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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION
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5 LSNARP MEETING
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9 Embassy Suites

10 Riveria Room

11 4315 Swenson Street

12 Las Vegas, NV
13

14 Wednesday, October 13, 1999
15

16 The above entitled meeting commenced, pursuant to
17 notice, at 8:45 a.m.
18

19 PARTICIPANTS:

20 JOHN C. HOYLE, Nuclear Regulatory Commission

21 CHIP CAMERON, Nuclear Regulatory Commission

22 PAUL BOLLWERK, Chief Administrative Judge, Atomic
23 Safety and Licensing Board, NRC

24 DAN GRASER, Licensing Support Network

25 Administrator

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1 PARTICIPANTS: [Continued]

2 ROBERT HOLDEN, Nuclear Waste Program, National
3 Congress of American Indians

4 MAL MURPHY, Nye County Regulatory and Licensing
5 Advisor

6 CLAUDIA NEWBURY, Department of Energy, Yucca
7 Mountain Project

8 RODNEY McCOLLUM, Nuclear Energy Institute

9 ABBY JOHNSON, Nuclear Waste Adviser, Eureka County

10 DENNIS BECHTEL, Planning Manager, Clark County
11 Department of Comprehensive Planning, Nuclear
12 Waste Division

13 STEVE FRISHMAN, Technical Policy Coordinator,
14 Nevada Agency for Nuclear Projects

15 JASON PITTS, Lincoln County

16 BILL REAMER, NRC/NMSS/DWM

17 TOM NARTKER, UNLV/ISRI

18 LEW ROBERTSON, MTS, DOE/YMP

19 DAVID HEENT, MTS, DOE/YMP

20 JAN VERDEN, MTS, DOE/YMP

21 DAVE KELLER, M&O, DOE/YMP

22 JEROME WEISER, M&O, DOE/YMP

23 ROB KEELE, M&O, DOE/YMP

24 HARRY KELMAN, Clark County Nuclear Waste Division

25 SAM HOBBS, M&O, DOE/YMP

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1 PARTICIPANTS: [Continued]

2 JACK WHETSTINE, NRC/ASLBP/ISN Project

3 TOM MOORE, NRC/ASLBP

4 JOE SPEICHER, LABT-Anderson

5 TONY NEVILLE, LABT-Anderson

6 GLEN FOSTER, LABT-Anderson

7 RUSSELL IRISH, NRC/OIG

8 TOM BARCHI, NRC/OIG

9 HARVEY SPIRO, NRC/OCIO

10 JOHN GANDI, DOE/YMP

11 KAZEM TAGHRA, UNLV/ISRI

12 JUNE BOSSACK, UNLV/ISRI

13 JACKIE WALLACE, Mineral County

14 JUDY TREICHEL, Nevada Nuclear Waste Task Force

15 REX MASSEY, Churchill County

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P R O C E E D I N G S

[8:45 a.m.]

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2
3 MR. HOYLE: My name is John Hoyle. I'm very
4 pleased to welcome you to the first meeting of the Licensing
5 Support Network Advisory Review Panel.

6 As many of you know, this is a successor panel to
7 the Licensing Support System Advisory Review Panel, which I
8 think, this is October, we're just two months shy of the
9 first meeting of the LSS Advisory Review Panel plus 10
10 years. I think that was in December of '89. And I
11 recognize the body of knowledge and experience that we have
12 with us today that were with us for those meetings of the
13 other panel, Steve Frishman and Dennis, Mal Murphy and
14 Robert and Claudia. So I appreciate the fact that you all
15 are still with us. I tried to escape, but I'm back, it
16 seems.

17 Before we go around the table to introduce
18 ourselves, I do recognize that we're in serious competition
19 with other agencies and other committees for your time.

20 MR. FRISHMAN: And your own agency, too.

21 MR. HOYLE: And other agencies.

22 MR. FRISHMAN: Your own agency, too.

23 MR. HOYLE: Yes, our own. That's right.

24 I was thinking of our brother committee. And you
25 wish you were being able to attend their meeting this

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1 morning.

2 We recognize that. We've tried to coordinate as
3 best we can our time with your time, but this is the way
4 it's worked out this time.

5 In spite of that pressure of other meetings, I am
6 very pleased that you all have been able to come this
7 morning, and I hope you can stay as long as your time
8 allows.

9 With that, let's go around the table and introduce
10 ourselves. As I said, I'm John Hoyle of the Nuclear
11 Regulatory Commission. With me today at the table are Chip
12 Cameron on my right, Judge Paul Bollwerk on the far left,
13 and Dan Graser, the Licensing Support Network Administrator.
14 We are very, very pleased to have captured Dan in this role.
15 He also has much experience to bring to us from the start.
16 So with that, unless my colleagues want to reintroduce
17 themselves, let's go to Robert.

18 MR. HOLDEN: Good morning. I'm Robert Holden. I
19 work with the Nuclear Waste Program, National Congress of
20 American Indians, a national tribal government organization
21 representing around 225 tribes.

22 MR. MURPHY: Mal Murphy, the Nye County Regulatory
23 and Licensing Advisory.

24 MS. NEWBURY: Claudia Newbury, Department of
25 Energy, Yucca Mountain Project.

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1 MR. McCOLLUM: Rodney McCollum, Nuclear Energy
2 Institute. You may recall Steven Kraft has been sitting in
3 on these meetings in the past. I work for him. Joined NEI
4 about eight months ago.

5 MR. HOYLE: Welcome, Rod.

6 MS. JOHNSON: Abby Johnson. I'm the Nuclear Waste
7 Adviser for Eureka County.

8 MR. HOYLE: Abby, good morning.

9 MR. BECHTEL: Dennis Bechtel. I'm the planning
10 manager for Clark County Department of Comprehensive
11 Planning, Nuclear Waste Division.

12 MR. FRISHMAN: Steve Frishman. I'm the Technical
13 Policy Coordinator for the Nevada Agency for Nuclear
14 Projects.

15 MR. HOYLE: Very good. As you can see, Abby, I
16 apologize for not having a name tag for you down there.
17 We'll have to make one up.

18 MS. JOHNSON: That's okay. I can do this myself.
19 Thank you.

20 MR. HOYLE: As you see, we have some empty chairs.
21 We had invited all of those on the coalition of the local
22 adjacent government units to Nye County. Perhaps we will
23 have more of them today. Perhaps not. They, too, of course
24 are involved in many other meetings that are going on.

25 I would remind everyone that there are eight

1 members, eight voting members on this panel, and I believe
2 they are all represented here today. The State of Nevada,
3 Nye County, Coalition of the Adjacent Counties, which I feel
4 Dennis is representing, and Patty as well. The National
5 Congress of American Indians, the Nevada Nuclear Waste Task
6 Force is not represented yet today. I thought maybe Judy
7 was going to be able to make it. She's at the ACNW meeting,
8 or one of the others. The Department of Energy, and of
9 course the Nuclear Regulatory Commission.

10 I believe I just want to mention some ground rules
11 for the panel, since this is the first meeting, even though
12 it's reconstituted from the LSS panel. I think the rules
13 should generally be the same, unless the members want to
14 talk about it and make some changes. Since there are eight
15 voting members, I believe we'll need at least five voting
16 members to conduct a meeting. I propose that decisions
17 should be made by at least a majority of six voting members.
18 So even though we would have five present to have a meeting
19 conducted, I think any major decisions really need to have
20 six of the eight.

21 Consensus decisions are sort of like unanimous
22 decisions. I'll look around the table. If everybody seems
23 to be in agreement or at least not in disagreement with an
24 item, I will draw attention to that and assume that that is
25 a consensus decision.

1 Recorded votes, of course, will be captured in the
2 transcript of our meeting. As you can see, we have a court
3 reporter today. The small mikes on the table feed the court
4 reporter. The large mikes are for the P.A. system here in
5 the room.

6 Is there any discussion of the ground rules?

7 Okay. I'll assume then we have agreement on that
8 and consider them approved.

9 You have before you an agenda for the meeting.
10 You have a book with a number of documents in them. You
11 were sent the material there preliminarily ten days or so
12 ago. I hope you've had a chance to look at it, but we will
13 be going through it today.

14 At this point I think I will just introduce Judge
15 Paul Bollwerk and ask him to begin his briefing.

16 Paul?

17 JUDGE BOLLWERK: All right. Thank you, John.

18 Welcome everyone. My name is Paul Bollwerk, as
19 John mentioned. I'm the Chief Administrative Judge for the
20 NRC's Atomic Safety and Licensing Board panel, which is the
21 panel that's assigned responsibility for conducting agency
22 adjudications for the Nuclear Regulatory Commission.

23 The first thing I guess I'd like to say, I really
24 appreciate -- we appreciate everyone taking the time to come
25 over here today. We recognize there's a lot of things going

1 on right now. To some degree in setting this meeting I felt
2 like we were a moving target, because every time we'd seem
3 to find a slot where we could fit ourselves in, somebody
4 else would change their meeting schedule, and all of a
5 sudden we were having problems. In the end we just decided
6 we needed to stick with what we noticed and to move forward,
7 and I'm hoping that -- I'm sure that what you're going to --
8 what we're going to do today will be worthwhile and a timely
9 use of your resources, because we do have some I think very
10 important matters to talk about in terms of the LSN today.

11 I'm really on the agenda to talk about two things.
12 First is the role of the Licensing Board Panel in the LSN
13 development, and then the roles that different folks from
14 the NRC are playing in terms of the network. And I'm kind
15 of probably going to just roll the two of those into one and
16 talk a little bit about the panel and how we got
17 responsibility for this and sort of what the roles and
18 responsibilities are within the NRC now for the Licensing
19 Support Network.

20 As many of you in fact were at the meeting -- I
21 guess it's been over a year ago now that the LSN or the
22 concept of an LSN was discussed, and I think given general
23 approval by the old LSSARP, the Licensing Support System
24 Advisory Review Panels, the idea of going from a centralized
25 data base to a more Internet-based somewhat more diversified

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1 data base with the individual parties maintaining their
2 document collections, which is then linked together through
3 a network.

4 That idea was taken to the Commission, and in
5 looking at the idea of an LSN, the Commission also began to
6 look at the Agency in terms of the organization and how the
7 LSN would be organized and run.

8 One of the concepts that came up was the question
9 of a business sponsor for the Licensing Support Network.
10 Many of you I know knew Moe Levin, who was the Licensing
11 Support System Administrator, and you are probably aware
12 that Moe in fact was wearing two hats. He was both the
13 Licensing Support System Administrator, and also a Deputy
14 Director of our Office of Chief Information Officer.

15 As it turned out, the management for the LSS to
16 some degree had been split up in different -- to the extent
17 that there was a committee of three, the Senior Management
18 Committee that was actually kind of overseeing the project
19 within the Agency. Moe was a member of that also and
20 Associate General Counsel from the General Counsel's office,
21 and also a Deputy Director from one of the offices at NMSS.

22 I think in looking at that, the Commission decided
23 that they needed to refocus the project and to find what was
24 referred to as a business sponsor. They looked at a number
25 of different organizations within the Agency and decided

1 that the Licensing Board Panel, because of our
2 responsibility for the adjudicatory process with the Agency,
3 because of our familiarity with the discovery process and
4 all the other things that go into the hearing process,
5 should be the group that has responsibility for carrying
6 this project forward. And we were given that responsibility
7 back in July, and as this meeting shows today, we've taken
8 it on, and we're pressing forward with it. So that's
9 basically how the ASLBP became sort of responsible for the
10 LSN, the Licensing Support Network.

11 In terms of how the project is now being run,
12 there is a tab in your -- in the materials that you were
13 given -- Tab 1-1, that kind of gives a general description
14 of the different organizations and individuals that are
15 involved in the LSN and the LSNARP. But I think probably as
16 I look down this head table, I think to some degree if I
17 talk about the folks here, I can give you a good idea of
18 exactly how the project is going to be run, and also I hope
19 I can bring to you some idea and some confidence about the
20 Agency's ability to complete this project, which many of you
21 are aware has been going on now for ten years. And there's
22 been a lot of discussion, there's been some progress, but I
23 think we're now at the point where we're ready to move
24 forward and actually get a network up.

25 In terms of the ASLBP, the organization that I'm

1 the head of, I think we bring to the process our
2 understanding and our desire to see that Agency
3 adjudications are conducted properly, fairly, managed in an
4 expeditious way for everybody efficiently, but also very
5 fairly. And from my perspective, one of the things that I
6 do on a regular basis is I'm a lecturer with the National
7 Judicial College up in Reno, and I teach a course on
8 conducting complex adjudications. And one of the things
9 that I always emphasize with the classes I have are the
10 importance of issues, issue presentation, and also discovery
11 in any adjudication, particularly complex adjudications.

12 That frankly is what the Licensing Support Network
13 is all about. It's an opportunity for the parties, the
14 potential parties for the licensing support, for the
15 high-level waste repository licensing proceeding to have
16 discovery material documentation before the proceeding
17 begins, both so they can get familiar with what information
18 is available in terms of the other parties, also so that
19 they can frame their issues, which is a very important
20 thing.

21 I emphasize to the classes that I teach that the
22 more that you can get the parties to sit down on their own
23 to work on the issues that they're going to put together to
24 get their supporting material together, the better off
25 everyone would be in terms of the adjudicatory process.

1 It's a more open process, and it's frankly a more efficient
2 process if everybody knows what's going on. And that's why
3 I believe -- I think the Commission was right when they set
4 this process up originally to get the discovery material out
5 front for everyone and also to -- that way everyone will
6 have the information, and also can frame the issues in the
7 proceeding on a much earlier time and I think a much better
8 time.

9 It's an important process. It's an important
10 project. And it's one that the panel is very interested in,
11 and we are putting our full resources in frankly to getting
12 it carried forward.

13 One other thing I should mention that we're
14 interested in and I think we bring to the process, some of
15 you may remember about the idea of the licensing support
16 system that there would be electronic interchange of
17 documents, and that's something actually we've already been
18 working on within the NRC. We're part of a pilot project
19 now for electronic interchange of documents, fully
20 electronically, both with electronic signatures. It's a new
21 thing we've started, but it looks very promising, and it's
22 something -- expertise we'll also bring to the Licensing
23 Support Network. So from my perspective and from the
24 panel's perspective I think that's why we're in a good
25 position to bring this project forward.

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1 In terms of the other folks at the table, I think
2 you have some old faces here who have been around for a
3 while. I've actually been here before in another capacity.
4 Your face is old, Chip, not you.

5 MR. CAMERON: I didn't like that "old faces."

6 JUDGE BOLLWERK: I think both John and Chip bring
7 to the process a sort of background and a history in how
8 this whole system came to where it is today and how it can
9 move forward. And to some degree the feedback that we get
10 from them, and I know we've had this already, is feedback
11 that is good for everyone sitting at this table, because
12 they're constantly reminding us look, you know, you want to
13 press forward with this project, you want to get it done,
14 but don't forget about the ARP, they're an important part of
15 the process, you need to listen to what they have to say,
16 take it into account, deal with it.

17 If you have a problem with it, let's talk it out,
18 reach a consensus on it. That's the best way to handle this
19 project, if we can. And that's what we're here to do.
20 That's what we want to do. We want to work with the ARP.

21 Both John and Chip bring that to the process, and
22 they're constantly bringing that into the mix and reminding
23 us that that's an important part of what we need to do here.

24 Sitting next to me is Dan Graser, who I am very
25 happy to have as a Licensing Support Network administrator.

1 Dan's been on the job about two weeks, three weeks I think,
2 although again he's been part of this project for a number
3 of years. He brings a tremendous amount of enthusiasm to
4 this. He wants to get this done. He's going to get it
5 done. He's convinced me of that.

6 When we first took this project on in July at the
7 Commission's direction, I was somewhat concerned about that.
8 The Licensing Board is not -- generally putting together
9 discovery data bases is something that we don't do. But
10 with Dan at our side now and part of our office now, I have
11 little doubt that this is going to get done, and we're going
12 to get it done in a fairly timely manner. So I'm just
13 delighted to have Dan Graser as a Licensing Support Network
14 administrator.

15 We're sorry Moe couldn't make it out here today,
16 but he sends everybody his best, and he's moving on to other
17 projects within the NRC, including the ATOMS project, which
18 is a huge -- also has an impact on this project in terms of
19 the Agency going to totally electric document intake and
20 distribution within the Agency. So Moe is busy doing other
21 things, I can assure you.

22 I guess there's one other sort of group or body
23 that I'd like to mention, and that's the Commission itself.
24 I've had any number of discussions with all the
25 Commissioners, including Chairman Dicus, and also the

1 incoming Chairman, Dr. Meserve, about the Licensing Support
2 Network. I've emphasized to them the importance that I
3 place on it in terms of the licensing, in terms of the
4 high-level waste repository adjudication in that process.
5 I've gotten support from them. I think they understand that
6 the time is now, this project needs to move forward.

7 I know there was a recent briefing that the
8 Department of Energy gave to the Commission on the draft
9 EIS, and the Chairman, Chairman Dicus, and also Commissioner
10 Merrifield raised with DOE the status of the LSN in terms of
11 their document collection and how they were putting it
12 together. I know they consider this important. They made
13 that clear to me, and I just wanted to express that to you,
14 that the Commission does know that this network is out
15 there, this project has to be done, and they are interested
16 in it.

17 The one other thing I guess I'd like to leave you
18 with in terms of the remarks that I want to make this
19 morning is that this is an important time. I recognize, as
20 I said at the beginning, there's a lot going on right now.
21 But in terms of this particular project, getting together a
22 licensing support network, this is the time for you all to
23 put your input in. Yesterday I was at the Technical Working
24 Group meeting with Dan. He handed out a lot of material,
25 talked about the plans for the system, the schedule that

1 we're going to go over this morning. And I know there were
2 several of the counties were there, DOE was there, but I'm
3 hoping that everybody can put some time, can make yourselves
4 available, can give us the input.

5 That's what we need, is your input into this
6 project at this point. We're ready to move forward. We
7 want to know what you think about it. We want to know -- in
8 the end, you all have to use this system, and we need to
9 know how it can be best set up to work so that it's a useful
10 tool for you in the high-level waste repository adjudicatory
11 process.

12 So I would urge you, recognizing, I know, that
13 you've got a lot going on right now, many thing on your
14 plate, to give us the input. There are Technical Working
15 Group meetings tomorrow. If for some reason you can't make
16 folks available for that, we will have minutes that we put
17 together. We'll distribute those. Please look those over
18 when you get them. Give us your feedback. This is the time
19 now for you to give us the input that we need to move this
20 project forward.

21 With that, I will turn it over to Dan or back to
22 John, if you want to say anything, or is it time for Dan to
23 talk about the Technical Working Group meeting?

24 MR. HOYLE: Okay. Let me interject before Dan
25 gets started, I noticed we have another member at the table,

1 Jason Pitts, thank you for joining us, from Lincoln County.
2 And we have a number of other folks who have followed the
3 LSN and LSS over the years in the room. Why don't we just
4 take a moment and let those around the room introduce
5 themselves if they'd like to do that.

6 Bill?

7 MR. REAMER: Okay. I'm Bill Reamer. I'm a member
8 of the Nuclear Regulatory Commission staff in the Division
9 of Waste Management.

10 MR. NARTKER: Tom Nartker. I teach at UNLV, and
11 we do research in information retrieval and other
12 LSN-related technologies.

13 MR. HOYLE: And we'll be hearing from you this
14 afternoon. Very good.

15 Lew?

16 MR. ROBERTSON: Lew Robertson, MTS, supporting
17 Department of Energy.

18 MR. HEENT: David Heent, MTS, supporting
19 Department of Energy.

20 MS. VERDEN: Jan Verden, MTS, supporting
21 Department of Energy.

22 MR. KELLER: Dave Keller with M&O contract
23 supporting Department of Energy.

24 MR. WEISER: Jerry Weiser, with the M&O.

25 MR. KEELE: Rob Keele with the M&O.

1 MR. KELMAN: Harry Kelman, Clark County Nuclear
2 Waste Division.

3 MR. HOBBS: Sam Hobbs from the M&O supporting the
4 Yucca Mountain Project.

5 MR. WHETSTINE: Jack Whetstine. I give
6 administrative support for NRC for the LSN.

7 MR. MOORE: Tom Moore. I'm a judge on the
8 licensing panel.

9 MR. SPEICHER: Joe Speicher with Anderson,
10 supporting the Licensing Support Network administrator.

11 MR. NEVILLE: Tony Neville with Anderson
12 supporting the administrator.

13 MR. FOSTER: Glen Foster with LABT.

14 MR. IRISH: Russell Irish, Inspector General's
15 Office, NRC.

16 MR. BARCHI: I'm Tom Barchi. I'm the Assistant
17 Inspector General at NRC.

18 As you know, our office has followed this project
19 pretty closely for the last couple of years, and in fact we
20 have work currently under way to get an assessment of where
21 we are as an agency relative to the project. We would hope
22 to have that body of information available probably by the
23 end of next month.

24 MR. SPIRO: Harvey Spiro, NRC Office of the Chief
25 Information Officer.

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1 MR. GANDI: John Gandhi, Department of Energy,
2 Information Management.

3 MR. TAGHRA: Kazem Taghra, UNLV/ISRI.

4 MS. BOSSACK: June Bossack, UNLV/ISRI.

5 MR. HOYLE: Thank you very much. Unless there's
6 any other comment, following Paul's introductory remarks,
7 we'll turn to Dan.

