participant or party shall continue to supplement its documentary material made available to other participants via the LSN with any additional material created after the time of its initial certification in accordance with paragraph (a)(1) through (a)(4) of this section until the discovery period in the proceeding has concluded.

Attachment 4 – NRC Petition for Rulemaking

NRC LSN Guidelines, Part 2—Subpart H—Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository § 2.802 Petition for Rulemaking.

(a) Any interested person may petition the Commission to issue amend or rescind any regulation. The petition should be addressed to the Secretary, Attention: Rulemakings and Adjudications Staff, and sent either by mail addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; by facsimile; by hand delivery to the NRC's offices at 11555 Rockville Pike, Rockville, Maryland; or, where practicable, by electronic submission, for example, via Electronic Information Exchange, e-mail, or CD-ROM. Electronic submissions must be made in a manner that enables the NRC to receive, read, authenticate, distribute, and archive the submission, and process and retrieve it a single page at a time. Detailed guidance on making electronic submissions can be obtained by visiting the NRC's Web site at <http://www.nrc.gov/site-help/eie.html>, by calling (301) 415-6030, by e-mail to EIE@nrc.gov, or by writing the Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The guidance discusses, among other topics, the formats the NRC can accept, the use of electronic signatures, and the treatment of non-public information.

(b) A prospective petitioner may consult with the NRC before filing a petition for rulemaking by writing to the Chief, Rules and Directives Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. A prospective petitioner also may telephone the Rules and Directives Branch on (301) 415-7163, or toll free on (800) 368-5642, or send e-mail to NRCREP@nrc.gov.

(1) In any consultation prior to the filing of a petition for rulemaking, the assistance that may be provided by the NRC staff is limited to --

(i) **D M & &** the procedure and process for filing and responding to a petition for rulemaking;

(ii) Clarifying an existing NRC regulation and the basis for the regulation; and

(iii) Assisting the prospective petitioner to clarify a potential petition so that the Commission is able to understand the nature of the issues of concern to the petitioner.

(2) In any consultation prior to the filing of a petition for rulemaking, in providing the assistance permitted in paragraph (b)(1) of this section, the NRC staff will not draft or develop text or alternative approaches to address matters in the prospective petition for rulemaking.

(c) Each petition filed under this section shall:

(1) Set forth a general solution to the problem or the substance or text of any proposed regulation or amendment, or specify the regulation which is to be revoked or amended;

(2) State clearly and concisely the petitioner's grounds for and interest in the action requested;

(3) Include a statement in support of the petition which shall set forth the specific issues involved, the petitioner's views or arguments with respect to those issues, relevant technical, scientific or other data involved which is reasonably available to the petitioner, and such other pertinent information as the petitioner deems necessary to support the action sought. In support of its petition, petitioner should note any specific cases of which petitioner is aware where the current rule is unduly burdensome, deficient, or needs to be strengthened.

(d) The petitioner may request the Commission to suspend all or any part of any licensing proceeding to which the petitioner is a party pending disposition of the petition for rulemaking.

(e) If it is determined that the petition includes the information required by paragraph (c) of this section and is complete, the Director, Division of Administrative Services, Office of Administration, or designee, will assign a docket number to the petition, will cause the petition to be formally docketed, and will make a copy of the docketed petition available at the NRC Web site, <http://www.nrc.gov>. Public comment may be requested by publication of a notice of the docketing of the petition in the Federal Register, or, in appropriate cases, may be invited for the first time upon publication in the Federal Register of a proposed rule developed in response to the petition. Publication will be limited by the requirements of Section 181 of the Atomic Energy Act of 1954, as amended, and may be limited by order of the Commission.

(f) If it is determined by the Executive Director for Operations that the petition does not include information required by paragraph (c) of this section and is incomplete, the petitioner will be notified of that determination and the respects in which the petition is deficient and will be accorded an opportunity to submit additional data. Ordinarily this determination will be made within 30 days from the date of receipt of the petition by the Office of the Secretary of the Commission. If the petitioner does not submit additional data to correct the deficiency within 90 days from the date of notification to the petitioner that the petition is incomplete, the petition may be returned to the petitioner without prejudice to the right of the petitioner to file a new petition.

