

As of this time, Clark County is not a party to the high level waste licensing proceeding, nor has a decision been made as to the role, if any, Clark County will seek to play in the licensing proceeding, and whether it will be as an intervenor or interested governmental participant. Clark County has not begun identifying, or formulating, specific contentions.

Nevertheless, Clark County has been very active with respect to its LSN, as indicated in the Affidavit of Philip Klevorick¹, attached herein as Exhibit "A". Mr. Klevorick was hired as the Coordinator to oversee Clark County's submissions, and has participated in a number of LSN training sessions as well as hosting the training sessions for other Affected Units of Local Government ("AULG's"). Most importantly, Clark County has implemented procedures to identify all potential documentary material and made such material available on the LSN. Clark County intends to continue to act in good faith to comply with all LSN requirements.

ARGUMENT

I. Clark County Certified Its Compliance with All LSN Requirements.

DOE argues that Clark County's certification is facially invalid because it fails to recite exactly the language of 10 C.F.R. § 2.1009(b). Rather, Clark County certified that its Nuclear Waste Program "has followed the guidelines and rules as they apply in connection to the Nuclear Waste Commission's Licensing Support Network System."² Such language, rather than making its obligations ambiguous as alleged by DOE, is, in fact a straightforward attempt to indicate its compliance with all parts of 10 C.F.R. Subpart J, including those found in 10 C.F.R. § 2.1009(b). Its intention to act to certify the relevant portions of 10 C.F.R. 2.1009(b) is evidenced by the inclusion of this section in Clark County's Final Policy Manual³, filed with Clark County's certification, which at

¹ Affidavit of Philip Klevorick, Clark County LSN Coordinator (attached hereto as Exhibit "A").

² Clark County Certification (attached hereto as Exhibit "B").

³ Clark County Policy Manual, page 1 and page 21 (attached hereto as Exhibit "C").

two places references the very language DOE argues is required in Clark County certification.

To the extent that Clark County's certification technically fails to recite the precise language of 10 C.F.R. 2.1009(b), it is a failure of over inclusion which should not serve to negate the intent of the certification. Clark County has indicated through its certification language and its Policy Manual that it has complied with the terms of 10 C.F.R. § 2.1009, and stands willing to make certification in whatever fashion prescribed, using whatever form is required. If required, that alternative certification page can be prepared expeditiously.

II. Clark County, in establishing its Policies, followed the 10 C.F.R. § 2.1009.

DOE argues that Clark County's Final Policy Manual is untimely because it is dated January 2008, but a plain reading of the requirements of 10 C.F.R. § 2.1009(a)(2) indicates that each potential party, interested governmental participant or party is required to "[e]stablish procedures to implement the requirements in § 2.1003." 10 C.F.R. 2.1009(b) adds a further requirement that the responsible official certify that the procedures specified in (a)(2) "have been implemented." Nowhere is there a requirement that parties establish a written procedure, as of a given date, or that they complete the policy at any time prior, except that it be sufficiently prior to the certification that a responsible official can certify that the policy "has been implemented". In fact, to imply some requirement to implement a final written policy would be difficult, given that DOE's decision to certify is the trigger for other parties to comply with the requirements of 10 C.F.R. 2.1009. Once DOE certification occurs, potential parties such as Clark County have just ninety (90) days to establish a procedure and prepare to certify that procedures have been implemented, as well as to produce all documentary materials. Given this timeframe, potential parties have little choice, but to implement an informal

policy for investigating and collecting documentary materials prior to initiating the process to finalize a more formal document to evidence that it had, in fact, established such a policy. This plain reading of the regulation is what Clark County, in good faith, followed. The document filed is evidence of the establishment of the written procedure. As indicated in the Affidavit of Philip Klevorick, Clark County had already begun the collection of documents and materials required by 10 C.F.R. 2.1001. Under the direction of the Planning Manager of the Clark County Nuclear Waste Division, staff had begun searching for, and collecting documents for inclusion in the LSN, simultaneously with the establishment of the Final Policy Manual made in a good faith effort to ensure compliance with LSN regulations. As part of the development of the written policy, it was reviewed with the NRC-LSN Administration, who recommended specific changes that were incorporated in the final document.

The final promulgation of the written policy was in fact delayed somewhat by the fact that the policy went through review both internally and with the NRC-LSN Administrator. Clark County's good faith efforts to produce an appropriate policy document in the form of the Final Policy Manual should not now render the Policy untimely.