8 Dan?

9 MR. GRASER: Okay. Thank you very much, John.

10 I'd like to spend a little --

11 MR. HOYLE: Excuse me. I'm going to interrupt one
12 more time. I'm starting a signup sheet down both sides of
13 the table. If everyone would please sign it.

14 Thank you.

15 MR. GRASER: I'd like to spend a little time this
16 morning going over the Technical Working Group premeeting
17 that we had yesterday, and to just fill the Advisory Panel
18 in on the sorts of things that were discussed at that
19 meeting and some of the groundwork that was laid in order to
20 get the Technical Working Groups off the ground and running
21 when we reconvene Thursday and Friday of this week.

22 We went through four or five major areas during
23 the course of the afternoon. One of the first things that
24 we did was go back and revisit the revision to the charter
25 for the LSN Advisory Review Panel that is included in the

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1 three-ring binder tab, probably Tab C, and I just pointed
2 out to everybody who was present yesterday that the changes
3 in the charter were made essentially to reflect Licensing
4 Support Network as opposed to the Licensing Support System.
5 Substantively there were not that many other changes in the
6 charter. But I did want to bring that to everybody's
7 attention.

8 We also went through the charter for the Technical
9 Working Group which is included in the three-ring binder as
10 Tab D, and I walked through very briefly for all those who
11 had not been involved in the Technical Working Groups before
12 a history of the way the Technical Working Groups have
13 operated in the past. Essentially that is that the
14 Technical Working Groups are really comprised of members of
15 the ARP group or their designated representatives, and the
16 Technical Working Groups will go off and they will pursue
17 research, study, analysis, whatever is directed by the
18 Advisory Panel as a whole.

19 The role of a Technical Working Group is to
20 respond essentially to whatever that request is and come
21 back, and in cases in the past, the Technical Working Groups
22 have developed some products that have been accepted into a
23 lot of the design assumptions of the old Licensing Support
24 System.

25 We've had Technical Working Groups deal with

1 bibliographic header development, which was a very
2 productive Technical Working Group with Kirk Balcolm
3 especially taking a lead role in that activity. We've had
4 Technical Working Groups focus on developing the high-level
5 and secondary-level functional requirements for the
6 Licensing Support System, Fielden Dickerson from TRW, the
7 DOE M&L contractor, did an admirable job in pulling that
8 together. And in all of those and other cases, Technical
9 Working Group meetings have come back and been called upon
10 to present their findings back to the ARP.

11 It is really the Advisory Review Panel that takes
12 those reports or analyses under consideration, and it's
13 really the Advisory Review Panel that is in the position of
14 looking at them and determining is this the direction we
15 want to go. So the Technical Working Groups really just
16 serve as the research and analysis and evaluation arm of the
17 fuller Advisory Review Panels. So I walked through some of
18 that history for individuals who were not involved with any
19 prior Technical Working Groups.

20 The overall objectives of the Technical Working
21 Group we walked through and essentially outlined that there
22 is a substantial amount of work that needs to be done in
23 terms of redefining the vision of what an LSN should look
24 like. Under the old Licensing Support System it was a
25 mainframe-based system. Everybody had a pretty good mental

1 construct of what that meant. And in the revision to the
2 rule that now made it a Licensing Support Network, which is
3 hopefully an Internet Web-based-type approach to doing -- to
4 meeting the mission. We need to go back and redevelop in
5 our mind's eye what this system is going to do, how it's
6 going to do it, and how this newer generation of technology
7 can be made to meet what we believe is necessary to fulfill
8 the mission outlined in 10 CFR 2.

9 So I think we laid that out pretty well yesterday.
10 In terms of the ground rules, what I laid out for all of the
11 individuals is that the Technical Working Groups typically
12 will keep meeting minutes of the discussions on a daily
13 basis. We will maintain a list of who attended. And as
14 part of the meeting minutes, if there is any tasking that
15 comes out of it, or if there are open issues that have been
16 identified that we're asking somebody to go off and do some
17 further investigation on, if there are any additional sorts
18 of assignments that may be made, all of that is documented
19 in the meeting minutes. And meeting minutes together with
20 all of the handouts are going to be made available to
21 everybody who's on the list that we have for the Advisory
22 Review Panel plus the individuals on the Technical Working
23 Group.

24 So there will be a fairly extensive communication
25 out to everybody, so that even if a participant or potential

1 participant does not have anybody sitting in on the
2 Technical Working Group, we will make the documentation
3 available so that you can at least keep abreast with what
4 was discussed and what progress is being made. And I just
5 want to reemphasize for everybody that that will be an
6 ongoing routine sort of thing. It's my intention to make
7 all of that information available.

8 Another thing that was discussed yesterday also
9 related to that the Technical Working Groups, we certainly
10 want to have as much involvement as we can. They are really
11 very informal in terms of the procedure, sitting around a
12 table, plowing through ideas, concepts, issues, and
13 everybody really chips in and adds to that discussion. And
14 I did emphasize to the folks who attended yesterday that if
15 we're going to be meeting here Thursday and Friday, if
16 somebody wanted to come in half a day or one of the two days
17 or part of any of that, I didn't have any particular problem
18 with that, and in fact if other, you know, other members of
19 the general public felt like they wanted to sit in, they
20 were certainly welcome to sit in. If they can stand the
21 technojargon, they're quite welcome to sit in on that.

22 So in general that is the nature of the Technical
23 Working Groups, and we did go over a lot of that groundwork
24 in the initial part of the meeting yesterday afternoon.

25 We then began the process of going through some of

1 the preliminary materials that the LSN Administrator sent
2 out initially to collect information about where all the
3 potential parties stand in terms of plans for automation or
4 where they stand in terms of actually having automation
5 already available, and we wrapped all of that information
6 up, and that is included again in the three-ring binder as
7 Tab E, the preliminary results to date of the survey that we
8 sent out.

9 We had a fairly good response, and it's not too
10 late for other individuals to go ahead and provide that
11 similar sort of information. We can add it to this matrix,
12 and I would certainly be more than happy to continue to
13 maintain and update this document as more information is
14 received from all of the parties.

15 The survey itself, you know, I indicated yesterday
16 I thought it was fairly -- I was fairly optimistic about it
17 because the survey results in general indicate that
18 participants and the participants all have a pretty good
19 handle on this technology already, and that means we're
20 already one step up in terms of having everybody understand
21 the nature of this technology that we're dealing with, and
22 we can kind of dispense with Web Pages 101 and move right
23 along to the next course in that regard. At least that's
24 the preliminary indication.

25 And essentially we walked through the matrix and

1 the results of the information that is presented in there,
2 and we did make some observations on not just the nature of
3 the technology, but also in terms of the reports back about
4 the volume of documentation and the potential impact that
5 the volume of documents may have on a system design. Only
6 in a very general way, because that's really going to be the
7 work that we pick up on tomorrow morning.

8 The next item on my agenda yesterday was then to
9 move into looking at the overall project schedule, again
10 included in the three-ring binder under Tab F. The schedule
11 that's presented there I outlined for all of the members of
12 the Technical Working Group yesterday, and I would like to
13 reiterate it here in the more general audience, that it
14 really is just a very initial cut at developing a project
15 management plan for the LSN development. And given the fact
16 that we don't know what the target technology is going to be
17 and what the target solution is going to be, and that really
18 won't be determined until we've finished the work of the
19 Technical Working Group, but given the fact that we don't
20 really know what the target solution is going to be,
21 everything from about line 15 on down is fairly speculative
22 at this point in time.

23 Maybe a better way to characterize it, it's fairly
24 generic in terms of the sorts of things you would normally
25 anticipate in a system development and integration activity.

1 This again is going to be a living document, and I hope to
2 be able to share on a fairly routine basis providing updates
3 on this schedule back to everybody who's involved with the
4 development of the Licensing Support Network.

5 The other issue that came up in regards to this
6 schedule as presented, and you will also find it discussed
7 later on in some of the items under Tab G, some of the
8 guideline-type documents and discussion papers, is the fact
9 that in order for us to be able to implement a system and to
10 have some meaningful tests of getting the Licensing Support
11 Network connected with the various participants'
12 collections, and in order to be able to conduct some tests
13 that will allow us to look at the system performance, for
14 example, do performance tuning, and do other sorts of
15 validation testing before we declare the system to be ready
16 and to be operational, well, in order to do all of that
17 testing, we really are going to need to have access to some
18 participant collections, and we would need to have them in
19 advance of the time frame that is called out in 10 CFR 2 for
20 when participants must have the systems available. So you
21 see the distinction I'm making here.

22 The rule says you must have it -- your system
23 available by x date, for example DOE and NRC earlier, the
24 participants a little bit later on in the process, but if
25 we're going to be able to do the system integration and the

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1 testing, I'm going to need some access to some candidate
2 collections with some percentage of documents in them to
3 allow us to do the meaningful tests, and that time frame for
4 when I do the tests is going to need to be in advance of
5 when it is required. And that's going to involve a certain
6 amount of collaboration and cooperation on the part of the
7 various participants to help make that happen.

8 We did walk through that particular issue
9 yesterday.

10 Again, until we know what the system design is
11 going to be I can't really tell you how big that collection
12 will have to be, and I can't really tell you exactly when I
13 am going to need some of that type of access, but I think it
14 is a fair assumption to make going into the process that
15 that is something we should anticipate.

16 The other issue that came up in regards to the
17 overall approach to things was that we outlined three
18 general scenarios that we presented in a very brief form
19 yesterday to the individuals who attending the technical
20 working group meeting.

21 Those three general scenarios may in fact be only
22 the straw man, if you will, to get us started, and there may
23 in fact be additional scenarios that are proposed by people
24 sitting in on the Technical Working Group and if that is the
25 case we would have to walk through them just about as

1 rigorously as we would the three that we are using as our
2 straw man documentation.

3 Now I do not anticipate that examining a fourth or
4 a fifth or a sixth scenario is going to add all that
5 significantly to the schedule of the work that needs to be
6 done upfront.

7 The other aspect of the overall schedule, and
8 again this is something that is kind of an education thing
9 and I will just walk through it, as painful as it may be for
10 everybody who was here yesterday, I am going to walk through
11 this one more time.

12 In the overall process of getting a system up and
13 operational, there are some administrative procedures that
14 the Government procurement process is going to require that
15 we walk through. One of those procedures is identified as
16 line item Number 10 in that Gantt chart. That particular
17 item has been rolled up. You don't see the level of detail
18 beneath that.

19 At line 10 -- it is titled NRC Project
20 Authorization -- you will see a parenthesis (CPIC). The
21 CPIC process is an outcome of the Information Management
22 Reform Act of 1998, I believe -- right? 1996 -- 1996 -- and
23 also Paperwork Reduction and a few other Government sort of
24 initiatives.

25 Essentially what is required in the CPIC

1 process -- CPIC stands for Capital Planning and Investment
2 Control -- and what it requires is that the Government
3 agencies now go before a management team and provide the
4 management team in the particular agency with a fairly
5 robust analysis and in old ADP parlance it used to be just a
6 cost benefit analysis.

7 Under the ITMRA this has now become a cost benefit
8 analysis on steroids for all intents and purposes. It is a
9 cost benefit analysis but it also includes risk assessment
10 of multiple options and alternatives, risk perceived values
11 and benefits.

12 It will go through a number of different sorts of
13 analyses to be able to present the information to a
14 management team within the agency who can then look at the
15 project and have some degree of assurance that the project
16 has been thought out, that there is a project plan, that the
17 sponsors of the system have looked at all of the issues of
18 the total system life cycle development, and that document
19 needs to go before, within NRC it needs to go before the
20 Executive Committee.

21 The Executive Committee is the Chief Financial
22 Officer, the Chief Information Officer, the Executive
23 Director of Operations, and I believe the General Counsel,
24 Karen Cyr, so as a group they review all of these proposals
25 for fairly large system integration or development

1 activities and they are the ones that actually need to give
2 us the blessing to go forward.

3 That process -- it is a required stop along the
4 way for us and we really need to go through that process
5 before we can get the blessing to proceed and then put the
6 contracts in place to begin the high level design work and
7 so forth and so on.

8 I am just drawing this to your attention to that
9 you understand that for us to have a meaningful CPIC
10 document to present to the Nuclear Regulatory Commission in
11 this particular context that meaningful document does need
12 to reflect the thinking of the Advisory Review Panel and it
13 needs to be able to represent what the ARP feels, believes,
14 thinks, recommends in terms of desirable technical
15 solutions, and it lends that much more credence to the
16 analysis if we can in fact say this has been examined by a
17 Technical Working Group, the analysis of the Technical
18 Working Group has been presented to the full Advisory Review
19 Panel. The Advisory Review Panel has looked at all of the
20 alternatives, looked at the options. Their opinion on
21 Option A is that it may be too complicated. Their opinion
22 on Option B may be that it is lacking in some critical
23 functionalities, whatever the case may be.

24 I would like to be able to include that as part of
25 the documentation package that goes forward to the Nuclear

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1 Regulatory Commission's Executive Committee.

2 So that you all understand that this Technical
3 Working Group and then the subsequent ARP statements or
4 findings about these technical solutions is going to be part
5 of the process, and it will be reflected in what the
6 management at the Nuclear Regulatory Commission is presented
7 with, I just want to emphasize that this does have some
8 standing. It is going to be highly visible in this
9 particular CPIC process.

10 That is pretty much the story and the message on
11 that Gantt chart. It may in fact be -- this is another
12 thing that came up yesterday -- it may in fact be looked at
13 as a fairly aggressive schedule insofar as we may need more
14 time for system integration if a solution that is
15 recommended requires a significant amount of custom code
16 development. This schedule does not have a lot of slack in
17 it right now, so in that regard you can look at it and say
18 where is your contingency, where is your slack time, in case
19 you run into something unanticipated.

20 I want to be forthright with you that right now
21 this schedule doesn't reflect that simply because I don't
22 know the nature of which technical solution it is and I
23 cannot give you an analysis of the impact at this point in
24 time, but just to let you know that that is certainly
25 something somebody may look at this and say, well, if this

1 is your schedule you don't have enough time, and as I said
2 at the start, this is really just a schedule that until we
3 know the solution it is a straw man's schedule. It is a
4 starting point and by the time we get into the CPIC process
5 this will have to be baselined and once the schedule is
6 baselined and we know what solution we are recommending, the
7 schedule can be firmed up. I will be updating the schedule
8 to everybody.

9 I alluded a few minutes ago to the three general
10 scenarios. We have gone through and started to do some
11 thinking about the level of sophistication for the types of
12 Internet and web-based presentations that we could look at,
13 and this is something that the Technical Working Group is
14 going to have to wade through in quite some detail in terms
15 of the degree of sophistication, the degree of the ability
16 to meet the overall mission of making documents available,
17 of supporting motions practice, of populating documents into
18 the official docket.

19 Each of the solutions, each of the potential
20 solutions need to be looked at and examined to see if there
21 are any potential show-stoppers. In addition to that, each
22 of the solutions that the Technical Working Group looks at
23 are really going to require that somebody play the part of
24 the devil's advocate on behalf of the general public and
25 continue to ask the question how could this solution, how

1 will this solution look to a person coming in from the
2 general Internet environment? Is this going to be too
3 difficult for your normal John Q. Public user coming in who
4 has a PC at home and a relatively low-speed modem and are
5 you asking them to download huge files that are going to
6 clog up their system and their performance is going to be
7 terrible? So we do need to keep in mind that some of our
8 users will have fairly sophisticated computer systems and
9 computer environments in their office environment, but there
10 is another large class of users out there who will not have
11 that level of sophistication, will be using the system in
12 the stance of an individual from the general public.

13 So during the course of going through the
14 Technical Working Group meetings we have a couple of
15 different things we have to keep paying attention to, and of
16 course the level of sophistication is going to be one of
17 them, and asking how is this going to work for the normal
18 user.

19 The other aspect of that is when we sit down and
20 examine the various options and alternatives one of the
21 things we need to do is to pull on the loose thread, so to
22 speak, and start pulling on that thread and say, for
23 example, if we follow Solution A and Solution A has a
24 certain way of addressing a participant's website and
25 requires a certain amount of ability to write or copy to a

1 participant's website and that participant's website has
2 some security issues in terms of saying it is outside the
3 fire wall and nobody except the Administrator has any right
4 authority -- well, as we go through the functional
5 requirements and we look at a functional requirement like
6 having the ability to save a search and re-run the search on
7 a weekly or monthly basis, we have to address how are you
8 going to do that.

9 What is the implication if in the web environment
10 you have got all of these fire wall and security issues, so
11 there are lots of detail operational issues that, as I said,
12 if you start pulling the string it may result in one of the
13 technical solutions having a glaring problem that for all
14 intents and purposes makes it a nonstarter from a technical
15 point of view.

16 That is the nature of things that I outlined for
17 the Technical Working Group yesterday afternoon. There is a
18 substantial amount of work that needs to be done.

19 We had a fairly interesting discussion on the old
20 functional requirements from the Technical Working Group and
21 last week as I was going through them it became pretty
22 evident to me that a lot of those functional requirements
23 are going to have to be looked at again in light of the
24 technology and we are probably going to have to redevelop
25 the functional requirements and probably going to need to

1 redevelop them in terms of what the web technology can
2 support.

3 In addition, some of the functional requirements,
4 if you look at them from doing the testing and acceptance of
5 the system would be very difficult in the test and
6 acceptance type environment because I don't have a method of
7 saying have I passed or failed, so some of the statements
8 that were included in the original functional requirements
9 because they are nontestable will need to be rewritten so
10 that they can be represented as something that is testable.

11 We went through those sorts of discussions
12 yesterday, the bottom line being that there is a lot of work
13 to be done by the Technical Working Group. I laid out at
14 that point in time and it is also reflected in the Gantt
15 chart schedule that we may in fact need to have a second
16 round of Technical Working Group meetings and in that case
17 again the staff that supports me -- and we would all be
18 coming out here to Las Vegas and pursuing additional
19 Technical Working Group's meetings as needed, and we may in
20 fact need a third Technical Working Group meeting. I can't
21 really say right now. We probably will have a better handle
22 on that by the time Friday afternoon rolls around this week.

23 Given that scenario, that there may be a couple
24 iterations of Technical Working Group meetings here coming
25 up, we in all likelihood will wrap up a certain amount of

1 work to the point of being able to say here are viable
2 technical solutions and we are ready now to bring this back
3 before the advisory review panel, and you will see that one
4 of the things that I included on that Gantt chart, a
5 schedule, when I developed it quite some time ago, was I put
6 a placeholder in there for a follow-up ARP meeting. I think
7 that is something that we'll be talking about this afternoon
8 toward the end of the session here in terms of identifying
9 when in fact that may be and how do we do it.

10 So that was essentially the gist of what we
11 covered yesterday just in a very preliminary way. We did
12 not go down into a whole lot of detail on these things
13 because that is really going to be the work for the next two
14 days' worth of meetings.

15 The folks who were there yesterday, if there was
16 anything that I missed in particular, feel free to chime in
17 and mention it. I would certainly appreciate that because
18 my memory is not infallible on all those things. I think we
19 have pretty well covered that that was what was covered
20 yesterday.

21 In that regard that is pretty much what was done
22 yesterday and it was somewhat irregular that we went ahead
23 and started the Technical Working Group meetings before we
24 actually briefed the issue and got the Advisory Panel to go
25 ahead and send us off on our mission, but I did feel that it

1 was important to get that started so that we can use the
2 next two days to maximum benefit.

3 At this point in the agenda one of the things that
4 we did want to address was the process now of actually
5 getting the Advisory Panel to speak out and to provide the
6 Technical Working Group with the specific direction in terms
7 of here are the things that we would like to have the
8 Technical Working Group address.

9 I have presented my view of things but my view is
10 not the only view, and if there are other issues or other
11 subjects or other topics that any of you do want to have
12 included in the work of the Technical Working Group this
13 would be a great time to speak up and put that on the table.

14 I think that is pretty much my two cents' worth,
15 John.

16 MR. HOYLE: Okay. I think Dennis is prepared to
17 talk.

18 MR. BECHTEL: Could you maybe just describe the
19 scenarios you went through, the three?

20 MR. GRASER: The scenarios are -- there is a good
21 narrative description of them back in Section 12 or Tab
22 12-1, a fairly comprehensible description. It was not
23 written by a bureaucrat.

24 MR. BECHTEL: I went as far as 10, I guess. I
25 missed that.

1 MR. GRASER: I can go ahead and for the benefit of
2 the rest of the group I can categorize them in a very
3 general way here, no problem.

4 The simplest capability that we started to look
5 at, for all intents and purposes it is establishing a web
6 page that would be called The Licensing Support Network Home
7 Page, and essentially that very simplistic solution sets a
8 bunch of links, URL links from that home page over to each
9 of the participants' collections of material, and it does
10 not necessarily provide a whole lot of functionality in
11 terms of meeting the very unique requirements of the old
12 Licensing Support System functional requirements.

13 Whatever printing and downloading you could do is
14 the printing and downloading that your local PC would allow
15 you to do, okay? -- so it is really a very rudimentary
16 approach.

17 The second category or the second level is I guess
18 best characterized by some of the portal sites that have
19 been recently developed and what portal software does is it
20 provides a middleware tool that goes from the participant's
21 site and this middleware tool is used to establish the LSN
22 home page, but these portal tools allow you to start adding
23 some features that will allow us to better organize access
24 to these diverse collections.