(g) The Director, Division of Administrative Services, Office of Administration, will prepare on a semiannual basis a summary of petitions for rulemaking before the Commission, including the status of each petition. A copy of the report will be available for public inspection and copying at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room.

Copied from NRC's website: at <http://nrc.gov/reading-rm/doc-collection>

Attachment 5 – Management of Electronic Information

NRC LSN Guidelines, Part 2—Subpart J--Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository § 2.1011 Management of electronic information.

(a) Electronic document production and the electronic docket are subject to the provisions of this subpart.

(b)(1) The NRC, DOE, parties, and potential parties participating in accordance with the provision of this subpart shall be responsible for obtaining the computer system necessary to comply with the requirements for electronic document production and service.

(2) The NRC, DOE, parties, and potential parties participating in accordance with the provision of this subpart shall comply with the following standards in the design of the computer systems necessary to comply with the requirements for electronic document production and service:

(i) The participants shall make textual (or, where non-text, image) versions of their documents available on a web accessible server which is able to be canvassed by web indexing software (i.e., a "robot", "spider", "crawler") and the participant system must make both data files and log files accessible to this software.

(ii) The participants shall make bibliographic header data available in an HTTP (Hypertext Transfer Protocol) accessible, ODBC (Open Database Connectivity) and SQL (Structured Query Language)-compliant (ANSI IX3.135091992/ISO 9075091992) database management system (DBMS). Alternatively, the structured data containing the bibliographic header may be made available in a standard database readable (e.g., XML (Extensible Markup Language <http://www.w3.org/xml/>), comma delimited, or comma separated value (.csv)) file.

(iii) Textual material must be formatted to comply with the ISO/IEC 8859091 character set and be in one of the following acceptable formats: ASCII, native word processing (Word, WordPerfect), PDF Normal, or HTML.

(iv) Image files must be formatted as TIFF CCITT G4 for bi-tonal images or PNG (Portable Network Graphics) per [<http://www.w3.org/TR/REC-png-multi.html>] format for grey-scale or color images, or PDF (Portable Document Format--Image). TIFF, PDF, or PNG images will be stored at 300 dpi (dots per inch) or greater, grey scale images at 150 dpi or greater with eight bits of tonal depth, and color images at 150 dpi or greater with 24 bits of color depth. Images found on participant machines will be stored as single image-per-page to facilitate retrieval of no more than a single page, or alternatively, images may be stored in an image-per-document format if software is incorporated in the web server that allows image-per-page representation and delivery.

(v) The participants shall programmatically link, preferably via hyperlink or some other automated process, the bibliographic header record with the text or image file it represents. Each participant's system must afford the LSN software enough information to allow a text or image file to be identified to the bibliographic data that describes it.

(vi) To facilitate data exchange, participants shall adhere to hardware and software standards, including, but not limited to:

(A) Network access must be HTTP/1.1 [<http://www.faqs.org/rfcs/rfc2068.html>] over TCP (Transmission Control Protocol, [<http://www.faqs.org/rfcs/rfc793.html>]) over IP (Internet Protocol, [<http://www.faqs.org/rfcs/rfc791.html>]).

(B) Associating server names with IP addresses must follow the DNS (Domain Name System), [<http://www.faqs.org/rfcs/rfc1034.html>] and [<http://www.faqs.org/rfcs/rfc1035.html>].

(C) Web page construction must be HTML [<http://www.w3.org/TR/REC-html40/>].

(D) Electronic mail (e-mail) exchange between e-mail servers must be SMTP (Simple Mail Transport Protocol, [<http://www.faqs.org/rfcs/rfc821.html>]).

(E) Format of an electronic mail message must be per [<http://www.faqs.org/rfcs/rfc822.html>] optionally extended by MIME (Multipurpose Internet Mail Extensions) per [<http://www.faqs.org/rfcs/rfc2045.html>] to accommodate multipurpose e-mail.