10 C.F.R. Part 2's requirement that potential parties simultaneously gather materials and establish a policy resulted in the only discrepancy between policy and practice identified by DOE. Clark County's long-standing participation in LSN activities prepared it to collect documents for inclusion in the LSN, as they became available, without waiting for the formal adoption of its policy. This initial collection, put aside for inclusion in the LSN, did not go through the logging process to be used for documents not yet identified. Rather, given their status as documents already in existence and part of the material Clark County intended to place in its LSN collection, they did not go through any decision making process about whether they should be included. The policy

implemented, and then promulgated in written form has been used since its adoption, and will continue to be used, for documents and materials not already identified and set aside as LSN materials.

DOE cites the PAPO Board's 2004 Order stating DOE's initial certification as authority for the proposition that a formal plan must be adopted prior to implementation of procedures. However, the 2004 decision is distinguishable in two important respects. First, DOE is in the singular position among all of the parties in being able to determine its own timeline for the establishment and implementation of procedures, and ultimately for determining its certification date and license application date. Other parties have no such luxury. Once the DOE certification is filed, all other parties have ninety (90) days to establish and implement procedures, and collect documents. Given that restrictive timeline, Clark County had no choice but to work on its written policies, and simultaneously implement its policy of working to identify all documentary material for inclusion in the LSN. However, Clark County did operate with informal policies and procedures which LSN coordinated in the written policy.

The second distinction between the PAPO'S 2004 Order with respect to the DOE and the situation presently before the Board, is the nature of the two entities. The Clark County Nuclear Waste Division, with approximately eight employees and four contractors, could plausibly implement an unwritten policy, where an entity the size of DOE could not. Through staff meetings and informal discussions, Clark County could, and did, make all necessary personnel aware of their obligation to gather documentary materials for inclusion in the LSN. Clark County did not need to wait for the formal policy to be adopted to implement the intent of the policy. Now formally adopted, Clark County has established a policy through the Final Policy Manual as required by 10 C.F.R. Part 2, and was able to certify that it had implemented a policy in compliance with that regulation. Clark County will continue to use the policy for the identification and

inclusion of future documents.

Finally, it should be noted that the Board acknowledged that the late adoption of a plan precluded it from being certified as having been implemented. As the Board wrote:

It is not a certification “plan”; it is simply a certification report, recording what CACI has already done. Nevertheless, we recognize that DOE is only required to certify that these procedures ‘have been implemented,’ see, 10 C.F.R. § 2.1009(b), and regardless of how late the ‘plan’ was adopted, we cannot say that DOE did not implement the actions reflected in this report.⁴

III. Clark County’s Production of Documents Complies with the Regulatory Requirements of 10 C.F.R. 2.1001.

DOE argues that the failure of Clark County to include more documents along with e-mails in its LSN inherently means that Clark County has failed to make a good faith effort to comply with 10 C.F.R. § 2.1009(a) (2) and did not make available all of its documentary materials. On the contrary, to the extent Clark County’s submission could be described as “limited”, it reflects Clark County’s present intent to participate in the licensing procedure, if at all, in a narrow, meaningful way.

Clark County has an obligation to produce via the LSN all documentary material. 10C.F.R. 2.1001 defines this term as follows:

Documentary material means:

(1) Any information upon which a party, potential party, or interested governmental participant intends to rely and/or cite in support of its position in the proceeding for a construction authorization for a high-level radioactive waste at a geologic repository operations area pursuant to parts 60 or 63 of this chapter, a license to receive and possess 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

⁴ August 2004 PAPO Order at 50.

(3) All reports and studies, prepared by or on behalf of the potential party, interested government 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.

The first two categories of information are dependent upon the position Clark County intends to take in the licensing proceeding. The first requires Clark County to provide all information upon which it intends to rely. The second section is also dependent upon the anticipated position of the potential party, this time requiring the submission of non-supporting information. It is only in the third category, that of reports and studies, that the scope broadens to include all relevant studies and reports regardless of their use in support, or non-support of the parties position. Clark County has selected the materials meeting the plain meaning of this section, and in the second case, on information which is contrary or non-supporting, to the position Clark County takes in the licensing. It is only the third section which requires the production of the relevant studies and reports regardless of their use in support, or non-support of the parties position. Clark County has provided all materials within the language of these three sections.