25 We have some participants who may have an Oracle

1 structured database. Other participants may have HTML pages
2 sitting on a website. Other participants may have a very
3 robust document and records management system using a
4 document management commercial software package. Some
5 parties will have Fulerum full tech search engines. Other
6 parties may have Verities, Topic or Excalibur of some other
7 flavor and the portal software goes to each of those sites
8 and mines the data and builds its own index and essentially
9 allows you, just like if you were going to YAHOO -- YAHOO My
10 Page -- allows you to construct your own page, target your
11 own preferences, identify which collections you are most
12 interested in searching, although you could search them all,
13 and it gives you a uniform search interface.

14 The way it does that is by setting up a data
15 dictionary so that if one participant names a field document
16 date and the other participant names it date dot doc or some
17 other naming convention it builds a data dictionary and as
18 far as the end user is concerned all you see is document
19 date, no matter what the underlying collection called it,
20 and in that regard it provides us with one of the things we
21 are looking for in the LSN environment, which is a simple,
22 uniform interface so that a general public searcher on the
23 Internet can come and learn one way of searching the
24 database, doesn't need to learn all of the specifics about
25 each participant's collection.

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1 The third scenario or the third option that we
2 talked about, just very generally, simply takes that and
3 expands that down and adds on top of that second
4 alternative, and it adds additional power and additional
5 control type features and for example it may include a
6 significant amount of custom code development.

7 This is something that we felt needed to be put on
8 the table because it directly addresses the question of
9 providing some mechanism to ensure that when we are in the
10 hearing phase that individuals who really need to have
11 access to that data because they are going up the next
12 morning before the hearing, before the Presiding Officer,
13 those individuals really need to know they are going to have
14 access when they do have the access, and there are some
15 steps that can be taken at the portal site, might
16 potentially be taken at the portal site to help ensure some
17 of that is at least within our control.

18 Now the reality of the situation is if you have
19 got a PC at home, I can't control how many megahertz machine
20 you have at home. It may be slow. I can't control how big
21 a model you have on your machine, so you may already have
22 two strikes against you on your machine coming from home,
23 and then you may dial in to your Internet service provider
24 and find that all of the dial-in ports happen to be busy
25 that night because it is Super Bowl night and everybody is

1 on the Internet. I can't help that either, so you may have
2 encountered three roadblocks before you ever even get to a
3 portal page.

4 But it is certainly something that I would like to
5 entertain the thoughts and feelings of all the other
6 participants in terms of what steps could be taken and is it
7 worthwhile to do it, is it cost effective to do it, is it
8 something that we need to exercise our best efforts to
9 minimize the risk of some level of denial of service at a
10 critical point in the hearing process, and if I am not going
11 to exercise as much due diligence as I can, I don't want to
12 do that without everybody nodding their head and saying yes,
13 we recognize that this is something that we could have put
14 more effort into it but the cost was not justifiable or
15 whatever the case may be, so that is not a decision that I
16 feel comfortable making unilaterally.

17 I think that is something I really do want to have
18 a lot of the input from the Technical Working Group in terms
19 of saying are these the sorts of issues that it is going to
20 be worth doing a significant amount of customization to try
21 to remediate those situations, even though we recognize we
22 won't be able to remediate every aspect of web
23 communications and interactions. Those are certainly going
24 to be somewhat out of our control but there are some other
25 aspects that we should be looking at that are in our

1 control, and those would be server based, portal based sorts
2 of issues.

3 That is the short answer.

4 MR. HOYLE: Any other questions or comments? I
5 guess, Dan, I do want you to tell us what you plan to cover
6 in your next item after we formally task the TWG that you
7 haven't covered.

8 MR. GRASER: Oh, well, do you want me to do that
9 now? The one after the break?

10 MR. HOYLE: Why don't you do that? It's still
11 about a quarter to 10:00.

12 MR. GRASER: Oh, okay. All right -- I can talk as
13 much as you want me too. I can talk for four hours but I
14 can't talk for 40 minutes? Okay.

15 There's also an item on the agenda that is listed
16 out on the agenda as something that I was going to address
17 after the break, but since we have the time, I will go ahead
18 and launch into it right now.

19 The participant involvement in the Technical
20 Working Group and the design process -- I just want to
21 emphasize to everybody that I can live with whatever degree
22 of participation or, conversely, whatever degree of
23 authorization that the Advisory Panel and participants and
24 the potential participants choose to give. If you all say
25 we really want to have somebody there and participate in it,

1 that's wonderful. I am very comfortable, very happy to hear
2 that. If somebody says we would love to be involved in the
3 Technical Working Group but resources are scarce, we can
4 have some degree of oversight but we cannot actively be
5 involved in it, but that we certainly want to be kept
6 informed of what is going on, so be it. That is fine as
7 well.

8 I just want to make sure that everybody
9 understands that I am not viewing participation in the
10 Technical Working Group as something that you absolutely
11 have to do or, you know, Dan is just going to go off and do
12 what Dan is going to do. You know, I certainly don't want
13 it to be viewed that way, but we are going to be moving
14 forward and I have a mission and I have a goal of having at
15 least the portal capability and the connection to the DOE
16 and NRC collections in place by July, 2001.

17 That is my goal. That is my objective. I am
18 going to just be very insistent on moving this thing forward
19 and ensuring that the milestones on the schedule are met and
20 I am going to do whatever I need to do to keep that moving
21 forward.

22 If we get good involvement upfront, there is
23 probably going to be a period of two or three or four more
24 months now where there is a lot of interaction going on and
25 wherever possible we are going to be very sensitive to the

1 issues that are raised by the participants who are sitting
2 in on the Technical Working Group and try to make sure that
3 we address all of those issues and concerns in a very
4 even-handed way.

5 Once we baseline the design, however, the design
6 is going to be the design that we follow as we move forward.
7 Now if you are involved in the process upfront and we are
8 able to address all of your concerns and all of your issues
9 in the design, that's wonderful. If, however, some time in
10 the future some other participant came to the table and
11 said, well, gee, you know, we weren't able to be involved in
12 designing the system. Once the system is baselined and
13 designed and tested and delivered, at that point in time
14 there is very little that we may be able to do in terms of
15 accommodating a participant coming to us and saying, gee, I
16 have this special unique requirement.

17 I guess what I am saying is that once the system
18 is built, if somebody then comes and has something that is
19 of particular -- a particular issue or concern or technical
20 problem that needs to be addressed, well, at that point in
21 time the portal system or whatever other solution we put in
22 place for the LSN, it will be in place, and at that point in
23 time it is kind of incumbent on the person coming in two
24 years from now to come up to speed with what we have, so I
25 guess I am saying once you build the system and it is there,

1 it kind of becomes the new participant's responsibility to
2 come up to speed with what we have in place once we have it
3 in place.

4 Like I said, I would certainly entertain all of
5 the input upfront that I can possible get -- the more the
6 better, because the more diverse and more broad input that I
7 get upfront and the more of those systems that I can design
8 to accommodate, the better chance I have that this won't
9 happen in the future, that people won't come to me with
10 something that, you know, is throwing a curve ball and
11 dropping in the dirt in front of home plate on us -- so I
12 think we are probably going to be okay with these portal
13 approaches, some degree of portal approaches, because they
14 can accommodate the majority of the state of technology
15 right now and are the approach that is probably going to be
16 predominant in the Internet environment for the next five
17 years, without question.

18 The portal -- everything that I have done in
19 researching and investigating these portal technologies
20 leads me to believe that this is the place you should be
21 buying stock right now, if you are playing the stock market.
22 These guys are going in there and they are projecting
23 tremendous, tremendous growth in portal software
24 technologies and I think it is reflected by the early
25 companies that have been involved in this sort of thing.

1 Earlier I alluded -- not that I am giving them
2 sponsorship or anything here -- but I mentioned earlier the
3 YAHOO My Home Page -- My Page type technology.

4 For all intents and purposes that is a portal.
5 That is a portal, and YAHOO is not a company that is going
6 to be going away, and they would not have invested in these
7 particular solutions, so I think this sort of technology is
8 going to hold us in quite good stead for a long period of
9 time here.

10 The other interesting thing about the portal
11 technologies and making sure that people are not precluded
12 some time downstream in the future because of technology
13 constraints and so forth, the thing you need to understand
14 is that the portal software is the place where the majority
15 of the change risk is incurred because it is at the portal
16 site where all of the accommodations need to be made into
17 existing legacy collections.

18 That means that your collection as you put it up
19 right now is an investment that may not need to be
20 substantially upgraded beyond what you would normally do for
21 good ADP practice anyhow. You may freshen or upgrade your
22 technology and your operating systems. You may bump up a
23 generation of Oracle databases or whatever you may be using.
24 You may see those in the normal course of business bumping
25 up every six or 12 or 18 months, but those investments are

1 just the normal business maintenance type investments, and
2 it is really in terms of staying abreast with technology it
3 is the portal software that makes that accommodation for the
4 technology advancement, so we are really focusing all of
5 that risk in terms of will this be a satisfactory and useful
6 technology eight years from now?

7 Again, as I said, the place where all of that risk
8 is placed is on my shoulders. It's my portal site. It is
9 the thing that I am the one who has to make sure that we
10 have stayed technologically current and that the interface
11 environment, this portal software, continues to keep abreast
12 of the configuration that you are using at the participant
13 site. So it does focus a lot of the risk here.

14 I think that this sort of technology is going to
15 allow us to accommodate a lot of future systems that may be
16 in the process of being developed right now or haven't even
17 started to be developed right now. They give you a lot of
18 latitude and a lot of flexibility in the types of underlying
19 databases that you can go into and utilize and mine, and as
20 long as you stay relatively technologically current at your
21 own site, we are going to be okay. That is the short
22 message there, so I just want to make sure that everybody
23 understands that participation upfront is wonderful. It
24 gives me a good baseline, a good comfort level of saying if
25 I can handle this I should be able to handle anybody who

1 comes into the process later on downstream, and I have a
2 fairly good comfort level in that regard.

3 That is essentially it. If anybody has any
4 questions on that we could certainly go around the table and
5 handle those right now. No? Good.

6 MR. HOYLE: Thanks, Dan. I appreciate that very
7 much.

8 I do just want to emphasize that all the hard work
9 of the Technical Working Group will result in
10 recommendations and a briefing for the panel later on at its
11 next meeting --

12 MR. GRASER: That is correct.

13 MR. HOYLE: -- where the decisions on what advice
14 we should be giving you as a panel will take place.

15 Let's do the work that we need to do to get you
16 going tomorrow and the next day and that is let's formally
17 ratify the charter for the Working Group, which is Tab D, I
18 believe, in the book, and let the Working Group become
19 officially established because at the present time Dan had
20 to go ahead and get you started yesterday.

21 Do I have any discussion of ratification of
22 establishment of this Technical Working Group?

23 MR. MURPHY: Do you want a motion? I will move to
24 ratify the charter.

25 MR. HOYLE: Is there a second?

1 MR. BECHTEL: Second.

2 MR. HOYLE: All in favor?

3 [Chorus of ayes.]

4 MR. HOYLE: Anyone opposed?

5 [No response.]

6 MR. HOYLE: Okay. We approved the charter. Dan,
7 you are in business for two more days.

8 MR. GRASER: Thank you.

9 MR. HOYLE: And whatever it takes to come back
10 with recommendations to the full panel at the next meeting.

11 As you said earlier, we shall talk about that
12 later this afternoon as to what timeframe we should focus on
13 for another meeting.

14 I understand, Dennis, you are going to have to
15 excuse yourself for awhile and be back. I think Mal needs
16 to leave this afternoon.

17 MR. MURPHY: This afternoon --

18 MR. HOYLE: So I think we can take a short break.
19 Let's try to limit it to 15 minutes, and be back
20 at 15 after 10:00, please.

21 [Recess.]

22 MR. HOYLE: The schedule shows that we are going
23 to have comments by Dan Graser on the overall schedule,
24 which we have talked a little bit about, and the development
25 of the guidance documents, what you have in your package.

1 So, Dan, why don't you kick off, please.

2 MR. GRASER: Okay. Well, unless somebody feels a
3 very strong inclination to go back into the GANTT chart and
4 the schedule, I think we are just going to move past that,
5 because I think I have pointed out all of the germane issues
6 on that. And I would like to move into the development of
7 guidance documents, and I know we have some of the
8 representatives here today who are going to have to move out
9 this afternoon.

10 So I am going to wing it a little bit here in
11 terms of the next couple of items on the agenda and try to
12 get a little bit more of the coverage that I was intending
13 to present this afternoon at least out so that those of you
14 who can't be here this afternoon will have at least some
15 briefing on that before you have to leave.

16 The guidance document is represented in the three
17 ring binder as a series of tabs, 1-1, 2-1, 3-1 and so forth,
18 through 12-1 at the very end of the binder section. And
19 what we are trying to do with the guidance type documents is
20 to go back through a lot of the history of the LSS and to
21 focus in on issues that had been raised in the past that we
22 felt we wanted to give you the benefit of the thinking and
23 the way we were looking at that, and the way we are
24 interpreting some of those things based on going through the
25 transcripts from previous ARP meetings and previous

1 documentation, and so forth.

2 And my motivation there is that, you know, this
3 overall development process here is going to be fairly
4 complex anyhow. It is going to be fairly complicated. And
5 what I wanted to do was to start setting up a book, if you
6 will, that we can continue to develop during the course of
7 the next couple of years, and continue to add to this book
8 and kind of self-document our way towards how we get from
9 point A to point B. And the guidance documents that I put
10 out were only perhaps the first guidance documents. I fully
11 expect that there should be additional guidance type
12 documents that will need to be issued.

13 And, as I said, I would like for this to become a
14 method of our documenting the decision process, how we came
15 about to certain assumptions that have been incorporated in
16 the design process, and I drafted up these guidance
17 documents with the support of the guys from LBAT-Anderson,
18 and, again, with Paul and Tom and some of the other members
19 of the NRC staff, and put together these guidance documents
20 essentially covering, as I said, about a dozen topics
21 upfront.

22 And this afternoon I intended to walk through them
23 and just point out the salient aspects of each one of those
24 particular guidance documents. What I wanted to try to do
25 this morning, however, was to put on the table, and this was

1 for the time block from about 10:50 to 11:45 this morning,
2 to give everybody an opportunity to focus in on their
3 reading on those guidance documents in terms of, you know,
4 how do you feel about those. Do you feel that this is going
5 to be a useful tool for us to be working with? And,
6 basically, open it up to all the rest of the members of the
7 panel. And as I said, then this afternoon, I was going to
8 walk through them in some more detail, but I did want to
9 have an opportunity for an open discussion.

10 Now, given the fact that some of the panel members
11 won't be here this afternoon, I thought maybe what we could
12 simply do is to walk through at a very high level the
13 guidance document papers that we put out. The first
14 guidance document, Tab 1-1, essentially deals with the
15 licensing support network, the roles and responsibilities,
16 and this pretty much reiterates some of the things that Paul
17 had mentioned this morning about the role that ASLBP is now
18 playing in the licensing support process.

19 I will also provide some additional information
20 about the expectations that the various other parties are
21 all going to be playing. And this is, you know, a fairly
22 straightforward sort of document for us to present to you,
23 and I just think it is important that you all know the lay
24 of the land. And we didn't see anything particularly, you
25 know, at that point, that was any sort of issue involved in

1 this one.

2 But I would just like to, you know, do a quick
3 round-robin around the table to see if there was anybody who
4 did have any additional comments or discussions on the roles
5 and responsibilities issues or on the paper itself.

6 [No response.]

7 MR. GRASER: No. Okay.

8 MS. NEWBURY: I have one question.

9 MR. GRASER: Okay.

10 MS. NEWBURY: As I read the roles and
11 responsibilities of the LSN ARP, they read to me almost as
12 if we are a technical working group in and of itself. There
13 is very little here that is anything but what a technical
14 working group would do. Is that the intent?

15 MR. GRASER: No. Particularly which aspect of it
16 are you focusing in on it there?

17 MS. NEWBURY: Well, I am looking at the bullets
18 and it says, "Advice to the NRC on the fundamental issues of
19 type of computer system needed." To me, that is a technical
20 issue.

21 MR. GRASER: Right.

22 MS. NEWBURY: "Operation and maintenance of the
23 electronic docket." To me, that is a technical issue.
24 "Solutions to improve the functions." I don't know if you
25 mean functionality or the interactions, but it almost reads

1 as a technical issue. "Format standards," again, pretty
2 much a technical issue. And then, finally, "Procedures and
3 standards for electronic transmission." In other words,
4 there is nothing here that really couldn't be handled by a
5 technical working group, and I wondered, again, if that is
6 the intent, the sole purpose of the group.

7 MR. GRASER: Well, no. The way I look at the
8 technical working groups is the technical working groups are
9 going to get down at a very detailed level that deals with
10 core operational and operational support, and core design
11 issues that really need to be thrashed out. And the object
12 of the technical working group is to really go into all of
13 those and thoroughly vet all of those issues and all of the
14 technical aspects of the system design, the system
15 implementation. So the technical working group is really
16 going to be down in the weeds dealing with those particular
17 sorts of issues.

18 But the role of the ARP under the revised LSN
19 rule, you know, is still very, very much the same as the
20 role that the ARP was fulfilling under the LSS rule, which,
21 you know, is to provide the overall consensus guidance to us
22 in the design and development of the system. And I just
23 feel that the level of, you know, the level of work that the
24 technical working group does is just down at a very much
25 lower level.

1 MR. CAMERON: I just wanted to ask Claudia what
2 her underlying concern was with that, and maybe there is a
3 better way to address that concern.

4 MS. NEWBURY: I am not sure there is an underlying
5 concern. As I read through this, it struck me as very
6 technical in nature, and being a geologist, not an
7 information technology person, I looked at this and I
8 thought, am I even the right person to be sitting here to
9 discuss these particular issues. Is the focus changing from
10 what it was, which was, how are we going to implement? What
11 is it we are going to be putting in there? How are we going
12 to interact with each other, into this more technical area?
13 And if that is the change in focus, then, you know, maybe
14 DOE will relook at who is responsible for the representation
15 on the panel.

16 MR. MURPHY: Well, being a lawyer, not a
17 geologist, I read that language -- or I see that language as
18 being able to be read as broadly or narrowly as you want.

19 MR. GRASER: Thank you.

20 MR. MURPHY: I personally don't feel constrained
21 from offering you high level policy advice if there is any
22 doubt about that.

23 MR. CAMERON: And we would hate to lose you,
24 Claudia, so I wouldn't read that the same way.

25 MS. NEWBURY: Well, I can read it either way. It

1 is just, you know, how much -- where is the focus, what is
2 the intent of the NRC for this group, I guess is my
3 question.

4 MR. HOYLE: I don't see the focus having changed
5 particularly. I read the words here more like Mel does, I
6 think. The panel is going to have to depend on the
7 technical working group input. But it is the panel that is
8 going to give the advice ultimately to the licensing network
9 administrator and, ultimately, to the Commission on ways to
10 go. So I think the words that tend to look more technical
11 to you are there because they are drawn from the rule, which
12 is essentially unchanged from the LSS rule. This is still a
13 panel of experts representing their agency and -- or their
14 organization to come together and try to give consensus
15 advice to the administrator primarily, drawing upon, as
16 needed, technical experts to recommend to them positions to
17 take.

18 So I think, I see it somewhat analogous to a
19 commission that is made up of a variety of people with a
20 variety of backgrounds, who have technical support from
21 their staff. That is the way I see it.

22 Chip, do you want to comment further?

23 MR. CAMERON: No, I think that you have covered
24 it.

25 MR. HOYLE: Any other comment on that?

1 [No response.]

2 MR. HOYLE: I would hate to lose you, Claudia.
3 Don't look at this as a way out.

4 MS. NEWBURY: Thank you.

5 MR. GRASER: The item under the second tab there,
6 Tab 2-1, is a guidance document that raises the issue of the
7 government to support parties in their efforts to make their
8 documents available on a web-based type enough, given the
9 fact that we all have to live within budget constraints.
10 And there has been some discussion -- there had been some
11 discussion at the last advisory panel meeting. At that
12 point in time I believe funding of the various potential
13 participants and affected units of local government was
14 something that was certainly the center of attention for a
15 number of the representatives. And the guidance document,
16 you know, here essentially just goes back and represents
17 some of the research we did in terms of what we are able to
18 do within the constraints we have, the statutory constraints
19 that we have.

20 I won't read the text of all of this, but it does
21 document for you where things pretty much stand. I did want
22 to emphasize on this particular issue that one of the things
23 that the LSN administrator can do, hopefully, is to be a
24 little creative and do a little bit out of the box thinking
25 here to explore other options and other alternatives. And I

1 just wanted to make sure that everybody understood that I
2 was making the offer to continue to facilitate exploring
3 other options and other alternatives.

4 Now, that being said, I think there are probably
5 still some of you who may like to add some commentary in
6 terms of the status of budgeting and funding, simply because
7 that will be a long-term issue, and I am sure it will
8 continue to come up in the future. So, again, the document
9 pretty much speaks to itself. And at this point I would
10 just open it up to those of you who would like to add your
11 comments about this particular issue and the ability to
12 continue participating in the LSN process.

13 MR. MURPHY: Well, it is going to be an issue with
14 us every year. It is unavoidable unless Congress comes up
15 with some alternative funding, state and local government
16 participation through annual appropriation acts. So every
17 September we are going to get nervous and, hopefully, every
18 October we will relax. But it is not just a question of
19 funding available for LSN participation, although that is
20 part of it, it is a question of funding to participate in
21 the entire program.

22 I mean, presumably, if we have -- if we are funded
23 by Congress in any given year to participate in the program,
24 well, I just thought about the state and its position, but I
25 going to say, presumably, if we are funded to participate in

1 the program, we will be funded sufficiently to participate
2 at least on a minimum level in the LSN and in licensing.
3 But that is not necessarily the case, because the state gets
4 a significantly reduced level of funding.