(c) The Licensing Support Network shall be coordinated by the LSN Coordinator, who shall be designated before the start of the pre-license application phase. The LSN Coordinator shall have the responsibility to--

(1) Identify technical and policy issues related to implementation of the LSN for LSN Advisory Review Panel and Commission consideration;

(2) Address the consensus advice of the LSN Advisory Review Panel under paragraph (e)(1) of this section that is consistent with the requirements of this subpart;

(3) Identify any problems experienced by participants regarding LSN availability, including the availability of individual participant's data, and provide a recommendation to resolve any such problems to the participant(s) and the Pre-License Application Presiding Officer relative to the resolution of any disputes regarding LSN availability, including disputes on the availability of an individual participant's data;

(4) Identify any problems regarding the integrity of documentary material certified in accordance with § 2.1009(b) by the participants to be in the LSN, and provide a recommendation to resolve any such problems to the participant(s) and the Pre-License Application Presiding Officer relative to the resolution of any disputes regarding the integrity of documentary material;

(5) Provide periodic reports to the Commission on the status of LSN functionality and operability.

(6) Evaluate LSN participant compliance with the basic design standards in paragraph (b)(2) of this section, and provide for individual variances from the design standards to accommodate changes in technology or problems identified during initial operability testing of the individual documentary collection websites or the "central LSN site".

(7) Issue guidance for LSN participants on how best to comply with the design standards in paragraph (b)(2) of this section.

(d) The Secretary of the Commission shall reconstitute the LSS Advisory Review Panel as the LSN Advisory Review Panel, composed of the interests currently represented on the LSS Advisory Review Panel. The Secretary of the Commission shall have the authority to appoint additional representatives to the LSN Advisory Review Panel consistent with the requirements of the Federal Advisory Committee Act, 5 U.S.C. app. I, giving particular consideration to potential parties, parties, and interested governmental participants who were not members of the NRC HLW Licensing Support System Advisory Review Panel.

(e)(1) The LSN Advisory Review Panel shall provide advice to--

(i) NRC on the fundamental issues of the type of computer system necessary to access the Licensing Support Network effectively under paragraph (b) of this section; and

(ii) The Secretary of the Commission on the operation and maintenance of the electronic docket established for the HLW geologic repository licensing proceeding under the Commission's Rules of Practice (10 CFR part 2).

(iii) The LSN Coordinator on solutions to improve the functioning of the LSN;

(2) The responsibilities of the LSN Advisory Review Panel shall include advice on--

(i) Format standards for providing electronic access to the documentary material certified by each participant to be made available in the LSN to the other parties, interested governmental participants, or potential parties;

(ii) The procedures and standards for the electronic transmission of filings, orders, and decisions during both the pre-license application phase and the high-level waste licensing proceeding;

(iii) Other duties as specified in this subpart or as directed by the Secretary of the Commission.

[63 FR 71738, Dec. 30, 1998 as amended at 66 FR 29466, May 31, 2001]

Attachment – 6 Glossary of Terms

Please see website at: <http://www.nrc.gov/reading-rm/doc-collections/cfr/part002/part002-1001.html>

§ 2.1001 Definitions.

Bibliographic header means the minimum series of descriptive fields that a potential party, interested governmental participant, or party must submit with a document or other material.

Circulated draft means a non final document circulated for supervisory concurrence or signature in which the original author or others in the concurrence process have non-concurred. A "circulated draft" meeting the above criterion includes a draft of a document that eventually becomes a final document, and a draft of a document that does not become a final document due to either a decision not to finalize the document or the passage of a substantial period of time in which no action has been taken on the document.

Complex document means a document that consists (entirely or in part) of electronic files having substantial portions that are neither textual nor image in nature, and graphic or other Binary Large Objects that exceed 50 megabytes and cannot logically be divided. For example, specialized submissions may include runtime executable software, viewer or printer executables, dynamic link library (.dll) files, large data sets associated with an executable, and actual software code for analytical programs that a party may intend to introduce into the proceeding.

Document means any written, printed, recorded, magnetic, graphic matter, or other documentary material, regardless of form or characteristic.