DOE fails to recognize this distinction in referencing Clark County’s “immersion in Yucca Mountain matters.” Clark County, by virtue of its role as an Affected Unit of Local Government under the Nuclear Waste Policy Act, has had considerable involvement in Yucca Mountain issues. Such activities, however, were not all performed in furtherance of its potential role as a party to the licensing proceeding, they were performed as part of its oversight function as described in the Nuclear Waste Policy Act.⁵ Not all activities of Clark County’s Yucca Mountain program are in support, or non-

⁵ Nuclear Waste Policy Act of 1982, as amended, 45 U.S.C. 10101 et. seq.

support, of its intended position, and; therefore, not all documents related to Yucca Mountain were included in the LSN.

DOE has claimed that Clark County's failure to include any e-mails in its LSN production does not seem "plausible". Yet, DOE fails to take into account that with approximately eight (8) employees all located in the same office, very few substantive e-mails are exchanged, if any, and none upon which Clark County intends to rely in the licensing proceeding, or which evidence non-support of its potential position.

IV. DOE Failed to Make Sincere Effort to Resolve the Issues.

10 C.F.R. § 2.323(b) requires that moving parties certify that the movant "has made a sincere effort to contact other parties in the proceeding and resolve the issue(s) raised in the motion, and that the movant's efforts to resolve the issue(s) have been unsuccessful." But while counsel has certified to this fact, and did meet with Clark County by telephone conference, the counsel for DOE made no sincere effort to resolve the issues raised in DOE's Motion. As indicated in Exhibit "A", discussion between the parties consisted of an interview of Clark County staff seemingly in preparation for DOE's Motion. At no time did the parties discuss the alleged deficiencies in Clark County's form of certification, or any issues nor were any specific options or resolutions discussed in an effort to find a possible resolution of the matter. Accordingly, DOE's Motion must be denied.

CONCLUSION

Throughout this process, Clark County has acted in good faith to comply with all of the regulations concerning the LSN, including those found in 10 C.F.R. § 2.1009. Clark County has made available via the LSN all documentary material as defined by 10 C.F.R. § 1.001. Accordingly, DOE's Motion should be denied.

While Clark County believes it has complied in form and substance with all of the regulations of policies related to the LSN, it certainly remains willing to recertify in

whatever form directed to by this Board and, if deemed necessary, to supplement its collection of documents and placement of documents in the LSN in any way directed by this Board.

Respectfully submitted,

DAVID ROGER
DISTRICT ATTORNEY

By: _____
ELIZABETH A. VIBERT
Deputy District Attorney
State Bar No. 003879
Attorney for Clark County, Nevada

Dated at Las Vegas, Nevada
this _____ day of February, 2008

4. That through personal communications with staff, I learned most of the documents that are currently on the Clark County LSN were stored in the same location and scanned in PDF format to be included in the LSN.

5. That other documents were provided to me whenever they were made available from review from contractors, attorneys, etc.

Development of Policy and Procedure Manual

6. That beginning in June 2007, I began to work on the Policy Manual for Clark County's LSN.

7. That on July 6, 2007, I received a copy of a policy and procedure manual from Lander County which they had implemented in November 2006. The review of this document began immediately and gradually specific Clark County changes were made to meet Clark County policies.

8. That on August 24, 2007, I met with LSN Information Technology staff to review the security and needs of Clark County's LSN database and began working with the NRC Information Technology staff and the LSN Coordinator between September and December 2007.

9. That on December 6, 2007, the NRC LSN Administrator, Dan Graser, and I met to review the Clark County Policy Manual. As a result of this meeting, several changes were suggested including security issues, supplemental requirements and designation of the responsible official throughout the document. An additional meeting was held afterwards with both the Clark County Nuclear Waste Planning Manager and LSN IT Administrator to discuss the changes in the draft manual.

10. That on December 24, 2007, I advised the Clark County Planning Manager that the Policy and Procedures Manual had been finalized and the comments and recommendations from the NRC LSN Administrator had been incorporated into the document.

11. That on December 24, 2007, the final draft was sent to a Clark County attorney to verify its validity and accuracy.

12. That on January 8, 2008, the LSN Coordinator along with Clark County Nuclear Waste Planning Manager both signed the Clark County Nuclear Waste Oversight Program Licensing Support Network Policy Manual document.