5 MR. FRISHMAN: And then DOE puts further
6 limitations on it, to where we could not use our federal
7 money to participate in the LSN under current interpretation
8 by DOE. And I think I have mentioned this to some of you
9 before, and that is that way back in the program, the
10 Commission did have provision for financial assistance and
11 took it out of the rule, out of Part 60, because the
12 assumption was that the department would make the affected
13 states and counties whole under its requirements in the
14 Nuclear Waste Policy Act.

15 MR. MURPHY: Yeah, that requirement was in Part 60
16 prior to the adoption of the NWPA, and then when Sections
17 116 and 117, which mandate, from our point of view, funding
18 for state and local government participation, the NRC took
19 that funding provision out of its licensing regulation. But
20 it is a continuing concern. We have to just continue to
21 move forward on the assumption that we will have some
22 funding available, because if we don't have funding to
23 participate in the LSN, it becomes irrelevant because we
24 won't have funding to participate in licensing. You know,
25 that is the way I look at it. And at least that is, from,

1 you know, my county's point of view, that is certainly the
2 case.

3 I do have one question. Is there some timeline
4 you have in mind for when we should answer the questions you
5 pose on page 2.1, estimated costs for establishing the web
6 site, et cetera? Is there a date by which you want us to
7 supply that information?

8 MR. GRASER: Well, in the big picture of the
9 schedule, this is not the sort of question that anybody is
10 going to be able to answer until we come to closure on what
11 the design is going to be.

12 MR. MURPHY: Exactly.

13 MR. GRASER: Once we identify what the design is
14 going to be, we can then look at that and say, what does
15 this levy on each of the participants? What does this mean
16 in terms of resource commitment? So, from a timeline point
17 of view, it is really sometime after the advisory panel
18 meeting where the technical working group makes it technical
19 report, and between then and when we finish writing the CPIC
20 document, because part of the assessment in the CPIC
21 document is going to have to reflect the ability of the
22 participants as one of the elements of the risk associated
23 with that technical solution. If the technical solution
24 represents a significant risk because of its costliness and
25 the resource hit that it is going to levy on people, that

1 needs to be factored into that CPIC analysis.

2 So I would say the timeframe is sometime between
3 whenever the next ARP meeting is going to be, theoretically,
4 sometime in January, versus when I need to have that CPIC
5 document ready to delivery to the EC, which right now is
6 looking to be about the middle of March. And so I would say
7 it is probably sometime in the February timeframe where I
8 would be going out and looking for these sorts of answers.

9 MR. CAMERON: I have two comments and one question
10 of clarification for Steve. Mel talked about the scope of
11 the funding problem in terms of it is not just an LSN
12 concern, but licensing, generally. But there is another
13 scope of funding problem for the tribes and perhaps more so
14 for -- and Robert may want to amplify on that, but for
15 citizen groups who don't get any funding, that has to be
16 considered.

17 I guess the second comment is that even though the
18 Commission did revise Subpart C of Part 60 in terms of
19 assistance to states and tribes and local governments, it
20 was never clear to me that if that, the type of assistance
21 contemplated there could be the type of assistance that
22 might run afoul of the Appropriations Act prohibition
23 anyway, but I guess that is sort of a moot point.

24 But the question of clarification, Steve, is what
25 is specifically the prohibition that is in the funds, the

1 language of the funding that you received that would
2 prohibit it from being used for LSN activities? And why is
3 that different than what the county, the local -- affected
4 units of local government get in terms of their
5 appropriation that doesn't seem to pose a problem?

6 MR. FRISHMAN: It is just -- it is language
7 appropriate that states what the money is supposed to be
8 used for and then the department making a further
9 interpretation of what that means that at this point has got
10 us to where, for instance, with federal money, we cannot
11 review the transportation and socioeconomic parts of the
12 EIS.

13 MR. MURPHY: Well, you can't review them --

14 MR. FRISHMAN: And it is only through great
15 insistence that we can even review any of their engineering
16 work.

17 MR. MURPHY: Is that because of the restriction on
18 spending that appropriation on state salaries?

19 MR. FRISHMAN: No. No, it is the one line that
20 says, "to be used for scientific oversight." And the
21 department has decided -- decided originally that scientific
22 didn't even include engineering.

23 MR. MURPHY: Yeah, see, the state's
24 appropriation --

25 MR. FRISHMAN: But we are going to be in court

1 over that probably.

2 MR. MURPHY: The state's appropriation the last
3 two years has been limited to scientific oversight and with
4 a further restriction that they can't spend their money on
5 state salaries.

6 MR. FRISHMAN: Well, that has always been there
7 anyway, or has been there for a long time.

8 MR. MURPHY: Well, it has never been in ours.

9 MR. FRISHMAN: But that, it is the department's
10 interpretation. And my guess is that if pushed further,
11 just given the nature of the relationship, if we slid by
12 that one, it would be prohibition against using money for
13 litigation, because LSN is part of litigation.

14 MR. MURPHY: No, don't -- now, Steve don't even
15 give it --

16 MR. FRISHMAN: But I my guess is they would
17 interpret it that way.

18 MR. MURPHY: No, I don't think they would.

19 MR. GRASER: So this -- okay, I wanted to get that
20 clear, because when I read the language, and I read the
21 litigation language, I didn't necessarily think that that
22 would be a prohibition on LSN expenses. But you are
23 speculating because of past DOE interpretations, that they
24 might interpret that very, very conservatively.

25 MR. FRISHMAN: And my thinking is that there is

1 some burden on the Commission, given our situation as being
2 named a party in the rule. And if you took the
3 responsibility of naming us a party, then maybe there is
4 more responsibility that comes with that, because you didn't
5 have to do that in the first place. I am sure we would have
6 qualified ourselves as a party.

7 MR. HOYLE: Naming them a party, Chip, is that any
8 different from naming the state a party in this case in this
9 case? Is that different from language in the rules
10 regarding state participation in other licensing activities
11 in the Commission?

12 MR. CAMERON: Yeah, it is pretty unique in terms
13 of specifying upfront that the state is a party as a matter
14 of right, basically, as opposed to being able to come in
15 under the usual intervention criteria to become a party or
16 to be an interested governmental participant.

17 And, Paul, correct me if I am wrong on that, but I
18 don't think that state, there is -- I don't know of another
19 licensing situation where the state is specifically named as
20 a party right upfront.

21 JUDGE BOLLWERK: I am not aware of one.

22 MR. CAMERON: And I guess, keep in mind that I
23 think that, in this case, an affected Indian tribe, in other
24 words, under the Nuclear Waste Policy Act definition, is
25 also specified as a party, as of right. If you can fall

1 within that very narrow --

2 MR. MURPHY: That is if the repository is within
3 the boundaries of an established Indian reservation.

4 MR. HOLDEN: Or unceded land.

5 MR. MURPHY: Or unceded, yeah.

6 MR. CAMERON: Or affected. Well, Robert, I am
7 going to leave that up to you. You may want to say
8 something. But I note, we noted your point, though, Steve.

9 MR. HOLDEN: All I can add is that, you know, the
10 tribes are in the netherworld once again in terms of their
11 access to participation, and as far as NCI's role goes as to
12 what we provide and what we are able to provide them as a
13 member. And it remains to be seen how tribes get access to
14 funding to not only do the oversight, even scientific or any
15 kind of oversight. Once again, I am not sure how much NCI
16 can assist them as well because in the past we have been
17 operating -- I have operating under the cooperative
18 agreement with the Department of Energy in covering a lot of
19 meetings, including this one. But that cooperative
20 agreement has gone by the wayside.

21 I think we may be the only entity -- maybe there
22 is another, maybe NCSL has some funding under the RW -- has
23 a RW cooperative agreement, but I know that ours has not
24 been refunded. It was not refunded, but we were able to get
25 some discretionary money, but we certainly don't have that

1 again this year under this budget year. So, you know, it is
2 went from bleak to completely dark for the tribes, in my
3 mind.

4 MR. CAMERON: I guess I would just offer one
5 comment on Steve's idea that there may be a burden on the --
6 or suggestion that there may be a burden, an additional
7 burden on the Commission because the state is named as a
8 party, of trying to facilitate their participation in the
9 hearing, is that if the obstacle is conservative DOE
10 interpretation of the litigation language in the
11 appropriation, that one possibility, if the Commission was
12 willing to step forward to do that, would be to try to
13 influence DOE to not take that type of conservative position
14 so that money could be freed up for the LSN expenses. Just
15 a thought.

16 MS. NEWBURY: Let me comment, I have seen a letter
17 in regards to the transportation issue. I have never seen
18 anything from the state requesting LSN ARP participation,
19 whether or not that falls under the guidelines.

20 MR. FRISHMAN: No, we just didn't -- we didn't
21 raise it as an issue in that letter.

22 MR. CAMERON: You shouldn't put these ideas in
23 their minds.

24 MR. FRISHMAN: Well, I didn't really even want to
25 bring up the thing about the regulation because in Part 63

1 that can go away before it goes final, too. Naming the
2 state as a party.

3 MR. CAMERON: I don't think there is any -- there
4 is no evidence that the Commission is going to do anything
5 about that, or change that.

6 MR. FRISHMAN: I didn't think so, but, you know,
7 opportunities abound in this program.

8 MR. HOYLE: Any further discussion on that point?

9 MR. PITTS: My comments are more technical in
10 nature than this type of conversation, but our experience,
11 we have been converting our reports, we have got 47 of them
12 for the public information side of our web site. We about
13 50 percent done. And the expense, as our friend from UNLP I
14 am sure will share with us, hasn't been in the storage.
15 This kind of storage on the web is very inexpensive, but not
16 free. In some cases it has been in the conversion. And
17 certainly not in the new documents, because once you are
18 aware that you need those, or want those new documents
19 electronically, you make that as part of the contract
20 process when you are having documents developed by a
21 technical contractor. You say them want them
22 electronically.

23 But the problem has been in our receiving that
24 data into the database off the reports that were given to us
25 electronically, and having those converted. That has been

1 very time-consuming and very -- it hasn't been really
2 expensive, but it has been really time-consuming. I really
3 think that, as I look through these questions, that that is
4 probably going to be one of the toughest parts to some of
5 these folks that are just beginning this process, getting
6 some documents that want part of license converted in a
7 format that is acceptable to the NRC.

8 MR. GRASER: And the point that you raise, you
9 know, it is well made, and it is timely, because it brings
10 home the entire message that the clock is ticking. And if
11 you are aware of what needs to be done, the sooner the
12 better. If you can anticipate needing documents to be
13 converted, it is in your own best interest to make sure you
14 get them right from the original WordPerfect or the original
15 Microsoft Word, or whatever the case may be.

16 Every document that you can retain now in an
17 automated environment is going to save a tremendous amount
18 of money. It has been recognized from back in the days when
19 the LSS was a \$200 million price tag, that the document
20 processing and conversion costs are the predominant costs
21 that are associated with the licensing environment.

22 One of the messages that I was hoping to be able
23 to drive home is the clock is ticking and we do need to get
24 people pointed in that direction and attuned to the fact
25 that the earlier you can get things automated, the better

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1 off you are going to be, the less costly it is going to be.
2 So, yes, that is very timely, and I agree entirely that it
3 can be a very time-consuming and costly activity. Thanks
4 for that comment.

5 MR. HOYLE: I would like to welcome at this point,
6 Judy Treichel from the Nevada Nuclear Waste Task Force.

7 MS. TREICHEL: Dashing between meetings, NRC
8 meetings.

9 MR. HOYLE: NRC.

10 MS. TREICHEL: Yes.

11 JUDGE BOLLWERK: Can I just make one other comment
12 about that? In terms of the guidance document, I know that
13 you talked about the need for -- at least on a couple of
14 these, when the information is going to be coming in. The
15 third one that is listed there is, what is the possibility
16 that you can affiliate with other participants in a joint
17 web site to defray individual expenses?

18 And one of the things that I saw come out of the
19 survey, which I found useful, or hopeful, was the fact that
20 Nye County indicated they might be able to sponsor other
21 local participants on their web site. And that is certainly
22 something that can go -- I mean it is an ongoing process,
23 that doesn't have to wait necessarily for, you know, a
24 technical development of the portal or however that is going
25 to be done. But if there are others out there, the offer I

1 guess is on the table to some degree. That can certainly
2 move forward.

3 MR. GRASER: Okay. I would like to move along and
4 just move on Tab 3-1. 3-1 is a guidance document that
5 discusses the whole issue of downtown and system
6 availability. And the new web environment is going to raise
7 some challenges in that regard. It is forcing us to have to
8 consider availability in a multi-point type situation where,
9 if one piece of the system is available, but another piece
10 is not, is the system, quote-unquote, available, yes or no?
11 And in that regard, this guidance document was the result of
12 some internal discussions we had, especially with the legal
13 staff and the Judges and, you know, folks down in ASLBP, in
14 terms of the direction they saw this going in terms of
15 trying to operate the hearing process. And this does
16 reflect a lot of the input we got from them.

17 So, in that regard, you know, the critical
18 components of the system are being identified as the docket
19 machine that the NRC is going -- the machine that NRC is
20 going to use to house the electronic docket, and in addition
21 to that, the actual portal site. Those are the two
22 components of the system that we are looking at and
23 earmarking as the critical components of the system for
24 marking availability or non-availability.

25 Now, this is a guideline that may, in fact, have

1 to be revisited, again, depending on what the nature of the
2 final technical solution is. If the final technical
3 solution can be made to serve as an alternative or backup
4 type -- or redundancy type of capability to the participant
5 systems, so much the better. That removes one point of
6 failure that, even a participant site is down, the portal
7 site can compensate to some degree more or less, depending
8 on the architecture.

9 So there are some issues here that were associated
10 with it, and our first cut is to say, basically, it is the
11 portal site and it is the docket itself sitting on an NRC
12 resource, an NRC machine.

13 If there are necessary comments or observations on
14 that particular issue, I will be glad to hear them.

15 Tab 4-1. This is focusing in on what the revised
16 version of the rule reflects in terms of ensuring that the
17 participant collections are populated with all of the
18 documentary material that is called for under the topical
19 guidelines and the other definitions that are found in 10
20 CFR 2, Subpart J.

21 And the point that we are highlighting in this one
22 is that the revised LSN version of the rule places quite a
23 bit of responsibility on the participants to be certifying
24 that they have identified and have made available the
25 documents that are called out to be placed in a publicly

1 accessible collection, and that certification is something
2 that, from the LSN administrator's point of view, I would be
3 looking at to say, look, I am already asking these folks to
4 certify that they have done what they have been asked to do,
5 and they have, in fact, done that certification. And, you
6 know, how much further do I need to carry that, if people
7 are doing that certification?

8 That did have some ramifications in terms of how I
9 am going to construct other aspects of compliance with the
10 rule and the need for the amount of auditing that might be
11 necessary. And so we just wanted to document that that
12 aspect of compliance is something that we recognized, and
13 that certification was something that we were going to be
14 relying on fairly heavily.

15 In Tab Section 5-1, the guideline document that we
16 are presenting here is focusing on a couple of issues,
17 dealing essentially with prioritizing documents in backfile
18 collections. And there are a couple of different aspects of
19 prioritization if you look at the overall project schedule,
20 and the window of opportunity for when the documents are
21 going to need to be made available. Under the current
22 announced dates and under the current schedule that I have
23 included here, the window of opportunity is really not that
24 large.

25 If the window were ever to expand out into a

1 longer timeline or a longer horizon, we may, in fact, wish
2 to go back and revisit the issue of prioritizing the
3 documents that are going in to the various participant
4 collections. But in the current schedule, and in the
5 current schedule that I have included in the binder here,
6 the fact that we have such a small window, and the fact that
7 the prioritization can be such a labor-intensive and costly
8 process, especially for the participants who have larger
9 collections, that by the time everybody went through their
10 collections, combed through the collections and identified
11 the most relevant, highest priority documents, I will have
12 the system up and built and operation.

13 You know, really, it can be a very intensive, very
14 exhaustive process, and we felt that the resources would be
15 better spent on being able to meet the obligation and the
16 commitment of making the documents available, let's do that
17 first. That happens to be the priority from my point of
18 view. And, again, with such a short window of availability
19 from when we test the system and make it available, it just
20 did not seem to be, you know, a real good return on
21 investment.

22 So that's, you know, essentially the view the we
23 had on that particular issue. Now one of the things that I
24 mentioned here again, as I mentioned this morning, in order
25 for us to do effective testing and have viable collections

1 to do that it is going to require that we have some target
2 collections that are going to be available to allow us to do
3 the connection and to actually do some sizing and testing of
4 the systems performance in the overall network environment.

5 Did anybody have any comments or observations on
6 this particular issue?

7 MR. HOYLE: Dan, I don't on this particular issue.
8 I would like to take you back to the prior one. The last
9 slide shows a reference to PD Number 2. I think that is now
10 11-1.

11 MR. GRASER: Okay.

12 MR. HOYLE: Just to point that out.

13 MR. GRASER: Yes. I will bring that to the
14 attention of the person who is responsible for putting this
15 together, John.

16 MR. HOYLE: No, I just didn't want someone to
17 think there's another document.

18 MR. GRASER: No, I'm sorry. That's --

19 MR. HOYLE: Same book. It's 11-1.

20 MR. GRASER: It is a cross reference that -- it is
21 a hyperlink that got changed and left an orphan behind.
22 That is the Guideline Number 11, as John referenced. I'm
23 sorry for that. It was late that night -- that's all I can
24 say.

25 Moving right along, the Tab 6-1, again this is a

1 foundation sort of guideline so that you all understand
2 where I am coming from in terms of the documents that are
3 going into the NRC docket. Everybody does need to
4 understand that because those documents in that docket are
5 going to be NRC official agency records, and that those
6 records, the electronic versions of those records are some
7 day going to have to be retired to the National Archives and
8 Records Administration, that those documents need to be
9 brought under the control of the agency and under the
10 control of the agency's disposition schedule, approved
11 disposition schedule for the National Archives.

12 The Federal Government's records management rules,
13 regulations and guidelines have been in place for quite some
14 time. They are going through some gyrations right now with
15 e-mail but that is not a particular log that I need to saw
16 here, but the issues that this raises for the design of the
17 LSN go into what we can accept in terms of leaving behind
18 hyperlinked strategies that may be perfectly appropriate at
19 your website and work quite well at your website and even
20 work quite well interacting with the portal software, but
21 the point in time when those documents become earmarked for
22 entry into the docket, at that point in time those documents
23 are going to need to be represented in a free-standing type
24 structure, i.e., the original source file or the original
25 image file and the bibliographic header and things like

1 hyperlinking are going to have to have some alternative
2 strategy for those documents that are going into the docket.

3 This section also talks about digital signaturing,
4 and Paul mentioned a little bit earlier this morning that
5 NRC and ASLBP actually is involved right now in a pilot
6 activity using digital signaturing, electronic signaturing
7 capabilities to move documents from an external
8 organization -- licensee in this case, I believe, right,
9 Paul?

10 JUDGE BOLLWERK: Well, actually Intervenors and
11 Applicant, yes.

12 MR. GRASER: All right, and to move those
13 documents through the Internet and get them from Point A to
14 Point B with some reasonable assurance that the document
15 that left Point A is in fact the document that was received
16 at Point B -- it hasn't been changed in between, and it was
17 sent by the person who said it was sent, and it was received
18 and you have reasonable confidence that that in fact
19 occurred.

20 Also, as Paul indicated this morning, we have got
21 that EIE process in pilot right now. That piece of meeting
22 the LSN functionality is something that we are going to be
23 able to say we have got one piece of that system already
24 available and operational and test it out and in fact it
25 should be ready well in advance of when it is needed, so

1 that is what we are pointing out in that regard.

2 The question may come up in terms of what does it
3 cost for a participant to utilize this sort of technology
4 and the digital signaturing software and the issuance of the
5 digital signaturing is something that NRC has purchased a
6 block of enough certificate licenses to be able to stamp
7 thousands and thousands and thousands of individuals at this
8 point in time and essentially that cost is paid for. Really
9 what it takes is about 15 minutes of your time interacting
10 with our local license -- LRAA -- local registration
11 authority, whatever it may be, the individual at NRC who
12 issues the certificate authorities. There is some download
13 software that goes along with it that is made available at
14 the NRC website and linked also to the digital certificate
15 website.

16 The download, depending on the speed of your
17 modem, takes a few minutes, but again it is at no cost, and
18 it works with just about every computer system that we have
19 tried it with including MacIntoshs and that, you know, so it
20 is quite the multiplatformed type software, so that
21 capability -- we have got that available.

22 It will be there. We can say that we have checked
23 off that capability before we actually start the license
24 proceeding.

25 Did anybody have any observations or comments on

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1 any of those particular issues?

2 [No response.]

3 MR. GRASER: Good. Public availability of the
4 documentary material -- this guidance document highlights
5 that there is a fundamental philosophical change that we are
6 all going to have to go through and it is reflected in the
7 LSN rule and the approach that the LSN rule took to a number
8 of the interactions here.

9 The whole system essentially moved from being
10 mainframe-based with 500 or 700 registered users in an
11 environment where the LSN Administrator would have
12 substantial resources, would have the ability to provide
13 print products and lots of other responsibilities that all
14 come with operating a mainframe type resource capability.

15 The rule making this a web-based solution turns
16 the world a little bit on its head in terms of saying, well,
17 there were things that no longer made sense in terms of
18 providing early access for certain participants if certain
19 criteria were met at a certain point in time. Because
20 everything is going to be web-oriented, a lot of that really
21 is no longer reflected in the LSN rule.