Documentary material means:

- (1) Any information upon which a party, potential party, or interested governmental participant intends to rely and/or to cite in support of its position in the proceeding for a construction authorization for a high-level radioactive waste repository at a geologic repository operations area pursuant to parts 60 or 63 of this chapter, a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to parts 60 or 63 of this chapter;
- (2) Any information that is known to, and in the possession of, or developed by the party that is relevant to, but does not support, that information or that party's position; and
- (3) All reports and studies, prepared by or on behalf of the potential party, interested governmental participant, or party, including all related "circulated drafts," relevant to both the license application and the issues set forth in the Topical Guidelines in Regulatory Guide 3.69, regardless of whether they will be relied upon and/or cited by a party. The scope of documentary material shall be guided by the topical guidelines in the applicable NRC Regulatory Guide.

means the U.S. Department of Energy or its duly authorized representatives.

Electronic docket means the NRC information system that receives, distributes, stores, and retrieves the Commission's adjudicatory docket materials.

Image means a visual likeness of a document, presented on a paper copy, microform, or a bit-map on optical or magnetic media.

Interested governmental participant means any person admitted under § 2.315(c) of this part to the proceeding on an application for a construction authorization for a high-level radioactive waste repository at a geologic repository operations area under parts 60 or 63 of this chapter, and an application for a license to receive and possess high level radioactive waste at a geologic repository operations area under parts 60 and 63 of this chapter.

Large document means a document that consists of electronic files that are larger than 50 megabytes.

Licensing Support Network means the combined system that makes documentary material available electronically to parties, potential parties, and interested governmental participants to a proceeding for a construction authorization for a high-level radioactive waste repository at a geologic repository operations area, and an application for a license to receive and possess high level radioactive waste at a geologic repository operations area under parts 60 and 63 of this chapter.

NRC LSN Coordinator means the person within the U.S. Nuclear Regulatory Commission responsible for coordinating access to and the integrity of data available on the Licensing Support Network. The LSN Coordinator shall not be in ~~any~~ organizational unit that either represents the U.S. Nuclear Regulatory Commission staff as a party to the high-level waste repository licensing proceeding or is a part of the management chain reporting to the Director, Office of Nuclear Material Safety and Safeguards. For the purposes of this subpart, the organizational unit within the NRC selected to be the LSN Coordinator shall not be considered to be a party to the proceeding.

Clark County LSN Coordinator means the person designated by Clark County to carry out the responsibilities as set forth in the County's LSN Policy and Procedures manual.

Marginalia means handwritten, printed, or other types of notations added to a document excluding underlining and highlighting.

NRC means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.

Party for the purpose of this subpart means the DOE, the NRC staff, the host State, any affected unit of local government as defined in Section 2 of the Nuclear Waste Policy Act of 1982, as amended (42 U.S.C. 10101), any affected Indian Tribe as defined in section 2 of the Nuclear Waste Policy Act of 1982, as amended (42 U.S.C. 10101), and a person admitted under § 2.309 to the proceeding on an application for construction authorization for a high-level radioactive waste repository at a geologic repository operations area under parts 60 or 63 of this chapter, and an application for a license to receive and possess high level radioactive waste at a geologic repository operations area under parts 60 and 63 of this chapter; provided that a host State, affected unit of local government, or affected Indian Tribe files a list of contentions in accordance with the provisions of § 2.309.

Personal record means a document in the possession of an individual associated with a party, interested governmental participant, or potential party that was not required to be created or retained by the party, interested governmental participant, or potential party, and a document that may be retained or discarded at the possessor's sole discretion, or documents of a personal nature.

ture that are not associated with any business of the party, interested governmental participant, or potential party.

Potential party means any person who, during the period before the issuance of the first pre-hearing conference order under § 2.1021(d), is given access to the Licensing Support Network and who consents to comply with the regulations set forth in subpart J of this part, including the authority of the Pre-License Application Presiding Officer designated pursuant to § 2.1010.