13. That on January 16, 2008, the LSN Coordinator filed via the EIE the Clark County Policy Manual.

Training

14. That in June 2007, I coordinated the LSN training for Clark County to host AULGs and other parties.

15. That I sent e-mails advising interested parties to coordinate their attendance with me.

16. That I advised staff during meetings of the upcoming training and advised staff of the details of the training.

17. That on August 3, 2007, I was present when Clark County hosted 2 LSN training sessions at our facilities in conjunction with NRC staff.

18. That a total of eight Clark County staff attended one of these sessions along with two contractors. Of the eight staff members, all five staff who felt they would be involved in the LSN to some degree attended one of the training sessions.

19. That in October 2007, I worked with NRC staff to ensure the field descriptions and other LSN information was correct.

20. That on November 9, 2007, I contacted NRC staff in an effort to host/conduct another LSN training session for interested parties. Clark County had been collecting their documents in a centralized location electronically for many years in preparation for the original DOE certification several years earlier.

21. That on January 4, 2008, I sent out a mass e-mail to all AULGs and other interested parties soliciting interest for an advanced training session to be hosted by the NRC at their hearing facility on January 24, 2008.

22. That on January 24, 2008, I attended, along with two Clark County staff, this advanced training session.

Meeting with DOE Representative Attorney

23. That on January 18, 2008, I received an e-mail as well as a telephone message from Kelly L. Faglioni of the law firm Hunton & Williams LLP. She stated she represented the DOE and the "DOE must in short order evaluate any need for a motion within 10 days of your certification. To that end, I would like to set up a "meet and confer" with you or your counsel".

24. That on January 24, 2008 at 1:30 pst, Irene Navis, Elizabeth Vibert and I met with Kelly Faglioni via telephone conference to discuss Clark County's certification of January 16, 2008.

25. That at this conference, Clark County indicated that we had existing policy and procedures, however, informal, in place prior to my hiring.

26. That at this conference, we discussed Clark County's failure to include e-mails, the timeline for implementation of the policy, the number of documents, and the training completed by Clark County staff.

27. That at no time was there discussion of resolution of any of the alleged deficiencies found in DOE's Motion.

FURTHER AFFIANT SAYETH NAUGHT.

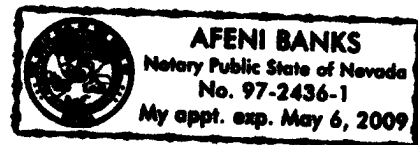


PHILIP W. KEVORICK

SUBSCRIBED and SWORN to me before me
this 17th day of February, 2008.



NOTARY PUBLIC



UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE PRE-LICENSE APPLICATION PRESIDING OFFICER BOARD

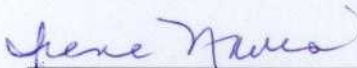
In the Matter of)	
)	Docket No. PAPO-00
U.S. DEPARTMENT OF ENERGY)	
)	ASLBP No. 04-829-01-PAPO
(High-Level Waste Repository:)	
Pre-Application Matters))	January 8, 2008

Certification of Clark County LSN Document Collection

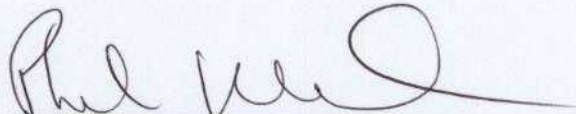
Clark County, Nevada Nuclear Waste Program has followed the guidelines and rules as they apply in connection to the Nuclear Regulatory Commission's Licensing Support Network system and hereby certify our document collection with the Pre-Application Presiding Officer Board (PAPO).

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.



Clark County Nuclear
Waste Oversight Program
Licensing Support Network

January 2008

Submitted by:

Irene Navis, AICP

Planning Manager
(702) 455-5129
iln@co.clark.nv.us

Phil Klevorick

Sr. Management Analyst
(702) 455-6933
Klevorick@co.clark.nv.us

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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 1 - 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 the 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.
 - 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.
 - 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 addresses 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.

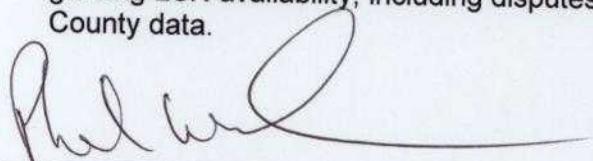
- Will provide periodic reports to the Commission on the status of Clark County's LSN functionality and operability.