22 The documents for all intents and purposes -- this
23 becomes a very public system very early in its life and that
24 simply means that the documents are going to be out there.
25 They are going to be web-accessible either through the

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1 portal or for a lot of the participants through them making
2 their official records or their public documents readily
3 accessible right now in using the Internet technology.

4 One of the things that is also included in this
5 particular guidance document is a lot of the background
6 material about NRC's initiatives and activities in
7 developing an inhouse documents and records management
8 system that has been deployed at NRC. It is up. It is
9 operational. It provides document management, records
10 management. It integrates work flow, e-mail, the whole nine
11 yards. By next week NRC will have completed training
12 3,000-plus users in the first release of that software.

13 It is being used actively within NRC right now,
14 and it is going to be going operational and public -- public
15 external server for all the NRC documents -- within the next
16 few months here.

17 One of the other things that I should also bring
18 to your attention, and this is something that is a little
19 bit out of synch in terms of the LSN rule is that as a
20 result of NRC putting its official records, publicly
21 accessible records, out on an external server, one of the
22 byproducts of that is that the LPDR, Local Public Document
23 Room, program that NRC had had put in place and operated for
24 many, many years, sending microfilm copies out to various
25 library locations across the country -- well, eventually

1 when the NRC ADAMS System gets put in place the LPDRs are
2 going to essentially be discontinued. NRC will not be
3 supporting the LPDR approach to disseminating information at
4 that point in time.

5 I believe there is still a reference in the rule
6 to NRC's LPDRs and so this is really kind of a heads-up that
7 as a result of what is happening in the ADAMS environment
8 the LPDRs from the NRC perspective are going to become a
9 thing of the past. We may have to look again at ensuring
10 that there are publicly accessible access points into the
11 Licensing Support Network, again especially in the areas
12 that have been called out within the old version of the LSS
13 rule and in the current version of the rule, ensuring that
14 there is some strategy for delivering access, you know,
15 across the state and across the areas of the affected units
16 of Government here -- Reno, Carson City and so forth.

17 That is one of the things that perhaps the
18 Technical Working Group can jump in and take a close look at
19 that as well.

20 Did anybody have any questions about any of those
21 particular issues? Do you all understand the ramifications
22 of the LPDR? Okay.

23 Changing and amending documents in the old LSS
24 rule -- changing and amending documents again was something
25 that was under the control of the LSS Administrator almost

1 exclusively because it was controlled, an environmentally
2 controlled resource, and the web environment is going to
3 raise a number of changes in the way we have to look at how
4 we are going to administer this.

5 I think the key to a successful strategy in all of
6 this is going to be defining a mechanism or strategy for
7 identifying to all of the other parties when certain types
8 of changes do occur, and for other certain types of changes
9 making sure that the LSN Administrator has an opportunity to
10 be told in advance prior to a change what is being proposed
11 in terms of adding, deleting moving back, you know,
12 documents back in and out of the system when it meets those
13 certain conditions that would have fallen under the old
14 LSN/LSS type approach of saying if you want to change a
15 document after it has already been on the system for five
16 days you have to place a new version of the document and put
17 a reference back to the previous version, but you can't
18 delete the previous version.

19 Well, those sorts of principles will still have to
20 be adhered to. It is just a question of figuring out what
21 guidelines we are going to use to ensure we have appropriate
22 notification and in some of those cases get that done in
23 advance upfront.

24 Anybody want to touch any further on that one?

25 [No response.]

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1 MR. GRASER: I am really going to be going into
2 these in even more detail this afternoon if I don't talk
3 myself out here this morning, so I just want to make sure
4 that if anybody did have any comments on these guidance
5 documents or guidelines you can go ahead and raise your
6 points and raise your issues right now if you are not going
7 to be available this afternoon, but I will be going into
8 them in a lot more detail, I hope.

9 The monitoring system -- part of the roles and
10 responsibilities of the LSN Administrator is to be able to
11 report back to the Commission on certain issues in terms of
12 the compliance with the more technical aspects of the rule
13 to ensure that the document collections are being maintained
14 in a stable environment, in a controlled environment and
15 that we are aware of changes and modifications and so forth,
16 so in that regard the LSN Administrator is going to be
17 implementing a monitoring system that will be sweeping
18 through the external sites on a fairly routine basis,
19 collecting enough statistics for us to be able to look at
20 the characterization of that site and that server and that
21 database collection and say which documents have changed,
22 how many have been added, have any been deleted since the
23 last time we swept through that site, and also collect
24 statistics in terms of what kind of resource loading is
25 hitting that -- not resource loading -- how much usage

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1 loading is hitting that particular server and is the whole
2 system operating and replying promptly and so forth.

3 This is kind of the heads-up that we are going to
4 have that sort of resource available to us to do ongoing
5 monitoring of the system.

6 Any questions on that aspect of it?

7 [No response.]

8 MR. GRASER: Okay. Tab 10-1 really essentially
9 goes through some of the earlier things that we just said
10 here in terms of, well, folks are going to be doing some
11 self-certifying. We are going to have a resource that is
12 going to allow us to look at the participant sites from a
13 computer technology point of view.

14 In some of the earlier materials that we had
15 delivered a couple years back in terms of the LSS
16 Administrator's Audit and Compliance Program, that had some
17 features that really anticipated having to go onto
18 participant sites and do a much higher level of auditing and
19 verification and certification that people were in fact
20 populating the document collections the way they were.

21 Given the changes in the rule, the requirements
22 for self-certification and the kinder, gentler LS
23 Administrator approach that we would like to put in here, we
24 just want to make sure that you all understand that even
25 though we are not currently including it in a plan, it could

1 at any time be requested of the Presiding Officer that we
2 fall back to a situation where we may have to come in and do
3 some auditing. That is a possibility but it would only be
4 done at the direction of the Presiding Officer.

5 Current plans, current man loading, staffing, and
6 all of the rest of that right now doesn't anticipate doing
7 onsite audits as a routine part of any kind of audit
8 compliance program at this point in time.

9 Tab 11-1 -- this is the sanctions for
10 noncompliance, and essentially the sanctions for
11 noncompliance all essentially go back to the Presiding
12 Officers, the prehearing Presiding Officers, and the
13 environment that can be projected at that point in time in
14 terms of saying, you know, have they complied with the rule,
15 have they met the obligations, and if they have or if they
16 haven't what can possibly happen.

17 Now I really don't need to go through this too
18 much more I don't think. It is fairly straightforward and it
19 is all written here and as I said, we will probably go
20 through it again in a little more detail this afternoon.
21 Yes?

22 MS. JOHNSON: I have a question. It says that if
23 substantial and timely compliance with the requirements of
24 Section blah-blah are related to the availability of this
25 document -- will not be granted party status.

1 Does that mean that, for example, not to pick on
2 Nye County, our potential host site, but let's say Nye
3 County fell behind and was not meeting the requirements of
4 the NRC related to getting stuff on there in a timely manner
5 and maintaining the site and all that stuff, and then you
6 guys would come in and say Nye County hasn't been doing a
7 good job with that. Does that mean that Nye County and the
8 other counties that it is serving through the website could
9 be denied party status because of poor maintenance of
10 documents?

11 MR. GRASER: Do you want to answer that?

12 JUDGE BOLLWERK: Conceivably, yes.

13 Well, I think there's sort of two separate
14 questions there. One is Nye County and the availability of
15 their website and how that is set up. The second question
16 then is you give them documents to put on -- how are your
17 documents, I mean have you given them to them in good shape,
18 is it a problem that sort of you have created or is it one
19 that they have a problem with, and then we are going to have
20 to sort that out.

21 It doesn't necessarily mean that you are going to
22 be kicked out if they have a problem or if you have got a
23 problem they are going to be kicked out. I think we have to
24 look at each situation individually.

25 MS. JOHNSON: Well, maybe the definition of

1 "party" in this case is not as clear as it would be -- in
2 this case a party could be representing a number of parties.

3 JUDGE BOLLWERK: It says party or potential
4 participant. I am not sure that because they are hosting a
5 website that means your party status changes in some way
6 other than --

7 MS. JOHNSON: Just something to think about.

8 MR. GRASER: The documents --

9 MR. CAMERON: If you rely on, if an entity that
10 wants to be a party to the proceeding, whether they are
11 relying on some other entity to meet the requirements of the
12 rule or doing it themselves, if they don't meet the
13 requirements of the rule when it comes time to be admitted
14 as a party to the proceeding then they have to face that
15 consequence I would imagine. I think that is pretty
16 straightforward.

17 MR. MURPHY: I think so. That is one thing that
18 would have to be taken into consideration.

19 MR. CAMERON: That's pretty straightforward.

20 MR. MURPHY: That is one thing that would have to
21 be taken into consideration.

22 MR. CAMERON: That's right.

23 MR. MURPHY: I think the Presiding Officer has
24 some latitude.

25 JUDGE BOLLWERK: Oh, absolutely. You know, as I

1 just said, you have to look at the individual situation and
2 wee what the details are. Each party is responsible for
3 certifying their compliance and the question is in what way
4 aren't they in compliance and whose problem is it, where is
5 it where the difficulties lie? We are going to have to look
6 at that in the individual case.

7 MR. GRASER: So I think what the hypothetical
8 scenario you are talking about is, well, I had my 500
9 documents and I was sharing a site with other participants
10 and I put my documents on there when I was supposed to, and
11 I have kept you informed of all the updates of the documents
12 and so forth and so forth and so forth, and all of a sudden
13 because of technical issues the entire website that was
14 hosting not just your collection but somebody else, somebody
15 else and somebody else -- you have got four people on the
16 same machine and the machine starts to encounter enough
17 problems that it comes to our attention.

18 We are monitoring it and we are saying wait a
19 minute, something is going on with this machine. We are
20 having continuing ongoing problems with the availability of
21 that collection to the point where it became noticeable from
22 an auditing point of view. What the LSN Administrator does
23 is I would need to look at that and say, well, there in fact
24 is a technical aspect to this particular compliance issue,
25 so my role would be to look at it and say, yes, we have been

1 tracking that collection and that collection was in there.
2 It was in there early. You have done everything we have
3 asked in terms of notifying us that your documents are being
4 updated, so from that aspects you guys are great, you're
5 cool, everything is wonderful.

6 But there is a problem with the server and the
7 server because in this case it happens in this case to be a
8 shared resource it is affecting, you know, four different
9 counties all at the same time -- and that would be the sort
10 of thing where I would be able to wade in with the Presiding
11 Officer and say, yes indeed, there is a technical problem
12 that we are having here and because of the nature of the
13 problem it is going to take them another two weeks to get a
14 replacement board for that machine or whatever the case may
15 be, but there is a technical aspect to that particular
16 problem.

17 That is where I could wade in on that one and I
18 think, as Paul indicated and I mentioned, there's probably
19 going to be some latitude in those sorts of things.

20 But this is something that I think if the
21 guidelines need to lay out in more detail how we would view
22 especially a shared resource that if it would give you a
23 better comfort level to know how we would approach that,
24 that might be -- that would be something that I certainly
25 would go ahead and start to draft a guideline in that area

1 based on what everybody feels is a reasonable approach to
2 making sure we all understand how I would handle that, and I
3 would be glad to do that, so, yes, that's a real good
4 suggestion.

5 MS. NEWBURY: In a case like that that you just
6 described where a large share of the materials are not
7 available for a long period of time, would you then extend
8 the licensing period? Because your previous section said
9 you would only do that if your server was down.

10 MR. GRASER: Well, I was talking to the issue of
11 the sanctions in terms of the LSN Administrator's role. In
12 terms of counting against an extension, that is -- I don't
13 know. Who is the man to answer that one?

14 MR. MURPHY: That's what judges are for.

15 MR. GRASER: Yes. The case has to be made, you
16 know, not to the LSN Administrator. It needs to be made to
17 the Presiding Officer in that case.

18 JUDGE BOLLWERK: Just remember, there's two
19 different issues involved here. One is the three-year
20 window that the Congress has given the agency to complete
21 the entire process. The other is within that three-year
22 window how time is allocated in terms of individual
23 schedules. I think maybe what you are raising goes more to
24 the individual schedule question than perhaps the three-year
25 window, although it would depend on the magnitude of it and

1 that.

2 MR. GRASER: Right. Again, one of the things I
3 think that I would legitimately be looking at in the example
4 that you raise, if a substantial portion of a collection was
5 going to be down for an extended period of time, I would
6 certainly have to look at that and say did that particular
7 participant have in place some kind of a backup and recovery
8 strategy that at least met a professional level of
9 competence and what was that strategy and what did that
10 backup and recovery plan call for in terms of the amount of
11 time that it would take for that site to be brought back up.

12 If you have a good plan in place, and it is
13 something that I look at it and I say, yes, that recovery
14 plan looks like it is a good recovery plan and as part of
15 the incident that crashes your system you say, well, this
16 one, you know, took out both the backup and the prime
17 system -- for whatever type of disaster that could be, you
18 know, I would certainly be able to look at that and give the
19 Presiding Officer the benefit of my analysis on it and say
20 they had a good plan. They got caught up in totally
21 unforeseen and statistically could never happen again in a
22 long, long time. I could wade in on that, but it is not my
23 decision to make in terms of day for day extension.

24 MR. MURPHY: You won't be approving the security
25 plans, I take it?

1 MR. GRASER: Well, I think the security plan is
2 probably something the Technical Working Group is going to
3 have to look at in terms of saying how far in do I have to
4 reach? Do I have to reach this far in to look at security
5 plans and, you know, the degree of documentation, the degree
6 of configuration management you have on your system to get a
7 warm and fuzzy feeling in my own mind that you have got a
8 well-structured, well-organized, well-run computer
9 operation?

10 Well, how far do I have to stick my hand into the
11 cookie jar and how big a cluster of candy am I going to hold
12 before I can't pull my hand back out? I have gone in too
13 deep. I bit off too much. On the other hand, I probably do
14 need to have my hand in the cookie jar a little bit in terms
15 of saying I have a comfort level that they have got a good
16 plan in place, they have good configuration management, the
17 system is well documented, there is a recovery plan, and
18 therefore their external site, you know, I have a good
19 comfort level with that that they have taken due diligence
20 and built a maintainable environment, so that is something I
21 think the Technical Working Group just needs to look at in
22 terms of saying how much is going to be enough, because the
23 more I do, the bigger the budget, and that is an issue for
24 me as well as for you.

25 MR. HOYLE: I think Chip would like to raise a

1 point here, but I would like to recognize that we have
2 another member of the panel walking in --

3 MR. MASSEY: I am Rex Massey.

4 MR. HOYLE: All right, Rex. Thank you.

5 MR. CAMERON: I was going to raise this a little
6 bit later, but since Abby sort of focused us on the
7 question, I thought it might be useful to raise it now and
8 to get some input while all of you were here this morning.

9 In its starkest terms, if an organization does not
10 meet the requirements of the LSN rule, then it can't become
11 a party to the hearing. Now we have representatives, a
12 broad spectrum of affected interests around this table, and
13 in some cases there is a specific match between that
14 interest and who may become a party to the licensing
15 proceeding.

16 For example, tribal interests, environmental
17 interests -- there may be a lot of organizations, individual
18 tribes out there who when this license application is
19 docketed may want to come in to be a party. There may be
20 coalitions formed to come in and be parties, and there is an
21 equity issue here as well as an issue of keeping everything
22 running smoothly.

23 How can the NRC make sure that these potential
24 parties to the proceeding know about the LSN rule as much in
25 advance and what they have to do in order so that there

1 won't be any last minute flaps over this?

2 Mal may say, well, you read the rules and that's
3 the way it works, but I guess I was just looking for any
4 ideas from people around the table. Mal? He had that look
5 on his face.

6 [Laughter.]

7 MR. MURPHY: I don't think there is an answer, an
8 easy answer, to that question. You can't ensure that you
9 have touched everybody in the country who might some day
10 feel a need to request intervention in this process. The
11 best you can do is get the word out as broadly as possible
12 in the prelicensing phase, but that does not mean that some
13 environmental group, an Indian tribe that Robert has
14 absolutely no control over and who may not have been paying
15 attention to what Robert's been doing for the last 10 years,
16 doesn't decide to come in and intervene.

17 But what are you going to do, put a notice in that
18 little -- we are all going to get a mailing from the Social
19 Security Administration here pretty soon telling us what can
20 do.

21 [Laughter.]

22 MR. MURPHY: You could put a notice in that
23 envelope about the LSN.

24 MR. CAMERON: That's thinking outside the box.
25 That's good.

1 MR. MURPHY: Or you could have the census takers
2 deliver a flyer on everybody's doorstep in the country, I
3 guess. I don't know -- beyond that, I don't know what more
4 you can do.

5 But certainly -- I mean I would be amazed if there
6 weren't a couple of three or four potential Intervenors that
7 we have never heard of at the time of licensing.

8 MR. HOYLE: Abby?

9 MS. JOHNSON: I do have some ideas and facts about
10 Chip's question.

11 One thing that makes us in Nevada different from
12 most of the 43 states that are experiencing transportation
13 from Yucca Mountain is that we have no nuclear power plants
14 and we are unfamiliar with the NRC's licensing process
15 altogether, so we don't know very much.

16 I'm at the like blind shrimp end of education here
17 on what the NRC does in a licensing process, and so one
18 thing that I think would be very useful not just to the
19 counties and I think the state but also to citizens' groups,
20 to tribes, is for the NRC to come to Nevada and do some
21 basic public education with the interested parties about how
22 the licensing process works, what is a docket, how do you
23 play the game, what are the basic minimum requirements for
24 participation, and of course one of those would be this LSN
25 thing, I guess.

1 It is an extraordinary circumstance. We don't do
2 high level waste depositories all over the country like we
3 apparently do nuclear power plants, and so I would encourage
4 the NRC to think in unique ways about how to do this. It
5 doesn't necessarily set a precedent. It meets a need and
6 solves a problem. That would be the recommendation.

7 Also, getting the information out and getting
8 access to the information can be problematic, and you have
9 touched a lot of those things with people's computers that
10 are overwhelmed by the size of the information. At the
11 meeting I was at yesterday I took a moment to explain that
12 the people that I represent in Crescent Valley, Nevada, a
13 lot of them don't have telephones -- literally -- and so it
14 is very hard for me to even tell them about the meeting
15 coming up, and so I would also suggest that the NRC take a
16 special effort to work with libraries of all kinds in the
17 state to make sure that librarians are up to speed about
18 this, because they are a wonderful local resource.

19 It doesn't have to be a county -- affected unit of
20 local Government county rep that is doing all this, and that
21 would be a wonderful service that you could provide us is to
22 get librarians up to speed and to be able to have them be
23 conversant in accessing the LSN.

24 MR. CAMERON: It sounds like a good idea.

25 MR. PITTS: That's the direction that Lincoln

1 County has taken with its public information website is to
2 educate the librarians in the system in the library that
3 folks can access that might not have the computer capacity
4 or computer at all necessary to access the information that
5 we have for our public information process, and it has
6 worked very well.

7 MR. GRASER: Just out of curiosity, when you took
8 that initiative to do that, did you encounter like a State
9 Librarians' Association?

10 MR. PITTS: Yes.

11 MR. GRASER: Are you aware of there being a State
12 Librarians' Association?

13 MR. PITTS: Yes, the state librarian system is
14 implementing a statewide Internet process at least I am
15 aware of in Lincoln County --

16 MR. GRASER: If you have a point of contact that
17 you may know of somebody in that -- like a State Librarian
18 Association President or chapters or something like that?
19 We could touch base afterwards --

20 MR. PITTS: Sure.

21 MR. GRASER: -- if you could give me that point of
22 contact I will pursue that one.

23 MR. PITTS: If they have that information, I will
24 certainly see who is handling that -- basically the training
25 of the librarians and so to get them up to speed on the

1 Internet --

2 MR. HOYLE: Very good. Robert?

3 MR. HOLDEN: Chip brought up an interesting point
4 and it is that the landscape of tribal involvement and
5 participation in a lot of areas has changed over the last 10
6 or 15 years, and much to the consternation of the gaming
7 impresarios in this town, some tribal governments have
8 resources and they are developing complex codes and
9 management schemes. For instance in the hazardous materials
10 transportation I have been working with the DOE work group
11 on protocols and procedures of HAZMAT transportation and
12 preparing for the shipments, but, you know, those tribes
13 that are not participating in other words maintain that just
14 because they are not involved now and because they don't
15 have anything in place now, you know. The year before
16 shipments are -- 30 days before shipments they could have
17 had a full-blown inspection and enforcement team in place
18 with higher standards than what is available and that could
19 be contested, but you know, they certainly have that option
20 and just because they haven't exercised it, but also in this
21 area we -- NCAI can provide information to the tribes and we
22 can do things like put the NRC link on our website, but that
23 does not preclude the obligation of this agency to directly
24 approach the tribes. Under trust responsibility those
25 tribes that have those treaties with the Federal Government,

1 everyone is on notice that those agencies have to give
2 notice on all different actions that they are taking, so I
3 don't think anybody is out to hurt them as far as this is
4 concerned, what we are doing.

5 MR. CAMERON: If I could just follow up on
6 Robert's point about not only the NRC but all Federal
7 Government agencies' special trust responsibilities in terms
8 of the tribes, both of Abby's points on some basic
9 familiarity with the licensing process and also with the
10 Licensing Support Network requirements, maybe the NRC needs
11 to do some specific outreach in that area and I know that
12 Bill Reamer, who is here from our Office of Nuclear
13 Materials Safety and Safeguards and is in charge of the
14 implementation of high level waste licensing has plans to do
15 that about NRC responsibilities generally and maybe we can
16 add those two ideas in for that.