Pre-license application electronic docket means the NRC's electronic information system that receives, distributes, stores, and maintains NRC pre-license application docket materials during the pre-license application phase.

Pre-license application phase means the time period before a construction authorization for a high-level radioactive waste repository at a geologic repository operations area under parts 60 or 63 of this chapter is docketed under § 2.101(f)(3), and the time period before a license application to receive and possess high-level radioactive waste at a geologic repository operations area under parts 60 or 63 is docketed under § 2.101(f)(3).

Preliminary draft means any non final document that is not a circulated draft.

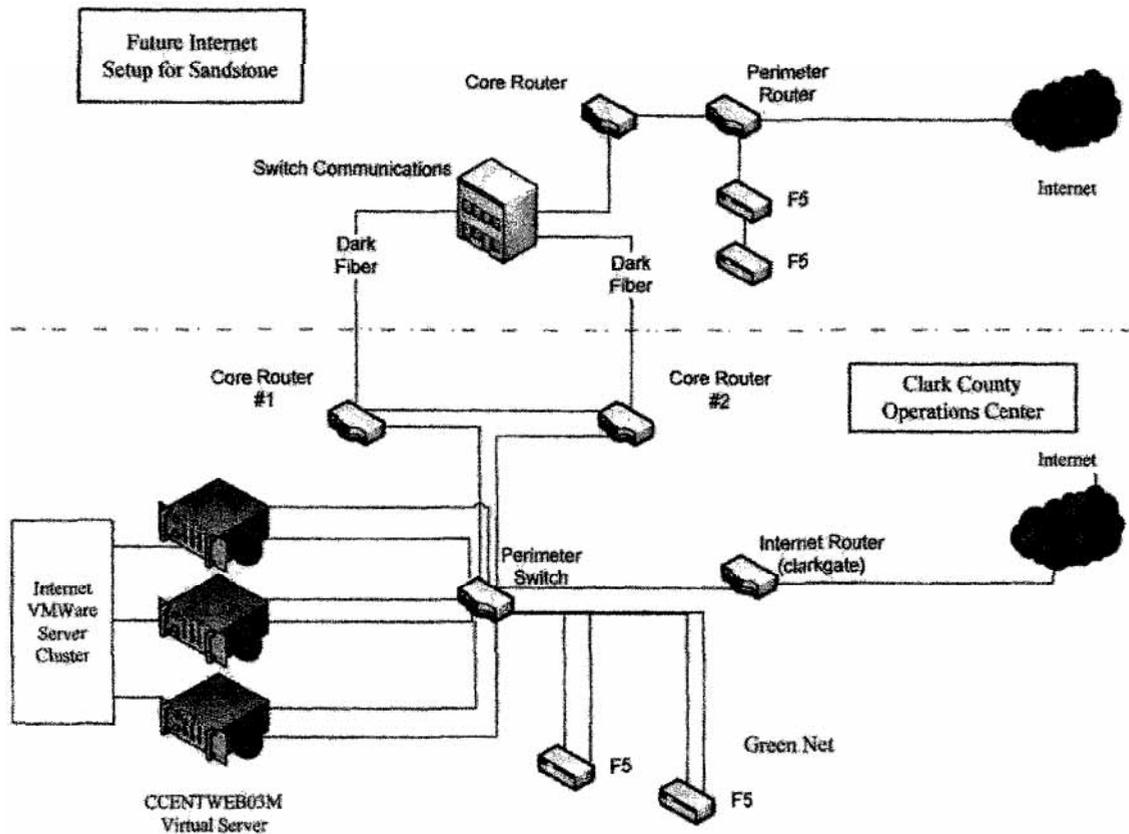
Presiding Officer means one or more members of the Commission, or an atomic safety and licensing board, or a named officer who has been delegated final authority in the matter, designated in the notice of hearing to preside.

Searchable full text means the electronic indexed entry of a document that allows the identification of specific words or groups of words within a text file.

Simple document means a document that consists of electronic files that are 50 megabytes or less.

Topical Guidelines means the set of topics set forth in Regulatory Guide 3.69, Topical Guidelines for the Licensing Support System, which are intended to serve as guidance on the scope of "documentary material".