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

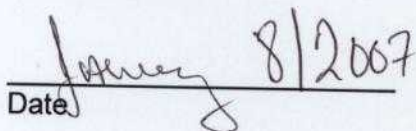
2.3 Acceptance of Clark County's LSN Coordinator Responsibilities

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 LSN availability, including disputes on the availability of an individual Clark County data.



Philip W. Klevorick
Senior Management Analyst
LSN Coordinator


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 as set forth by the NRC.

Certification

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))	January 8, 2008

Certification of Clark County LSN Document Collection

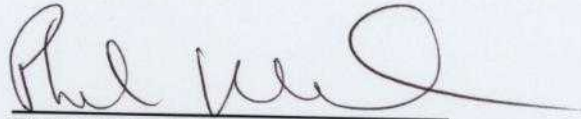
Clark County, Nevada Nuclear Waste Program has followed the guidelines and rules as they apply in connection to the Nuclear Regulatory Commission's Licensing Support Network system and hereby certify our document collection with the Pre-Application Presiding Officer Board (PAPO).

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 re- port being researched		
Title of reference mate- rial assoc. with this document Page # in doc. ____		
Date	Company name, person contacted & phone num- ber, 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) Describing 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 the 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.

DOE 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 can be retained or discarded at the possessor's sole discretion, or documents of a personal na-

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.

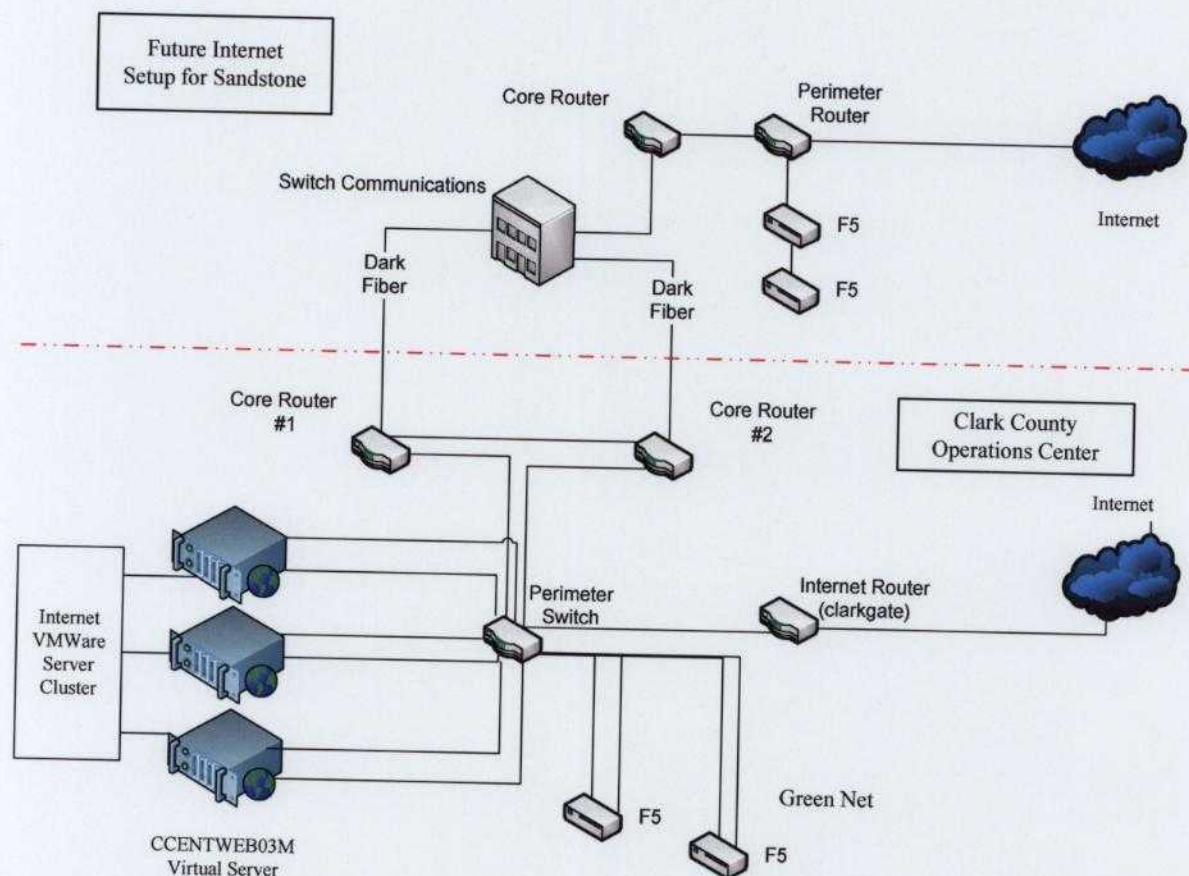
Presiding Officer means one or more members of the Commission, or an atomic safety and licensing board, or a named officer who has been delegated final authority in the matter, designated in the notice of hearing to preside.