17 MR. HOYLE: Go ahead, Judy.

18 MS. TREICHEL: As Abby mentioned, Nevada has no
19 experience with NRC or with licensing issues but the Yucca
20 Mountain Project is not a Nevada phenomenon at all, and
21 there are other people, other groups who have a lot of
22 experience in dealing with NRC on licenses for various
23 facilities. Does this -- and I am completely ignorant --
24 does this Licensing Support Network, has this type of a
25 requirement for participation ever happened before?

1 MR. HOYLE: I think the answer, the easy answer,
2 is no, but I would like, Paul, if you would comment on what
3 the Board has done in the past.

4 JUDGE BOLLWERK: I mean the Commission's general
5 rule in licensing processes and licensing adjudications is
6 that -- and again if you look at the LSN generally as a
7 discovery documentation database -- the Commission's general
8 rule is that any discovery that is going to take place
9 between the parties comes after the issues are admitted to
10 the proceeding, so in terms of the LSN it is something
11 unique to the Commission and essentially you are being given
12 all the discovery documentary material before the case has
13 even been filed essentially,

14 Normally the discovery between the parties, the
15 exchange of documentation, would not happen until actually
16 after issues have been admitted to the case and parties have
17 been admitted to the case, so in that respect it is unique,
18 yes.

19 MS. TREICHEL: Discovery is sort of a legwork
20 thing, but where you have to have an approved system that
21 complies with a lot of stuff before that is even started and
22 then it has to be maintained, and I was thinking about my
23 situation as a public advocacy organization, local, very,
24 very minimal funding and uncertain funding, and groups that
25 we're going to team up with in order to play this game would

1 normally go with like groups, so my first thought would be
2 to contact national public advocacy groups who would have
3 absolutely -- they would know book, chapter and verse how
4 licensing works.

5 They would be tracking NRC like a wolf on the
6 trail all the time, because that is what they do, but for
7 them to understand how this thing works in order to give me
8 and themselves entree I would guess would be completely
9 foreign soil.

10 JUDGE BOLLWERK: That's true and let me just say
11 there is two aspects to your question and the second one you
12 raise is in terms of the technical requirements of this
13 particular rule. There have been in the past large pieces
14 of litigation that have involved numerous documents and
15 there have been requirements that judges have established
16 for putting together discovery databases or discovery
17 collections, and Dan has been involved in some of that
18 litigation in the past with the Department of Justice.

19 I have to say with the NRC I don't think at this
20 point we have ever put together anything like this. Mostly
21 it has involved the usual document discovery exchanges
22 between attorneys, which is basically a paper exchange
23 rather than anything that is done electronically, so in that
24 respect I guess also the technical --

25 MR. CAMERON: But we may in certain proceedings

1 for example have required the parties to submit their
2 pleadings in electronic --

3 JUDGE BOLLWERK: Absolutely.

4 MR. CAMERON: -- form.

5 MS. TREICHEL: Sure.

6 JUDGE BOLLWERK: I have been doing that for two,
7 three years now, so yes, that's exactly -- in terms of the
8 pleadings, which are the normal exchange of, you know,
9 documents in a case versus this large mass of discovery
10 materials though --

11 MR. CAMERON: I think Judy's point just raises
12 again my issue in terms of how we make sure that some of
13 these national organizations know what the requirements are.
14 But keep in mind that there is sort of a saving grace here
15 in the sense that the requirement is to take that
16 organization's or that coalition's documentary material and
17 put it up electronically on a web site.

18 Now, for DOE and NRC, the state, Nye County, that
19 may be an extensive and expensive undertaking for -- and
20 this is for better or for worse, is that groups coming in to
21 challenge may not have that much documentary material.

22 MS. TREICHEL: It wouldn't be the kind of
23 documentary material, but there would also be a tremendous
24 lack of bureaucracy. So you don't have the legions of
25 little workers that do a particular job. You know, you kind

1 of shoot from the hip when you do this sort of thing. So
2 that is where it would be difficult, dedication of
3 machinery, people, money, all of those sorts of things.

4 MR. MURPHY: But they will always have the option
5 of delivering their documents to Dan and having them placed
6 on the NRC web site. That option has been available from
7 the beginning. And once you have that --

8 MS. TREICHEL: And that would secure your spot as
9 a party?

10 MR. MURPHY: Don't you envision that anymore?

11 MR. CAMERON: That is the intervenor funding issue
12 that we were talking about earlier. Now, there are ways to
13 deal with that issue.

14 MR. MURPHY: I am talking about intervenor
15 funding, I am just talking about an intervenor -- somebody
16 applying for intervention and having 47 reports, like Jason
17 has, but no web site. Bring the 47 reports to White Flint.

18 MR. CAMERON: I think this is -- well, we had
19 better put this squarely on the table right now.

20 MR. MURPHY: I mean this has been -- this issue
21 has adhered in this process since about the second meeting
22 of the LSS negotiating team. We have always known that
23 there would be -- that there are potential intervenor
24 participants in the licensing process out there that we do
25 not know about and can't yet identify, and who will not have

1 had prior notice or, or knowledge of, or an opportunity to
2 comply with the LSS, or now LSN requirements, and that when
3 they showed up on Paul's door with an application to
4 intervene, there are some basic due process implications
5 that spring up, that we lawyers at least know about, and you
6 aren't going to be able to give the back of a hand and say,
7 go away, you didn't participate in the LSN. They are going
8 to have to be dealt with somehow. They are going to have to
9 be given some opportunity to comply and some reasonable
10 opportunity to participate in the process.

11 MR. CAMERON: Again, I think that that is all
12 basically correct. And maybe when you get that close to the
13 license application coming in, that the idea of a web site
14 may be a moot point, as opposed to having documents in
15 electronic form. And this is where I have sort of been at
16 sea here, Dan, in terms of how, when the proceeding starts,
17 what happens to the individual web sites.

18 But put that aside for the moment. Now, this is
19 not something I am real comfortable with, but the original
20 rule required -- only required parties to submit --
21 basically, the NRC was going to take everybody but DOE's
22 documents and load it on the system.

23 MR. MURPHY: They could. That option was
24 available, not required.

25 MR. CAMERON: Okay. But under the new rule, the

1 NRC is now saying that we are not going to build web sites,
2 or load documents for other parties to the -- or potential
3 parties to the proceeding because of this intervenor funding
4 restriction. So there has been a change from the
5 centralized system. So we are faced with that. And,
6 granted, I don't think that we really have gotten to that
7 fine edge of what due process means here in every situation,
8 as Tom Moore will always be careful to remind us of back
9 there.

10 MR. MURPHY: I had an old professor, contracts
11 professor, my first year in law school, who used to say,
12 don't worry about that stuff, gentlemen, that is what they
13 pay judges to do.

14 MR. CAMERON: Okay. Well, I guess that simplifies
15 it.

16 MR. GRASER: One of the things I can say, though,
17 Judy, in terms of -- from the LSN's administrator's point of
18 view, one of things that I will really be attempting to do
19 is to identify this lowest common denominator in terms of
20 what resource commitment will it take for me to participate
21 in this process. And I could give you a characterization,
22 and I don't mean this is any kind of a belittling fashion at
23 all, okay.

24 MS. TREICHEL: Oh, don't worry about that.

25 MR. GRASER: But my son is a senior patrol leader

1 in a Boy Scout troop. My son has established, using my
2 Internet, you know, ISP type environment, he has established
3 a home page for his Boy Scout troop. And the Boy Scouts are
4 out there tapping into their own resources of kids who, one,
5 may have a scanner at home. Another one may have some
6 software that can render a document. And in terms of
7 organizing themselves in advance, identifying who has some
8 resources that can be brought to the table, the troop
9 managed to bring up a troop home page.

10 And it is not graceful, it is not sophisticated.
11 It is not powerful, but it is a home page.

12 And I think the analogy I am trying to draw there
13 is if we can draw a low enough threshold so that what we are
14 talking about is something that is accomplishable through,
15 in your case, citizen action, citizen involvement. And you
16 do have some time to identify who may be able to bring some
17 assistance to the table.

18 One of the things I will be looking at is, how can
19 I keep that threshold down low enough so as not to preclude
20 any involvement? Okay.

21 MS. TREICHEL: Yeah, and that would have to be
22 done pretty soon, because it looks like the drop dead date
23 is around January 31st, 2001.

24 MR. GRASER: Well, more than anything else, right
25 up front, the technical working group needs to understand --

1 have some input as to where should we draw that threshold of
2 participation, at least from the technical point of view, so
3 that I can facilitate or enable us accommodating a
4 connection to some sort of a site. And if that site happens
5 to be, you know, what the computer guys called "cluged
6 together," -- we have got a little bit of this and a little
7 bit of this, and we borrow some software here, and we put it
8 on this guy's server over there, -- if it makes the
9 documents available at URL that I can point to, then you are
10 in business, at least from the technical aspects of the
11 role.

12 And if we can get some early involvement to
13 identify where I can set that threshold, then I will work as
14 hard as I can to accommodate that in the technical design of
15 the system to ensure that we can allow that level of
16 participation. It does not need to be super-sophisticated.

17 MS. TREICHEL: Okay. Well, --

18 MR. GRASER: At least that is my slant on things,
19 you know, from a technical point of view.

20 MS. TREICHEL: Okay. I will have to find out what
21 my capabilities are.

22 MR. HOYLE: Any other comment on this point? A
23 very good point, a very interesting discussion. Go ahead.

24 MR. GRASER: Very good. The last tab section
25 there again is something that we talked about a little bit

1 earlier today. It really just goes through and gives a
2 narrative discussion of three candidate solution approaches
3 that the LSN portal sites would actually look like. There
4 are, in fact, other potential types of solutions that,
5 hopefully, the technical working group, somebody will get a
6 stroke of genius, or have a brainstorm and figure out a
7 smoother, cooler, quieter, longer approach to doing this,
8 and we can move expeditiously in getting a system put into
9 place that will be powerful to the, you know, to the normal
10 user but stunningly simple to use. Gee, those almost sound
11 like design criteria, but I can't test them.

12 But I don't think I am going to have time, I am
13 not going to walk through that last, final guidance paper
14 there. More than anything else, it is just intended to give
15 you some advance look into the way I am thinking about
16 system design and development.

17 That is basically all I had. If anybody else
18 wanted to comment on any of that. We are probably going to
19 go into that much more during the technical reviews.

20 MR. HOYLE: Right. Okay. I was going to ask you,
21 Dan, what do you intend to do then further this afternoon?
22 You have gone into a little more detail than -- not that you
23 needed to, but is there something left that you would tell
24 us about this afternoon?

25 MR. GRASER: Well, actually, if we just kind of

1 flip-flopped the approach on the afternoon, in terms of
2 folks going off and looking at some of this information, and
3 perhaps, as we walk through the slides again, this time do a
4 little bit more of the question and answering on specific
5 things. I was planning on doing a lot of the question and
6 answering this morning to pull out -- help pull out issues
7 that you may have walked in with. I did a little bit more
8 of the structured walk-through of what all of those guidance
9 papers were. Hopefully, so that, you know, anybody who
10 could not be here this afternoon.

11 But that gives the afternoon then to do some of
12 what I had hoped to this morning. Pull out, again, more
13 question and answer sorts of interaction on any aspect of
14 any of those guideline type documents. So we could just
15 simply go into more of a Q&A mode for this afternoon if
16 everybody is agreeable to that. If not, we could adjourn
17 early.

18 MR. HOYLE: Well, we have other things to do this
19 afternoon, too. But just for those that aren't going to be
20 here, I was going to have them hear from you what you intend
21 to do later on.

22 Unless I hear a call for moving up anything up at
23 this point, it is noon, we could take a break and return at
24 1:00 with the first item on the schedule being a canvass of
25 participants' discussions of budgets and impacts, and Part

1 63 concerns and things like that. So let's take a break.
2 Come back at 1:00, please.

3 [Whereupon, at 12:00 p.m., the meeting was
4 recessed, to reconvene at 1:00 p.m., this same day.]
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A F T E R N O O N S E S S I O N

[1:15 p.m.]

1
2
3 MR. HOYLE: Let's get the afternoon session
4 started, please. The item that we have on the agenda is
5 sort of a catch-all. We would like to canvass any of those
6 members present who have issues that they would like to
7 bring up related to the FY 2000 budget, the impacts of that,
8 the status of funding, anything on Part 63 that anyone might
9 want to bring up.

10 So I open the floor now to members who wish to
11 comment on any of those items.

12 MR. MURPHY: What is the precise status of the FY
13 2000 appropriation? Has it been signed by the President?
14 That is my only question.

15 MR. HOYLE: Okay.

16 MR. MURPHY: Where is our money? Claudia.

17 MS. NEWBURY: I will check and get back to you on
18 that.

19 MR. MURPHY: Have you given Les a check yet?

20 MR. FRISHMAN: I had, I guess, two things for
21 Claudia. One is, what is the status of funding within the
22 2000 budget for anything having to do with LSN? The same as
23 usual.

24 MS. NEWBURY: I don't know how to best answer
25 this, because it is a concern I have. There is no direct

1 funding for LSN in the 2000 budget. There is money for
2 reprocessing records. And that is because with the budget
3 levels where they are, our primary focus is on the site
4 recommendation.

5 MR. FRISHMAN: And the other one is just a thought
6 that I had when I first, I guess, talked to Chip about this
7 meeting. And that is, does Part 63 look like it has any
8 implications that would change, or significantly change the
9 nature of what you think would be going into the LSN?

10 MS. NEWBURY: I want to say no.

11 MR. FRISHMAN: The only thing that I was thinking
12 was there is a whole sort of different hierarchy of
13 documentation based on performance assessment relative to
14 what it used to be under the site characterization plan.

15 MS. NEWBURY: That is true, and we are developing
16 different sets of documentation, but all that will be in the
17 LSN. We did not discrimination on the volumes of material
18 that we are looking at based on what the particular products
19 are going to be.

20 MR. FRISHMAN: Okay. But you are going to have a
21 lot more, oh, like process model documentation and stuff
22 like that?

23 MS. NEWBURY: Yes, but we would have had to have
24 that similar type of documentation anyway, even if it had a
25 different name. As you know, the process model report, what

1 is now a process model report used to be a technical
2 synthesis report, and before that it had a different name.
3 But it is just different names for the same type of
4 information that I don't think has changed significantly.

5 MR. FRISHMAN: And you don't think that it
6 increases the volume substantially?

7 MS. NEWBURY: No.

8 MR. CAMERON: I would think that -- I think I
9 would agree with Claudia on that. The existing topical
10 guidelines were modeled, at least in their presentation, --

11 MR. FRISHMAN: I looked through them.

12 MR. CAMERON: -- under the format and content of
13 the license application. And I might -- there may be some
14 reformatting that will be necessary, but I don't think that
15 the scope -- there is going to be different material, but I
16 might ask Bill Reamer whether -- are you guys, after 63 goes
17 into effect, assuming that it does, are you guys going to
18 change? You guys being our technical staff, are you going
19 to change the format and content of the license application
20 for the repository? Because we used that as the model? And
21 maybe DOE knows the answer to what we are going to do.

22 MS. NEWBURY: Well, I have a question, actually.
23 It was part of this stuff that I had put together. We went
24 and compared the topical guidelines to the technical
25 guidance document, the TGD that we have put out, that is

1 essentially the format of what the license application would
2 look for -- look like. And the TGD is much for detailed
3 that the topical guidelines, but we find it much more useful
4 in terms of trying to put documents against a particular
5 topic. So we have got that cross-lock.

6 Jan is right there, and she has got that between
7 the two, so you can see the differences between them.

8 MR. CAMERON: Oh, good. Good.

9 MR. REAMER: And I guess the only thing I would
10 say is that when we present to the Commission a draft final
11 Part 63, which is for staff's next action to finalize Part
12 63, include public comments. At that same time we will have
13 a draft license application review plan, the structured
14 approach that we will use to review the license application.
15 And that will really be our format and content, the approach
16 that we would suggest to DOE that they take in structuring
17 their license application.

18 But, see, I think the answer to your question is
19 it may be that the topical guidelines will need to be looked
20 at after the draft final rule and Yucca Mountain review plan
21 document are finalized and prepared in draft, and sent
22 forward. And we would be prepared to do that if that is
23 something that it seems like the people here think ought to
24 be done. But this also may be a problem that just takes
25 care of itself, and that using the guidance that you have

1 got, plus the Yucca Mountain review plan, plus the document
2 that Claudia mentioned, it may well be sufficient guidance
3 right there on the topics that the LSN is covering.

4 MR. BECHTEL: I have got a question for -- another
5 question for Claudia. On page 2-1, the second paragraph,
6 there is a section that the NRC is prohibited from paying
7 expenses for participants in licensing proceedings by
8 provision of the Act, Line 93, Energy, Water Development
9 Appropriations Act. And it occurred to me that, of course,
10 10 of the counties get funded by the DOE. One of the
11 provisions in appropriations has been, you know, litigation.
12 You know, you can't use the money for litigation.

13 Does this also apply to the affected governments,
14 for, you know, using their funding for LSS?

15 MR. FRISHMAN: And I didn't put him up to that
16 question.

17 MS. NEWBURY: You know, I would have to go back
18 and ask the lawyers and what they thought, whether or not it
19 prohibited it. Senator Reid has been so good about getting
20 money into the appropriations for the affected units of
21 government in the state that I would look to him to put
22 clearer guidance into whatever the law, the appropriation
23 bill is. But we can certainly look at how we are going to
24 interpret it.

25 MR. MURPHY: If necessary, just as a little -- for

1 some history on that, I have never, and we in Nye County,
2 officially, have never considered the licensing proceeding
3 in this case to constitute litigation against the
4 government. Remember, the Appropriation Act says that you
5 can't spend your money in litigation against the United
6 States. I don't consider this licensing proceeding to be
7 litigation against the United States, so I don't consider
8 that prohibition to have any application to licensing
9 whatsoever.

10 And when that language first showed up, you know,
11 I don't remember now whether it was in a DOE grant document
12 -- do you Steve, or in an Appropriation Act?

13 MR. FRISHMAN: Yeah, it is in a grant document,
14 because it is in DOE's grant -- it is in DOE's grant
15 guidance.

16 MR. MURPHY: I think it was in a grant document
17 after. But I think it showed up in DOE's grant guidance
18 after the State of Nevada's first --

19 MR. FRISHMAN: No.

20 MR. MURPHY: It wasn't?

21 MR. FRISHMAN: No, it was always in -- there are
22 two prohibitions in grant guidance. One of them is lobbying
23 and the other one is litigation.

24 MR. MURPHY: No, because we used, the State of
25 Nevada used oversight funding in the first round of

1 litigation against DOE and was not challenged, the
2 litigation challenging the grant guidelines. Oversight
3 funding was used to support that litigation and nobody ever
4 questioned it.

5 It was after that, I believe, that the language
6 prohibiting spending oversight funding on litigation against
7 the United States first showed up in the grant documents.
8 This would have been back in the mid, you know, '86, '85
9 timeframe, somewhere like that.

10 And at one of those -- do you remember those
11 infamous state, tribal, local quarterly meetings that we
12 used to attend? And I asked -- it might go all the way back
13 to Ben Ruchie, I mean that long ago. But I asked whoever
14 was the OCRWM director at the time, during one of those
15 meetings, whether or not that language applied to the NRC
16 licensing proceeding. And, you know, I wanted some
17 guarantee that the state and the locals would continue to be
18 funded during licensing. And the response was, and there
19 may be a transcript of it somewhere, I don't know, but the
20 response was absolutely not, that it is DOE's position, firm
21 position that the state and locals would continue to be
22 funded through licensing.

23 MS. NEWBURY: I will check and get back to you.

24 MR. MURPHY: And we have always operated on that
25 assumption.

1 MS. NEWBURY: Are you concerned with using federal
2 money in licensing as an intervenor or as LSN?

3 MR. BECHTEL: I am not sure where the line is, I
4 guess, you know, between them.

5 MR. MURPHY: It is my position that the line is at
6 the steps of the federal courthouse, that this does not
7 constitute litigation against the United States. But in
8 order to take an appeal from the NRC's licensing decision,
9 for example, if you wanted to appeal a construction
10 authorization to the Court of Appeals, then you have got to
11 find your own money to do it with. That is litigation
12 against the United States. This is not, that is my
13 position.

14 MR. FRISHMAN: Well, is there any reason to think
15 there is a distinction between LSN and licensing?

16 MR. MURPHY: I don't.

17 MS. NEWBURY: Well, when I talk about the LSN, it
18 is a discovery tool that is used in the pre-licensing, until
19 you get to the docket part.

20 MR. FRISHMAN: Well, if it weren't for a licensing
21 proceeding, we wouldn't be doing it.

22 MR. MURPHY: Right. Exactly.

23 MS. NEWBURY: Oh, I don't know. We would be
24 putting all of our documents on the Internet anyway.

25 MR. FRISHMAN: Oh, you would be putting it

1 someplace, but you wouldn't be doing it necessarily in this
2 format or anything else.

3 MS. NEWBURY: That's true.

4 MR. FRISHMAN: So I don't think there is any
5 distinction.

6 MR. MURPHY: But, you know, it may be that some
7 day we might need clarification of that. But I have always
8 operated on the assumption that that was -- that there was a
9 clear distinction, and that it was a distinction that the
10 Department of Energy supported, that this NRC licensing
11 proceeding did not constitute litigation against the United
12 States.