Attachment – 7 Network Diagram



The "Future Internet Setup for Sandstone" will be our secondary Internet Service Provider. Clark County is in the process of implementing everything above the dotted line.

The current setup is displayed below the dotted line. The Perimeter Switch has two hot-swappable power supplies and two Cisco Pix firewall cards for security and high-availability. The F5 devices are configured in an active-passive cluster and provide application-layer load balancing and firewalling for added security. The Core Routers provide redundant connectivity to the internal county network. The VMWare Server Cluster provides failover functionality for the hosted virtual servers to reduce or eliminate downtime.

The server has adequate disk space to house the documents for the LSN, with room for expansion to accommodate additional storage, as needed. The website is located at <http://www.clarkcountynuclearwaste.info>. The IP address, server availability reports, system specification, or any additional information needed can be made available to the LSN Administrator upon request.

Clark County can accommodate technical adjustment requests through negotiation with the LSN Administrator, which would be consistent with Clark County policy.

EXHIBIT B

DRAFT MINUTES

LICENSING SUPPORT SYSTEM ADVISORY REVIEW PANEL MEETING

October 10 and 11, 1990

The fourth meeting of the Licensing Support System Advisory Review Panel (LSSARP) took place on October 10 and 11, 1990, in Reno, Nevada.

Members of the LSSARP present were:

John Hoyle, Chairman (NRC)
Barbara Cerny (DOE)
Linda Deselle (DOE) - 10/10/90 only
Jay Silberg [Nuclear Industry] - 10/10/90 only
Chris Henkel (Nuclear Industry) - 10/10/90 only
Malachy Murphy (State of Nevada)
Kirk Balcom (State of Nevada)
Dennis Bechtel (Clark County, Nevada)
Liza Vibert (Clark County, Nevada)
Lenard Smith (Lincoln County, Nevada)
Peter Cummings (City of Las Vegas, Nevada) - 10/10/90 only
Elgie Holstein (Nye County, Nevada)
William Hooton [National Archives and Records
Administration] - 10/10/90 only
Boyd Alexander (U.S. Patent and Trademarks Office)

Enclosed are:

Index to Meeting Transcript
Meeting Transcript
Meeting Agenda
Federal Register notice announcing meeting
John Hoyle's letter to LSSARP members notifying them of
meeting
Attendance List

The meeting was open and attended by members of the public.*

This transcript has not been corrected or edited and it may contain inaccuracies.

John C. Hoyle, Chairman
LSS Advisory Review Panel

*Attendance list is attached.

EXHIBIT C

Shebelskie, Michael

From: Irene Navis [ILN@co.clark.nv.us]
Sent: Monday, September 24, 2007 12:36 PM
To: Robert_Lupton@Notes.YMP.GOV; comptroller@churchillcounty.org; rexmasey@aol.com; lpfam@phonewave.net; sjesco@citlink.net; muellered@msn.com; rdamele@eurekanv.org; abbyj@gbis.com; cash93514@msn.com; mgaffney@qnet.com; cchapin@landercounty.org; dteske@landercounty.org; poulsen8@lcturbonet.com; jcciac@co.lincoln.nv.us; yuccainfo@mineralcountynv.org; llacy@nyecounty.net; dswanson@nyecounty.net; cashjaz@msn.com; wpclerk@mwpower.net; wpnucwstl@mwpower.net
CC: chairperson@timbisha.org; dvdurbarbara@netscape.com; Dong_Kim@Notes.YMP.GOV; allen_benson@ymp.gov; Shebelskie, Michael; Martha_Crosland@Notes.YMP.GOV; Christopher.Kouts@rw.doe.gov; Greg-Williams@Notes.YMP.GOV
Subject: RE: LSN Implementation Plans

Hi Bob,
Clark County staff members are working on completing our LSN policy and procedure right now, but we probably won't be finished with it, including our internal review, by the October 11 deadline. As we finalize our document, it would be helpful to know why OCRWM is asking for copies of our LSN implementation plans, what you'll do with them when you get them, and the significance of the due date you have established.