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, if 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.

February 7, 2008

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE PRE-LICENSE APPLICATION PRESIDING OFFICER BOARD

In the Matter of

**U.S. DEPARTMENT OF ENERGY
(High-Level Waste Repository: Pre-
Application Matters)**

Docket No. PAPO-00

ASLBP No. 04-829-01-PAPO

**CLARK COUNTY'S RESPONSE TO 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 CLARK COUNTY'S RESPONSE TO 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 February 7, 2008 through the Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board
Panel
Mail Stop - T-3 F23
Washington, DC 20555-0001
Thomas S. Moore, Chair Administrative
Judge
E-mail: PAPO@nrc.gov
Alex S. Karlin
Administrative Judge
E-mail: PAPO@nrc.gov

Alan S. Rosenthal Administrative Judge
E-mail: PAPO@nrc.gov
& rsnthl@comcast.net
axr@nrc.gov

G. Paul Bollwerk, III Administrative
Judge
E-mail: PAPO@nrc.gov

Anthony C. Eitrem, Esq. Chief Counsel
E-mail: PAPO@nrc.gov

James M. Cutchin
E-mail: PAPO@nrc.gov

Joseph Deucher
E-mail: jhd@nrc.gov

Marcia Carpentier*
E-mail: PAPO@nrc.gov

Margaret Parish
E-mail: PAPO@nrc.gov

Debra Wolf
E-mail: PAPO@nrc.gov

Bradley S. Baxter*
E-mail: bsb@nrc.gov

Lauren Bregman
E-mail: PAPO@nrc.gov

Zach Kahn
E-mail: PAPO@nrc.gov

Erica LaPlante
E-mail: PAPO@nrc.gov

Johanna Thibault
E-mail: PAPO@nrc.gov

Daniel J. Graser
LSN Administrator
E-mail: djg2@nrc.gov

ASLBP HLW Adjudication
E-mail: ASLBP_HLW_Adjudication@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the
Commission
Mail Stop - 0-16 C1
Washington, DC 20555-0001
Hearing Docket
E-mail: hearingdocket@nrc.gov

Andrew L. Bates
E-mail: alb@nrc.gov

Adria T. Byrdsong
E-mail: atb1@nrc.gov

Emile L. Julian, Esq.
E-mail: elj@nrc.gov

Evangeline S. Ngbea
E-mail: esn@nrc.gov

Rebecca L. Glitter
E-mail: rll@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop - 0-15 D21 Washington, DC
20555-0001

Karen D. Cyr, Esq.*
General Counsel
E-mail: kdc@nrc.gov

Janice E. Moore, Esq.
E-mail: jem@nrc.gov

Trip Rothschild, Esq.*
E-mail: tbr@nrc.gov

Mitzi A. Young, Esq.
E-mail: may@nrc.gov

Marian L. Zobler, Esq.
E-mail: mlz@nrc.gov

Andrea L. Silvia, Esq.
E-mail: alc1@nrc.gov

Margaret J. Bupp
E-mail: mjb5@nrc.gov

Daniel W. Lenehan
E-mail: dwl2@nrc.gov

OGCMailCenter
E-mail: OGCMailCenter@nrc.gov

U.S. Nuclear Repository Commission
Office of Public Affairs
Mail Stop - 0-2A13

David McIntyre
E-mail: dtm@nrc.gov

Hunton & Williams LLP
Counsel for the U.S. Department of
Energy Riverfront Plaza, East Tower
95 1 East Byrd Street Richmond, VA
23219