13 MR. HOYLE: Claudia, I wonder if you would supply
14 me whatever reply that you come up with.

15 MS. NEWBURY: Oh, yes. I will share it with the
16 LSN ARP.

17 MR. HOYLE: Okay. Jason.

18 MR. PITTS: Can we step back to that 10:50-11:45
19 item? Did that relate to one of the other items?

20 MR. HOYLE: I guess we didn't address that
21 specifically, but I certainly don't mind you bringing up a
22 point up right now.

23 MR. PITTS: Well, I just had -- it says that
24 participants might includes items for the TWG to address. I
25 just wanted to make a point about something that Dan, it

1 probably seems like he has fairly clear in his mind, but,
2 certainly, from our experience with the NRC public meetings
3 and stuff that we have had out in Lincoln County -- a
4 meeting that we have had out in Lincoln County, one of the
5 issues that came up, and something that is fairly prevalent
6 out there is that it is difficult for the general public to
7 draw a distinction between the NRC and the DOE. I mean most
8 people aren't really familiar with the differences in
9 departments. I mean they know that they exist, but they
10 don't know what their roles are in relation to each other.

11 And so in relating that back to Tab 12.1, which is
12 your description of your different assumptions of what types
13 of programs you could have, I think Lincoln County would
14 really want to stress that Recommendation 1, I don't think
15 would meet that goal. I think if the NRC just simply had,
16 you know, had a home page that had links to other possible
17 participants, that that is not really constituting oversight
18 or regulation. You know, if they have a site that is a
19 portal site or fixed database search site, where you can go
20 there and NRC is in control of those searchable indexes,
21 then I think that goes a long ways to being in the oversight
22 role or the licensing role that it parades itself to be when
23 it does public meetings.

24 And so I think that should be made as part of the
25 record, that I just don't see Section 1 being useful

1 implementation of the NRC's program. And that 2, or
2 possibly a difference between 2 and 3, or a mixture of 2 and
3 3, I think would be much more appropriate for this licensing
4 process. So, and that seems to be where your literature is
5 going. But I may not be able to attend all of the meetings
6 tomorrow, and so I just wanted to make sure that that is,
7 from our point of view, that is included for the working
8 group.

9 MR. GRASER: I gotcha. If I could just go back to
10 Steve's initial question to Claudia regarding what is the
11 availability of LSN funding for fiscal year 2000, I would
12 just like to make a point of clarification on that. Under
13 the old LSS rule, DOE was responsible for designing and
14 implementing the LSS. Under the revised LSN rule that we
15 now have in front of us, NRC has responsibility for
16 establishing the portal site. So it is a question of some
17 funding in the DOE space that would be focused on what they
18 are doing to make their collection publicly accessible, put
19 it on an external server.

20 But now part of the funding question, in terms of
21 the availability of FY 2000 funding to support LSN
22 activities now falls to NRC because we have the
23 responsibility for putting that portal site into place. And
24 the answer is, yes, we have already gotten our appropriation
25 approved for fiscal year 2000, and it does have enough money

1 in it to allow us to get started, and the volume of funds
2 that are available to us do support the level of activity I
3 outlined in the project schedule.

4 So the work we need to do in fiscal year 2000 does
5 -- it is supported by the funds that we have available to us
6 right now.

7 MR. FRISHMAN: I figured you wouldn't be unless it
8 was.

9 MR. GRASER: On the portal site, right. No, but I
10 just wanted to make sure that everybody understands that in
11 the revision of the rule, the responsibility for the funding
12 kind of took a scatter shot here and some of it is now in
13 everybody's bailiwick.

14 MR. FRISHMAN: But they are still LSN expenses
15 incurred to the department.

16 MR. GRASER: In terms of being prepared to be
17 ready, yes.

18 MR. FRISHMAN: And I imagine there is some expense
19 on that technical working group, and also probably some
20 expense in trying to make sure that you don't end up with a
21 system that requires you to have to redo stuff that you have
22 already done.

23 MS. NEWBURY: That's true, but we don't have an
24 element called licensing support network that has money
25 attached to it for this fiscal year.

1 MR. HOYLE: But you are sitting here and --

2 MS. NEWBURY: I get paid.

3 MR. HOYLE: -- you get paid. Good. Any other --

4 MR. FRISHMAN: You are not here for fun like we
5 are?

6 MR. McCALLUM: Does that mean you will continue to
7 support things like the working group?

8 MS. NEWBURY: Yes, we will. The people who are
9 here supporting it generally have the money for their
10 salaries taken care of. What we are not doing is any major
11 development things that are specifically for LSN.

12 MR. GRASER: And, for example, now, I mentioned
13 earlier today that when I was going back through the
14 functional requirements from the old LSS system, I
15 recognized that the functional requirements are going to
16 need a significant amount of work on them to get them
17 brushed up to speed for a web type environment. And it
18 would be the LSN administrator's support -- contractor, in
19 this case, LBAT-Anderson -- who would do the function the
20 M&O did under the LSS, in terms of doing some of the leg
21 work and the research work, and taking the lead in
22 supporting the development of those sorts of products.

23 So, in that regard, you should not see a
24 perceptible fall-off in the tempo or level of support, it is
25 just that it is now going to be an NRC contract support

1 function, as opposed to the M&O contractor being a support
2 function when DOE had the lead for designing and
3 implementing.

4 So, you know, at this point, as I said, we have
5 got enough money this year to ensure that we don't have a
6 drop-off in that quality and level of support that we need
7 to keep things moving forward here now.

8 MR. HOYLE: Okay. Are there any other comments or
9 questions regarding budget?

10 [No response.]

11 MR. HOYLE: Okay. Well, let's move on then to the
12 1:45 item on your agenda, which is a presentation by Claudia
13 and Jan Verden on DOE Activities on Web Site and Topical
14 Guidelines.

15 MS. NEWBURY: You had asked me if I had anything I
16 wanted to talk about and I said, well, I could give you some
17 basic information on what we're doing right now about
18 Homepage. As I told Steve, we don't have any money that's
19 specifically allocated for LSN this year, but we are doing
20 work to put documents on the Internet and to make it
21 searchable, so that people could take a look at them. It's
22 not called LSN, because I was told I couldn't call it LSN,
23 but it actually supports a lot of the LSN requirements.

24 As you probably all know, if you've accessed our
25 Homepage, we have a lot of documents that we put on the

1 Internet. From the liability assessment -- when they put
2 out the liability assessment, we, also, put out all of the
3 references that were the intellectual property of the
4 Department of Energy. In other words, if they belonged to
5 us, if they had been generated with our money and we owned
6 them, we put them on the Internet; if they were things that
7 possibly could have copyright attached to them, that were
8 produced by other people, then we didn't put them out.

9 When we put out the VA, we put out the VA, itself,
10 as an HTML document and we put out the references as TIF
11 images, which are very difficult and time consuming to
12 download. We tried to do it -- I tried to do it and I
13 didn't like it. So, it is a concern that when you are
14 dialing in from home and you're on a 2880 modem, the TIF
15 images take forever, and we'll have to figure a way to deal
16 with that. When we put out the DEIS, again, we put the
17 document out as an HTML document and we put out all of the
18 references as PDF files. And we converted our TIF images to
19 PDF and put them out on a CD.

20 So, in fact, we do have thousands of documents on
21 our Homepage right now. It was a surprise to people, even
22 within the DOE, because they couldn't find them. And I had
23 to tell them how to search, because it was not well done.

24 We arranged it by product, which means if you
25 started with the VA and you had an HTML connection for the

1 reference to that particular document, you had to drive down
2 and find it. And as I said, a lot of people just didn't
3 know they were there. We, also, put out all the reference
4 or supporting documents to the major documents. And we're
5 going to continue to do this. In fact, we're planning to do
6 a lot more of it this year.

7 This is what our Homepage looks like. You can see
8 here, when new documents come out, like the MGR requirements
9 document or the draft DEIS, we get what's new on the
10 Homepage. So, you have a half-a-dozen documents you can
11 tell they're there. There is, also, a technical library
12 over here, which has all those other documents. And if you
13 don't know you're supposed to go to the technical library,
14 you're not going to find them; and even if you do know
15 you're supposed to go to the technical library, you might
16 not find them.

17 So, it's an idea to start with, but this is what
18 we end up with. You have to know what way -- how to get to
19 the document. Nobody knew how to get there. You have to
20 know what to look for by specific terms. I had a person
21 from the NWTRB call me up and say, "I want the site
22 description. You said it's on the Internet and it's not
23 there." I said, "Yeah, it is. You look under supporting
24 documents for the VA and then you look here, then you look
25 here and there it is." He said, "Oh." Then, he called back

1 and I told him, well, you know, we, also, have an
2 alphabetical listing. And he called back and he said, "I
3 couldn't find any alphabetical listing." Well, it's the
4 Yucca Mountain site description, not the site description,
5 and he was looking under "S," instead of "Y," so he didn't
6 find it, okay. So, people didn't know quite how to search
7 for these documents. They don't know what to look for.
8 They have to drill down from VA, to VA supporting documents,
9 to a list of supporting documents, and it's very -- it's
10 time consuming to even find the things and then it's time
11 consuming for us to provide the hyperlinks. And, again, as
12 always the case with DOE, insider terms dominate. You have
13 to know all those acronyms that we use all the time.

14 When you get to the technical library page, we
15 have several things we put together. One is the subject
16 operations, which is a description of what the project does.
17 And, it, also, links to the NRC and explains the
18 relationship between the DOE and the NRC and our other
19 oversight bodies.

20 Technical documents is where you go to find all of
21 the documents; but, again, it leads to multiple pages and
22 it's hard to find. So, we created this index, which is an
23 alphabetical listing right now. And then the project
24 databases are the numeric databases that we have put on
25 line, which I talked about in previous meetings.

1 We have a search engine on the Homepage and you
2 can search the entire Web page. But when you get down to
3 the references to the VA documents, the headers or the
4 reference, itself, is on this page, but the documents are
5 behind a firewall and they have a search tool that you click
6 on the reference and it goes and gets the TIF image from our
7 record system and brings it out to the Internet. But, you
8 can't search our record system, because it's behind the
9 firewall. So the search is only what's on that particular
10 page -- something else that's not going to be up to snuff,
11 if we're going to have a true LSN.

12 So what we're going to do this year to kind of
13 help the thing is we have provided an alphabetical listing
14 of the documents. But, again, you have to know what the
15 title is and the right title or else you're not going to
16 find it. We tried to sort the documents by topical
17 guidelines -- we did sort the documents by topical
18 guidelines. The topical guidelines didn't fit well with all
19 the documents that we produced, because they do not take
20 into account the fact that we're putting on the VA and EIS
21 other documents that are part of our program and the EIS the
22 NRC wants to develop. So, they don't quite fit everything.
23 And we are looking at the index for related terms.

24 Our alphabetic listing is on the Homepage. You
25 saw it on that picture of the Homepage. It jumps to any

1 letter of the alphabet. For those documents that are on the
2 Homepage, not behind the firewall, there is a listing and
3 you can go right to that document. And as we put out
4 documents, that will be updated.

5 And there it is. I only found one problem with
6 this and that is it includes documents that only the headers
7 are there for, documents that have MOL numbers on them. You
8 will find the ones with things like this folder number,
9 which is 235 --

10 MR. REAMER: What's MOL?

11 MS. NEWBURY: It's our record identifier. An MOL
12 number -- but just a plain number is in our reference
13 library and so it will not be on the Homepage.

14 Sorting by topical guidelines, we've tried to do
15 this in August as a maybe better way to search for things,
16 and we used the great librarians. It was difficult to sort
17 into the logical categories for the documents. It probably
18 will take, if we do this, a technical person, who is more
19 familiar with the document and what it contains to see how
20 it logically fits. That was revised, based on input from
21 technical people, and it will be added to the Web page next
22 month. So, you'll see the topical guidelines in documents
23 sorted underneath those.

24 We're looking still at ways to index documents on
25 keywords and subjects and indexing. It does take a lot of

1 time; it takes consequently money; and it needs to be tested
2 to make sure that people can use it -- what we think are
3 keywords and good subject indexes really are and that people
4 will understand it and to be able to use it.

5 I mentioned the topical guidelines. It just
6 didn't seem to fit with everything we do. And so, they may
7 not be appropriate for sorting all of our documents just for
8 putting them out. We do have inconsistent indexing. It is
9 expensive. And, of course, as I mentioned, when you go
10 across the firewall, you can't do the search.

11 What we're trying to do with our thousands of
12 documents out there is provide the most number of options
13 for the searchers. Different people think different ways.
14 Some people are very happy going down through documents;
15 other people want to do word searches. So, we need to make
16 sure that we accommodate all those different methods of
17 searching, meaning if we use a friendly -- you need to be
18 able to browse, take a look through and just kind of see
19 what's there or look for a specific thing. And right now,
20 there are a lot of documents that are buried. You have to
21 know they are there and where to look for them, in order to
22 pull them up, and that is not the best way to do business.

23 I said we're not doing LSN relevant stuff, but I
24 think that we're going a long way to getting a lot of our
25 information out on the Internet, which is the goal of the

1 LSN in the first place. But, we're doing it for site
2 recommendation, at this point, because that's our primary
3 goal. If we don't get a site recommendation, if the
4 President doesn't recommend the site or the Secretary
5 doesn't recommend the site, there's no lessons application
6 or anything. So, this is our primary focus.

7 We will be putting our key products that support
8 the site recommendation on the Homepage. I believe most of
9 you are aware right now, we're developing process model
10 reports and analysis and model reports for the post-closure
11 performance. As those documents are developed and
12 completed, they will be put on the Homepage in a hypertext
13 language. They will have references to -- hyperlinks to
14 their references. So, the -- within the process model
15 report, they will discuss what documents -- material that
16 supports their conclusions and that doesn't support their
17 conclusions, but is relevant to it. So that if it's
18 relevant, it will be referenced in the PMR and so we will
19 have a link to it and we'll have all the relevant material
20 and what we think is relevant material for that particular
21 topic.

22 We're going to continue to hyperlink from those
23 major documents to the reference materials. We'll release
24 the SR product and all DOE, which is intellectual property
25 from the energy reference documents to the Internet. And

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1 we're looking at alternative tools for reviewing those
2 reference materials; how to get them out in a more usable
3 form. And then we'll continue this process, as we develop
4 the lessons application, if we go that far, which is why the
5 TGD, the technical guidance document, which is the outline
6 for the LSN, is important to us.

7 This is just kind of a figure that says what I
8 just said. SR products and all their reference lists are
9 going to be out on the Internet. It will reach across and
10 hyperlink to all the supporting documents, so that you can
11 drill down, if you like to drill down, from an argument that
12 will link to the reference that supports or doesn't support
13 it. We will then, also, provide the search tools. It will
14 be an alphabetical listing and the topics hopefully based on
15 the topical guidance -- or technical guidance document,
16 which is an outline for the application and keywords.

17 That's our concept. That's where we're going and
18 it should tie in, eventually, to the LSN. But, it raises
19 questions, because the documents that we're putting out are
20 HTML. They are not the record copy. The record copy is a
21 TIF image. So what you see on our Homepage is all the same
22 words, all the same diagrams, all the same information, but
23 it's not the record image that will be part of the docket,
24 as I understand what Dan is proposing as what goes in the
25 docket, which is the image, the ASCII file header. So,

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1 we'll have both available. We'll have the HTML, which is
2 easy to read and you can look at on your computer at home;
3 and we'll, also, have the images that are awful to read at
4 home, but are the official record -- part of the program.

5 Jan handed out -- did you hand out --

6 SPEAKER: I handed out the --

7 MS. NEWBURY: This -- we did a crosswalk between
8 the technical guidance document and the topical guidelines.
9 And as you look through it, you can see that there's a lot
10 of similarities; but when you get to the end, you'll find
11 that there's a whole lot more that's in the technical
12 guidance document than was in the topical guidelines. And
13 we think that it's a better way for us to sort our
14 documents. I don't know if you want to take that into
15 account when you look at the topical guidelines and whether
16 or not they need to be changed or if you want to leave them
17 as they are and let us augment them as we choose.

18 Yes?

19 MR. REAMER: Are these two separate documents --

20 MS. NEWBURY: Yeah. They're different sorts. One
21 is the topical guidelines versus the technical guidance
22 document, and the topical guidelines -- the one that has
23 something in every column or every row --

24 MR. REAMER: What's the title of it?

25 MS. NEWBURY: Current and Proposed Topical

1 Guidelines.

2 MR. REAMER: So, on the left-hand side --

3 MS. NEWBURY: On the left-hand side is the current
4 topical guideline; on the right-hand side is the technical
5 guidance document categorization. And you'll see the
6 numbers are in different sections. For instance,
7 geochemical system is 2.03 in the technical guidelines -- or
8 topical guidelines and it's 3.03 in the proposed topical
9 guidelines. The other one -- I apologize, it was a poor
10 title for it -- the other one, what we did was check the
11 outline of the technical guidance document -- it says,
12 "proposed TG" -- and put it in its order and then matched
13 the topical guidelines against it. So, you end up with a
14 lot of blank space where we have details in the topical --
15 in the technical guidance document.

16 MR. REAMER: It's just the version here?

17 MS. NEWBURY: It's the mirror --

18 MR. REAMER: It's the one that's sorted on the
19 left hand --

20 MS. NEWBURY: Right. And that's my presentation,
21 which didn't take half-an-hour, but I'm opened to questions
22 on what we're doing and why and what we can do to help other
23 people make it easier.

24 MR. GANDI: May I ask, Claudia, and maybe everyone
25 knows about the records, but does that HTML file also

1 constitute another record in itself, or does that -- are we
2 saying that that's the same record as the license
3 application -- you can create hyperlinks to it?

4 MS. NEWBURY: I'm not the records expert either.

5 MR. GANDI: I'm just throwing it out there.

6 MS. NEWBURY: This is my take on it.

7 MR. GANDI: Okay.

8 MS. NEWBURY: Okay. The record version of the
9 licensed application will not have any hyperlinks in it or
10 anything else. It will be, depending on what Dan wants, an
11 image, an ASCII file, and a header. The HTML version of the
12 license application or the site recommendation or anything
13 else is a tool that we use to facilitate the reading and
14 review of the document.

15 MR. GANDI: Is that the record --

16 MS. NEWBURY: No, at least I don't want it to be.
17 Do you want it?

18 MR. GANDI: No, I don't.

19 MR. MURPHY: You mean another record for purposes
20 of the licensing --

21 MS. NEWBURY: For the licensing.

22 MR. MURPHY: -- docket. The record under the
23 Archives Act.

24 MR. CAIN: What's that?

25 MR. MURPHY: For purposes that the Federal Record

1 Keeping Act is better, that constitutes a separate record.

2 I have no idea --

3 MR. CAIN: But, that's no better. We don't care
4 whether it does or not.

5 MR. MURPHY: The way NRC --

6 MR. CAIN: I don't care.

7 [Laughter.]

8 MR. MURPHY: NRC has a -- you're considering what
9 constitutes the official record before the NRC.

10 MS. NEWBURY: Yes. Well, eventually, we have to
11 put our records on it, too; so, who cares?

12 MR. MURPHY: Who cares? But, that just means --
13 -- I don't have to care about that. All I care about is
14 what gets to the licensure part.

15 MR. GRASER: NRC has a similar situation on some
16 of the guidance documents that it publishes on its external
17 Web site, and whether or not the paper version of that
18 document is the record or whether or not a microfilm version
19 of it or whether the HTML version. So, we've encountered
20 that very same sort of question about what is the agency's
21 official record version. And the approach, I think, that
22 the NRC records focus have taken is that that is the
23 equivalent of a temporary working copy -- in records
24 speaking, it's a temporary working copy of a document, but
25 it is not the official record version of the document.

1 And in the implementation that we're doing with
2 the ADAMS project, we're putting those documents out --
3 we're putting the official agency record version of the
4 document out in computer TIF or a PDF format, both of which,
5 once the image is burned, it does not change its attributes
6 or aspect, depending on which system you're going to be
7 using to download it and view it. So, those are the things
8 that do not change, based on your particular user machine
9 configuration. That's the tactic that NRC took on that
10 particular issue.

11 MS. NEWBURY: But, it does raise the question when
12 we submit to the docket and we, DOE, or one of the
13 participants or other parties has a lovely HTML document out
14 there and they, also, have what's required by the LSN, which
15 is the image, the ASCII searchable text, and the header,
16 which are they submitting to the docket? Is it the image,
17 ASCII text, and header? Is that all you want in the docket?

18 MR. GRASER: Ask that question again.

19 MS. NEWBURY: I'm doing this; I'm sure other
20 people are doing this. I have an image, ASCII text, and
21 header, as required by the LSN.

22 MR. GRASER: Right.

23 MS. NEWBURY: I, also, have an HTML document,
24 which is what everyone has been looking at and is using as
25 their discovery tool.

1 MR. GRASER: Right.

2 MS. NEWBURY: I have their hard copy, too. What
3 am I handing to you to put in the docket?

4 MR. GRASER: For docket purposes, we want the
5 record version and we want TIF or PDF of that record version
6 of the document. If that comes from your records system and
7 it is a different underlying object than the HTML object you
8 have sitting out there, I believe the way the revised rule
9 is written is that it still requires you to identify where
10 the official record version of that HTML document can be
11 located from the things that's in the current version of the
12 LSN rule. So, even if you put that out there and it's the
13 version that everybody is using and playing with and looking
14 at during the course of the discovery, somewhere in what you
15 put out to the public, you're still going to have to
16 indicate where is the image of that counterpart of that HTML
17 document.