Thanks,
Irene

-----Original Message-----

From: Robert_Lupton@Notes.YMP.GOV [mailto:Robert_Lupton@Notes.YMP.GOV]
Sent: Friday, September 21, 2007 7:41 AM
To: comptroller@churchillcounty.org; rexmasey@aol.com; Irene Navis; lpfam@phonewave.net; sjesco@citlink.net; muellered@msn.com; rdamele@eurekanv.org; abbyj@gbis.com; cash93514@msn.com; mgaffney@qnet.com; cchapin@landercounty.org; dteske@landercounty.org; poulsen8@lcturbonet.com; jcciac@co.lincoln.nv.us; yuccainfo@mineralcountynv.org; llacy@nyecounty.net; dswanson@nyecounty.net; cashjaz@msn.com; wpclerk@mwpower.net; wpnucwstl@mwpower.net
Cc: chairperson@timbisha.org; dvdurbarbara@netscape.com; Dong_Kim@Notes.YMP.GOV; allen_benson@ymp.gov; Robert_Lupton@Notes.YMP.GOV; Shebelskie, Michael; Martha_Crosland@Notes.YMP.GOV; Christopher.Kouts@rw.doe.gov; Greg_Williams@Notes.YMP.GOV
Subject: LSN Implementation Plans

Dear AUG:

Please provide me a copy of your respective LSN Implementation Plan at your earliest convenience,

but please no later than October 11th, 2007.

Thanks,
Bob

EXHIBIT D

**REPORT AND RECOMMENDATIONS
OF THE
NEVADA COMMISSION ON
NUCLEAR PROJECTS**



**Presented to
The Governor and Legislature
of the State of Nevada**

December 2006

The NRC believes that volcanism is an issue that must be addressed in any license application for Yucca Mountain, even though DOE has been stating for years that the probability of any volcanic activity affecting Yucca Mountain is below the regulatory cutoff of 10⁻⁶/year. NRC is still insisting that this is a viable issue for licensing and this Agency is continuing to perform research in this area.

The Agency's primary volcanism contractor, Dr. Gene Smith of UNLV, has been performing research on the probability of volcanic activity around the Yucca Mountain site since the mid-1980s. He has developed an alternative model that shows a magmatic disruption probability for Yucca Mountain 10 times higher than the DOE number. This research has indicated that DOE has underestimated the size of the volcanic field that surrounds Yucca Mountain and the number of volcanoes in this field. The research also strongly indicated that the volcanic activity is cyclic in nature and that the area is currently in a period of quiescence but activity will probably increase within the time frame of peak dose. DOE scientists rejected this idea for years but in the latest rendition of the expert elicitation on probabilistic volcanic hazards assessment, the experts discussed the cyclic nature of the volcanism in the area as if they had agreed all along.

Dr. Smith's current work involves collecting more samples from areas near Yucca Mountain, such as in Death Valley, age dating the samples, and running geochemical analyses to determine if the chemical characteristics of the volcanic deposits are similar to those at Yucca Mountain and are of similar age. If the results are as expected, this will give more credence to the belief that the probability of volcanic activity in and around Yucca Mountain is greater than DOE believes and could have a significant impact on the licensability of Yucca Mountain as a repository.

The Agency has been fortunate that, because of funding restraints, Clark County has recently been able to fund Dr. Smith's work and is willing to do so for the near future.

Corrosion Studies

The Agency began researching the corrosion resistance of the alloy C-22, the proposed material for the waste package, in 1999. Since that time, Agency researchers have discovered that C-22 is not the "miracle metal" that DOE had been touting. Originally, DOE stated that the waste package would last long past any regulatory time frame, in fact, stating times as long as 700,000 years! Because DOE believed that the waste package will last so long, they are not worried that the mountain itself provides little, if any, performance for ~~the~~ repository.

Once the Agency researchers began evaluating this alloy, they quickly realized that this metal had never been used in any similar type of environment that would be found in a repository at Yucca Mountain. The Agency researchers took a different approach than DOE in evaluating