W. Jeffrey Edwards, Esq.
E-mail: jedwards@hunton.com

Kelly L. Faglioni, Esq.
E-mail: kfaglioni@hunton.com

Donald P. Irwin, Esq.
E-mail: dirwin@hunton.com

Stephanie Meharg
E-mail: smeharg@hunton.com

Edward P. Noonan, Esq.
E-mail: enoonan@hunton.com

Audrey B. Rusteau
E-mail: arusteau@hunton.com

Michael R. Shebelskie, Esq.
E-mail: mshebelskie@hunton.com

Pat Slayton
E-mail: pslayton@hunton.com

Belinda A. Wright
E-mail: bwright@hunton.com

Egan, Fitzpatrick & Malsch, PLLC
Counsel for the State of Nevada
2001 K. Street
Washington, DC 20006

Robert J. Cynkar, Esq.*
E-mail: rcynkar@cuneolaw.com

Joseph R. Egan, Esq.
E-mail: eganpc@aol.com

Egan, Fitzpatrick & Malsch, PLLC
Counsel for the State of Nevada
12500 San Pedro Avenue, Suite 555
San Antonio, TX 78216

Charles J. Fitzpatrick, Esq.
E-mail: cfitzpatrick@nuclearlawyer.com

Martin G. Malsch, Esq.
E-mail: mmalsch@nuclearlawyer.com

Susan Montesi
E-mail: smontesi@nuclearlawyer.com

Ross Dixon & Bell
Counsel for the State of Nevada
2001 K Street NW, Suite 400
Washington, DC 20006
Merril Hirsh, Esq.
E-mail: mhirsh@rdblaw.com

William H. Briggs*
E-mail: wbriggs@rdblaw.com

U. S. Department of Energy Office of
General Counsel
1000 Independence Avenue, S.W.
Washington, DC 20585

Martha S. Crosland, Esq.
E-mail: martha.crosland@hq.doe.gov

Angela M. Kordyak, Esq.
E-mail: angela.kordyak@hq.doe.gov

Mary B. Neumayr, Esq.*
E-mail: mary.neurnayr@hq.doe.gov

U.S. Department of Energy
Office of General Counsel
1551 Hillshire Drive
Las Vegas, NV 89134-6321

George W. Hellstrom
E-mail: george.hellstrom@ymp.gov

Carter Ledyard & Milburn, LLP
Counsel for Lincoln County
1401 Eye Street, N.W.
Suite 300
Washington, DC 20005

Barry S. Neuman, Esq.
E-mail: neuman@clm.com

U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585
Eric Knox, Associate Director, Systems
Operations and External Relations,
OCRWM*
E-mail: eric.knox@hq.doe.gov

Dong Kim, LSN Project Manager,
OCRWM*
E-mail: dong.kim@rw.doe.gov

U.S. Department of Energy
Office of Civilian Radioactive Waste
Mgmt
Office of Repository Development
Las Vegas, NV
89134-6321

Director*
E-mail:
Timothy C. Gunter
E-mail: timothy_gunter@ymp.gov

Clark County (NV) Nuclear Waste
Division
500 S. Grand Central Parkway
Las Vegas, NV 89155
Irene Navis*
E-mail: iln@co.clark.nv.us

Engelbrecht von Tiesenhausen
E-mail: evt@co.clark.nv.us

Phil Klevorick*
E-mail: Klevorick@co.clark.nv.us

Eureka County and Lander County,
Nevada Harmon, Curran, Speilberg &
Eisenberg, LLP 1726 M. Street N.W.,
Suite 600
Washington, DC 20036 Diane Curran,
Esq.
E-mail: dcurran@harmoncurran.com

Nevada Nuclear Waste Task Force
P.O. Box 26177
Las Vegas, NV 89126
Judy Treichel, Executive Director
E-mail: judynwtf@aol.com

NWOP Consulting, Inc.
1705 Wildcat Lane
Ogden, UT 84403

Loreen Pitchford, LSN Coordinator for
Lander County
E-mail: lpitchford@comcast.com

City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101
Margaret Plaster, Management Analyst
E-mail: mplaster@LasVegasNevada.gov

Nuclear Waste Project Office
1761 East College Parkway, Suite 118
Carson City, NV 89706

Robert Loux
E-mail: bloux@nuc.state.nv.us

Steve Frishman, Tech. Policy
Coordinator
E-mail: steve.frishman@gmail.com

Talisman International, LLC
1000 Potomac St., N W
Suite 300
Washington, DC 20007

Patricia Larimore
E-mail: plarimore@talisman-intl.com

Timbisha Shosone Tribe Frederick and
Peebles, LLP
1001 Second Street
Sacramento, CA 95814

Darcie L. Houck, Esq.
E-mail: dhouch@ndlaw.com

John M. Peebles, Esq.*
E-mail: jpeebles@ndlaw.com

Joe Kennedy, Chairman*
E-mail: chairman@timbisha.org

Barbara Durham* Tribal Historic
Preservation Officer
E-mail: dvdurbarbara@netscape.com

Nuclear Energy Institute
1776 1 Street, NW, Suite 400
Washington, DC 2006-3708

Michael A. Bauser, Esq.
Associate General Counsel
E-mail: mab@nei.org

Anne W. Cottingham, Esq.
E-mail: awc@nei.org

Ellen C. Ginsberg, Esq.
E-mail: ecg@nei.org

Rod McCullum *
E-mail: rxm@nei.org

Steven P. Kraft*
E-mail: spk@nei.org

Nye County (NV) Regulatory/Licensing
Adv.
18160 Cottonwood Rd., #265
Sunriver, OR 97707

Malachy Murphy
E-mail: mrmurphy@cmc.net

Nuclear Information and Resource
Service (NIRS)
6930 Carroll Avenue, Suite 400
Takoma Park, MD 20912

Kevin Kamps*
E-mail: Kevin@beyondnuclear.org

Abigail Johnson*
612 West Telegraph Street
Carson City, NV 89703
E-mail: abbyj@gbis.com

Churchill County (NV)
155 North Taylor Street, Suite 182
Fallon, NV 89406

Alan Kalt*
E-mail:
comptroller@churchillcounty.org

White Pine County
City of Caliente
Lincoln County
P.O. Box 126
Caliente, NV 89008

Jason Pitts
E-mail: jayson@idtservices.com

Yucca Mountain Project, Licensing
Group, DOE/BSC
Regulatory Programs
1 180 North Town Center Drive
Las Vegas, NV 89144

Jeffrey Kriner
E-mail: Jeffrey.kriner@ymp.gov

National Congress of American Indians
1301 Connecticut Ave. NW - Second
Floor
Washington, DC 20036

Robert 1. Holden, Director*
Nuclear Waste Program
E-mail: Robert_holden@ncai.org

Mineral County (NV) Board of county
Commissioners
P.O. Box 1600
Hawthorne, NV 89415

Linda Mathias, Administrator*
Office of Nuclear Projects
E-mail: yuccainfo@mineralcountynv.org

Environmental Protection Agency
Ray Clark*
E-mail: clark.ray@epa.gov

Inyo County Water Department
Yucca Mtn Nuclear Waste
Repository Assessment Office
163 May St.
Bishop, CA 93514

Matt Gaffney, Project Associate*
E-mail: mgaffney@inyoyucca.org

Intertech Services Corporation
(for Lincoln County)
Carson City, NV 89702-2008
Dr. Mike Baughman*
E-mail: bigboff@aol.com

Lincoln County (NV) Nuclear Oversight
Prgm
100 Depot Ave., Suite 15;
P.O. Box 1068
Caliente, NV 89008-1068
Lea Rasura-Alfano, Coordinator*
E-mail: jcciac@co.lincoln.nv.us

State of Nevada (NV)
100 N. Carson Street
Carson City, NV 89710

Marta Adams*
E-mail: madams@ag.state.nv.us

Phil Klevorick
Clark County LSN Coordinator
500 South Grand Central Parkway
Las Vegas, Nevada 89155
(702) 455-6933
email: klevorick@co.clark.nv.us

Nuclear Waste Technical Review Board
Joyce Dory*
E-mail: dory@nwtrb.gov

Nye County (NV) Nuclear Waste
Repository Project
1210 East Basin Rd. Suite 6
Pahrump, NV 89048
Darrel Lacy*
E-mail: dlacy@nyecounty.net

White Pine County (NV)
Nuclear Waste Project Office
959 Campton Street
Ely, NV 89301
Mike Simon, Director*
(Heidi Williams, Adm. Assist.*)
E-mail: wpnucwstlmwpower.net

Respectfully submitted,

By: _____
ELIZABETH A. VIBERT
Deputy District Attorney
State Bar No. 003879
Attorney for Clark County, Nevada

Dated at Las Vegas, Nevada
this ____ day of February, 2008