18 And the document that comes into me is the
19 document that's going to go into the docket. That's going
20 to have to come out of the repository, the official agency
21 record version. Preferably, that will be a TIF image or a
22 PDF image and the associated text file.

23 MS. NEWBURY: Okay.

24 MR. GRASER: Did that answer the question?

25 MS. NEWBURY: Yeah, I'm just thinking along those

1 lines.

2 MR. GRASER: How you're going to do that?

3 MS. NEWBURY: No. I would know how DOE, for
4 itself, would do that with its own records. I'm thinking
5 along and now wants to use a document that's on our site and
6 then we'll have to identify it and we will provide it for
7 them.

8 MR. MURPHY: You mean a document that's not there,
9 that I can't download?

10 SPEAKER: You know you're going to download the
11 TIF image, right?

12 MS. NEWBURY: You don't want to download the TIF
13 image.

14 SPEAKER: You're going to have to go page by page
15 --

16 MR. MURPHY: You will probably have it on the --

17 MS. NEWBURY: It will probably --

18 MR. MURPHY: Yeah, the answer is, yes. If I had
19 to identify a document and I want to use it, if I don't
20 already have it, I'll ask for it.

21 MR. HOYLE: It's the document that DOE has now
22 submitted in the docket, itself?

23 MS. NEWBURY: Right.

24 MR. MURPHY: Right.

25 MR. PITTS: One of its other documents.

1 MR. MURPHY: Right.

2 MR. PITTS: We're going to download the TIFs.
3 It's a long drive.

4 [Laughter.]

5 MR. GRASER: Well, the actual delivery of those
6 documents to the Nuclear Regulatory Commission via the media
7 -- the transfer media could be straight electronic or it
8 could be a CD containing a fairly large volume of TIF
9 images, for example. And there's no -- there's no stake for
10 the bulge to have to work its way through, in terms of
11 telecommunications. If you deliver a CD with the documents
12 on it, you can put the CD in and it's loaded directly on
13 target machine. So, the transfer media is confusing the
14 issue a little bit there. It does not necessarily need to
15 be straightforward telecommunications. If that's your
16 concern, that's something that is workable.

17 MS. NEWBURY: To be honest, I was thinking, oh,
18 so, now we've identified the T1 at this particular DOE
19 docket -- document in the docket and we would electronically
20 transfer it to you, as opposed to making him get a copy and
21 give it to you.

22 MR. GRASER: That's how I understood it.

23 MS. NEWBURY: So, I was trying to figure out how
24 this all works.

25 MR. MOORE: I'm confused at what I'm hearing. The

1 word "docket" that you're using and that Claudia is using,
2 are you meaning the same thing? The docket is the agency --
3 NRC's official proceeding record. Is that how you're using
4 the term?

5 MR. GRASER: That's my understanding of it, yes.

6 MS. NEWBURY: Yes.

7 MR. MOORE: But, are you speaking of the
8 application and associated documents that DOE is officially
9 filing with the agency? Those are the docket documents, as
10 opposed to this file of electronic discovery documents.
11 They may be totally distinct.

12 MS. NEWBURY: Well, that was my question. I know
13 that what we are -- what DOE would put into the docket we
14 have and we would transfer over. My question was -- there
15 are documents that we would not be putting in the docket,
16 but perhaps Nye County, Lincoln County, Esmeralda County
17 might choose to put in the docket that are from our system.
18 So the question was: do then we have to transfer it to Nye
19 County, Lincoln County, Churchill County, Esmeralda County
20 and then they send it to Dan?

21 MR. MURPHY: It's our submission.

22 MS. NEWBURY: Or do they just say, DOE, this
23 document in your discovery system --

24 MR. GRASER: I see your question now, okay.

25 MS. NEWBURY: -- needs to go into the docket,

1 submit it?

2 MR. GRASER: Again, that kind of goes back into a
3 multi-part answer and a multipart question. Why was the
4 document out on the DOE site in the first place?

5 MR. MURPHY: Well, it may be on the site.

6 MS. NEWBURY: It may be on the site.

7 MR. MURPHY: It's on the site.

8 MR. GRASER: Okay.

9 MR. MURPHY: She's just not submitting it as part
10 of her submission.

11 MR. GRASER: As part of her document. She wants
12 to include it as one of your document submission.

13 MR. MURPHY: Right.

14 MR. GRASER: Technically, do we redevelop a
15 shuffle, as opposed to just a pass to put it in? I don't
16 know. I haven't thought that one through yet.

17 MR. MURPHY: Maybe you're sending to a level of
18 detail and --

19 MR. CAIN: Don't confuse things -- I'm going to
20 confuse things more. But, this doesn't -- just because it
21 would be submitted -- not submitted as part of the docket by
22 Claudia and submitted by Nye County or not submitted by Nye
23 County as part of the document, it would still be part of
24 the LSN. There is a distinction between the LSN and what's
25 in the docket.

1 MR. MURPHY: Right.

2 MR. GANDI: That brings up the question of the
3 document universe that we've talked about before and the
4 wording such -- and it may lead to discovery. And I think
5 that's one of our concerns within DOE, is how big is our
6 document universe and what are we going to include.
7 Everything is what we've been doing.

8 MR. BOLLWUK: One thing, with respect to the
9 agency, and I don't think it's going to change under ADAM,
10 and correct me if I'm wrong, but there -- the agency, in any
11 given proceeding, actually has two separate dockets.
12 There's a licensing docket, which theory NSS has, which is
13 all the documents that come into the NRC staff as they
14 review the application. That's a totally separate docket.
15 There are all kinds of documents that the NSS, for instance,
16 would get that the adjudicator would never see. In fact, if
17 someone else does not introduce them into evidence or
18 somehow gets them and they're used, we'll never know they're
19 there. So, I don't know what docket you're talking about.

20 MR. MURPHY: We're talking about your docket.

21 MR. BOLLWUK: Okay.

22 MR. MURPHY: The adjudicatory docket.

23 MR. BOLLWUK: Okay. But, it, also, strikes me, if
24 you get it in there, somebody is going to have to introduce
25 it and sponsor it like any other. And since it's your --

1 you're sponsoring it, then you're the one that puts it in.
2 That's kind of --

3 MR. MURPHY: We're just talking about -- Claudia's
4 question is do we -- you know, does there have to be a
5 transfer of the document to me, in order for me to get it
6 into you, or is there an easier, quicker way to do it?

7 MR. GRASER: And I think the answer that the
8 technical working group comes back with may be something
9 along the lines of, gee, if you can provide us with the
10 other participant's unique identifier and if the document is
11 out there in the evidentiary collection anyhow and the
12 electronic version of that document is already accessible on
13 one server that's part of the network, then it doesn't make
14 a lot of sense to just go off and do all sorts of additional
15 network traffic to get it from point A to point B, so point
16 B can take it and give it to point C, rather just identify
17 the document and then figure out the mechanism of getting
18 the document across the firewall, so forth and so on.

19 So, I think there is definitely some spade work
20 that's going to need to be done by the technical working
21 group to figure out procedurally how these things are going
22 to be done. And this really is very much a procedural sort
23 of question. I don't think the technology, one way or
24 another, is going to prohibit us from implementing any
25 rational and commonsensical way of doing this. It's just a

1 question of saying, who is going to issue the procedure; and
2 the answer is the LSN administrator, I guess, will develop
3 those procedures and certainly do so with a lot of input
4 from all of the participants, who will be affected by that.

5 I don't have the answer right now. I can see the
6 direction your question is going in. I have a note on my
7 little pad here and somebody is going to get a tasking on
8 this one from the technical working group.

9 MR. HOYLE: Claudia, I was going to complement
10 your briefing on the use of the word "user friendly," you
11 know, all the work you've done to see what concerns were
12 raised by your existing system. I appreciate hearing that,
13 very much, what DOE is doing about it. But, these last few
14 conversations throws me off.

15 MS. NEWBURY: Thank you.

16 MR. HOYLE: Very good. Any further comment,
17 discussion, or question?

18 MR. MURPHY: I've got to go. I just -- just
19 before I go, on the next meeting, I remember you mentioned,
20 I think it's in the material somewhere, too, the possibility
21 of another ARE meeting in January. I don't have my -- my
22 calendar is in my briefcase somewhere, but there is a
23 technical review board meeting in January, as well.

24 MS. NEWBURY: Yes, there is.

25 MR. MURPHY: I don't --

1 MS. NEWBURY: Here in Las Vegas.

2 MR. MURPHY: Yes, it's here in Las Vegas, but I
3 don't remember the dates. But, I just caution you to keep
4 that in mind and work around it.

5 MR. HOYLE: Okay. Sometimes, it's good for us to
6 tag on to someone else's --

7 MR. MURPHY: No, that's definitely true.

8 MR. HOYLE: -- other times, stay away, because
9 there is so much preparation that goes into this.

10 MR. MURPHY: Yeah, whatever, but just be aware of
11 that. And that is, also, here in Las Vegas.

12 MR. HOYLE: But, they're already have that
13 calendared?

14 MR. MURPHY: It is -- it is calendared, yes. I
15 know the date; I just don't have it in my mind. She's got
16 it.

17 MS. NEWBURY: Oh, no, I don't.

18 MR. MURPHY: You don't?

19 MS. NEWBURY: I think it's the 25th or 26th.

20 MR. MURPHY: I think it's late in January.

21 MS. NEWBURY: It's the 25th and 26th, if I'm not
22 mistaken.

23 MR. MURPHY: That's sound about right.

24 MR. GRASER: So, how do you all feel about
25 conducting these meetings on Saturdays and Sundays?

1 MR. MURPHY: No way.

2 MR. GRASER: It's the only open days left.

3 MR. MURPHY: And don't discount the possibility of
4 video conferencing.

5 MR. HOYLE: Not at all; not at all. That's
6 something that we're probably going to talk about a little
7 bit later this afternoon, a viable alternative. Thank you;
8 thanks for coming.

9 All right. It's 2:15. We have a records
10 presentation. We have a pertinent discussion by Graser on
11 the LSN. We're going to hold you to that.

12 [Laughter.]

13 MS. NEWBURY: It was a consensus, wasn't it?

14 MR. HOYLE: And you might want to raise the
15 question as to -- has anyone thought about any issues that
16 they want to discuss with you. So the question is, right
17 after Tom's presentation, no break at all, or break now?

18 MS. NEWBURY: Break after Tom.

19 SPEAKER: Oh, Claudia.

20 MR. HOYLE: Tom, are you ready? Let's hear from
21 Tom. I'll raise the question again.

22 [Pause.]

23 MR. GRASER: While Tom is setting up, I would just
24 like to put this in a framework or context, to understand
25 some of the motivations. The Information Science Research

1 Institute at UNLV has been, for many, many years,
2 investigating technologies that are directly related to the
3 licensing support system and recently refocused its
4 attention to Web and text search and text retrieval
5 technologies. And I think it's very pertinent and germane
6 to ask UNLV to come make a presentation on the sorts of
7 current activities that they're engaged in right now, in
8 those areas.

9 The folks who will stay around for the technical
10 working group meeting, I think, will find this particularly
11 beneficial in getting a better handle on where the current
12 state of technology is; where we can possibly look to UNLV
13 to provide us some ready access to some very good research
14 and knowledge and understanding about where the industry is
15 right now; and if we don't impose too much on UNLV, perhaps
16 to use them as a technical resource to provide answers to
17 particularly sticky technical questions. And I know that
18 would not be imposing too much on Tom, because he has
19 offered those sorts of support to us in the past.

20 So, for those of you who will be staying around to
21 work with the technical working group, again, this is just
22 an indication of the sort of knowledge and expertise that is
23 theoretically available to us through the type of research
24 that is being done at the university. So, that's really the
25 motivation for asking them to give this presentation to us.

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1 You guys are ready now, Tom?

2 MR. NARTKER: Thanks, Dan. I think to get the
3 flavor of things we wish to say, you need to put yourself in
4 the place of this fellow, who has to search for information
5 in a hurry. And I guess our main -- the main theme -- our
6 main theme is that for any collection the size of the LSN,
7 the size of the collection, itself, will serve to conceal
8 the information contained. It's really no surprise that the
9 more information you have, the harder it is to find the
10 information you need.

11 At UNLV, we think that the LSN will eventually
12 have between five and fifteen million pages, with about --
13 probably about a third of that provided by resources. And,
14 of course, the hard part is what technology do you use; the
15 technology that is needed to search any collection that
16 size.

17 The key part is how do you search; what technology
18 do you use to search for information retrieval, to search
19 for information. And that's called -- the technology is
20 called "information retrieval." There are several large and
21 very complex systems that are available commercially that
22 could be used as the basic methodology for the LSN, and
23 that's where we come in. As Dan has said, for about 10
24 years, we, at UNLV, have conducted research. Dr. Taghra,
25 who I will introduce in a minute, has developed courses on

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1 data base management and information retrieval and has
2 managed our program for several years.

3 This year, we've been working with Lew Robertson
4 here and the MNL, on behalf of the DOE, to do the system
5 evaluations. And -- go ahead, Julie. We began -- actually,
6 last year, we began with initial studies in the summer and
7 the fall of 1998, which Julie Borsack here will tell you
8 about in a minute. We're losing the bottom of this slide
9 here, but the last bullet says that beginning with this year
10 -- beginning of January of this year, we started side by
11 side testing of systems. We actually acquired a copy of
12 each of the commercial systems -- where the vendors wish to
13 participate in test anyway, we've acquired a copy of each of
14 these systems. And they're very large systems. We're
15 talking a million lines of code. They're huge software
16 systems. And we've acquired a copy of each system,
17 installed it, and we're going to -- doing side by side
18 testing versus NRC requirements.

19 And the first is to introduce Dr. Taghra. Kazem
20 manages our information retrieval work and he will tell you
21 a little bit about IR's systems and the state of -- you
22 know, the state of technology today. And then, Julie
23 Borsack will talk about our actual tests.

24 MR. TAGHRA: Thanks. I guess, as Tom said -- Tom
25 asked me to just give a brief introduction to what an IR is

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1 and how they work. But, obviously, I don't want to give you
2 all the details of the information, so we figured out, well,
3 we can give you at least a little bit and tell you how they
4 work and how complex are they. And the part I want to get
5 to is that really the information retrieval engines are not
6 based on any mathematical theory. They're not like -- most
7 of you are used probably to analysis. Those are very
8 specific and you can look for specific information and go
9 certain ways and the area is known. But, when it comes to
10 information retrieval, that's not the case.

11 So, what I wanted to do, I wanted to start with a
12 very small collection. As you see, I've got six documents.
13 And what I want to tell you, I want to tell you, well, if
14 you feed this information to your system, what that
15 information to your system will do to this. The first
16 information retrieval system that is essentially passed
17 through this document is one by one, try to identify each
18 individual word, and goes ahead and come out with what we
19 call "inverted file." And what inverted file is typically
20 --

21 If I look at the word "days", it occurs in
22 document 3 and 6. If I look at the word "heart", it occurs
23 in document 1 and 4.

24 Now, as soon as it bears its representation - it
25 is not as simple as this, but, but for the sake of

1 arguments, will do. As soon as it bears from this - file of
2 this representation, now we can go in and start searching
3 for documents. So let's say, suppose I want to find
4 documents about peas. All it does really, it goes through
5 that inverted index we're looking at and say, well, the word
6 key is the word number 9. It occurs in document 1 and 2.
7 So I come back and say, well, document 1 and 2 are answer to
8 your query.

9 Now, obviously you may ask a harder question. You
10 may ask Boolean questions. Like, you may say, well, what
11 are the documents are peas and pop. Well, it's the same
12 idea again. All it does, it goes back to the same index and
13 it says, well, I'm looking at the word peas, which I know is
14 in document 1 and 2. And I'm looking at the word pop, which
15 is document 2 and 5. If I want both of them to be in the
16 same document, the only document that qualifies for this
17 query's document 2. So I come back and say, well, the
18 answer to it is document 2. But again, it's -- if you look
19 at it this way, it's a very simple way of looking at
20 information in key ranges.

21 Let me point out a few things that -- if this
22 collection becomes bigger, let's say you're looking at 5
23 million documents as opposed to six documents and you go and
24 ask the same query. Now the system may come back and say,
25 well I found 500,000 documents, which has that word in it.

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1 Well obviously, you're not going to go through the 500,000
2 documents and look for the documents you're looking for.

3 What you want the system to do, you want the
4 system to come back with some sort of rank list, meaning you
5 want it to give you the most important document first and
6 the next one and the next one. The question is how does a
7 retrieval engine find the most relevant document to your
8 question? That's a tough question, and really there is no
9 clear answer to it.

10 What typically the information retrievals do is
11 try to extract more information out of the document in order
12 to identify the most relevant document for you. So for
13 example, they know if the word occurs more often in the
14 second document, maybe that document is more relevant. So
15 if I got two documents, document 5 and document 20 -- the
16 same document 5 ten times, and in document 20 it occurs 500
17 times, then they may say, well document 20 is more relevant.

18 Of course, again there's more complications. But
19 let's talk about some of these.

20 Some of these may be looking at the term position,
21 like how close -- like if you are looking for the Department
22 of Energy. Okay, so you're again looking at two words,
23 Department and Energy. But the fact that they are very
24 close to each other, they look at that as the notion that
25 this, this document is closer to your query. So the term

1 position, the phrases, is this word within that many words
2 or that word, that type of information plays a very
3 important role.

4 So the information that's relevant -- and they
5 keep track of where the words are, because they can give you
6 more relevant data. By the same method I just mentioned a
7 few minutes ago, they keep track of the frequency of each
8 word. Again, if they know certain words, like you have more
9 in this document, there may be five documents more relevant
10 than the others.

11 The other type of thing they keep track of is what
12 we call inverse document frequency. If you're looking at a
13 collection which is all about physics, the word physics
14 occurs in every document. So it's not a very important
15 word. So what they look at, if there are words that occur
16 in only in a few documents, those words get highly rated.
17 The reason you want to give it the high rating is because
18 those are the words which distinguish those few documents
19 from the rest of the collection.

20 I saw -- typically most of these things are really
21 based on rule of thumbs of heuristics. The example I gave
22 you essentially about, someone said, well I think this is a
23 good indication to find relevant documents. As I said
24 before, really there is no mathematical theory like what you
25 see in relational database systems, or a system of logic.

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1 Here that's not the case. Most of the ideas here are based
2 on rule of thumb of heuristics.

3 So, examples of models that people have come up
4 that have been actual commissioned retrieval engines are
5 things like Vector Space. Well, without getting too much
6 into Vector Space, what it is, essentially what they do
7 there is present your document and your queries using
8 mathematical vector space. It's some sort of mathematical
9 space. A good example of that, the smartest one. Fulcrum
10 is another one. Fulcrum is based on Vector Space model.

11 There are other ones. They may use what is known
12 as latent semantic indexing, which is a more elaborate form
13 of vector space. There are systems which are based on
14 probabilistic or Bayesian models. There are systems which
15 are based on semantic networks. These are just a few of
16 them.

17 A system which heavily uses Thesaurus -- you know,
18 in other words the retrieval is essentially based on how
19 much expansion you can do true to size. I'm talking about
20 generated size. Now, based on what I just said, most of the
21 engines you see are based on some of these and maybe more.

22 Now in addition to, one of the things obviously
23 you need to do, you need to identify which engine is the one
24 you want. As I said before, they're all on different
25 models, different principles. Even after you go ahead and

1 identify what the retrieval engine is, you still need to
2 fine-tune the retrieval engine to the collection you have.
3 So in particular, you're going to have to use your specific
4 thesaurus.

5 Like, in the case of LSM, you have the other
6 specific. That may come into fine-tuned retrieval. You
7 might have to do some specific pattern matching. Again, in
8 the case of LSM you are looking at OCR text. In OCR text,
9 the kind of matching and retrieval you may be doing is maybe
10 different from the text which has been typed in because the
11 type of errors are different. The type of error you do when
12 you're typing something is really dependent on the structure
13 of the keyboard, the way the keyboard is at edge.

14 Modern OCR has to do with the shape of this
15 object. So it's possible it sees an "O" and may think it's
16 a zero. So the type of pattern matching you do may be
17 different. Furthermore, you may have to use evidence from
18 different parts of the document to again fine-tune the
19 retrieval. In particular, you may have headers as we have
20 part, we have header information for each document. Or you
21 may have information, you may have marked up the outer
22 strike, the introduction, the conclusion and so on. So you
23 may have to find those stuff to get better retrieval off the
24 system.

25 The point being here that, all systems are very

1 different. And again, as I said, as I started with, they
2 are really not based on a theoretical model, like as I said
3 before, like database management systems. And again, all
4 systems are essentially used, proprietary heuristics and try
5 to improve retrieval effectiveness.

6 Finally, all systems -- if you have the same
7 query, if you course it against three different, other
8 engines, you'll come up with three different results. It's
9 not the same results. Again, the reason is because they all
10 work differently.

11 I guess the next part of this thing will be done
12 by Julie.

13 MS. BOISAK: I guess after that introduction,
14 everybody understands information retrieval completely. In
15 any case, we've, being Kazem and I, have basically been
16 tasked by the NNO to identify a commercial retrieval system
17 tat will best benefit the LSN and its users.

18 What we've done basically has been broken down
19 into two different phases. The first phase included an
20 initial study, where we identified several systems that we
21 thought could handle a collection as large as the LSN and
22 have the characteristics of being able to store header data,
23 text and images.

24 The second thing we did was to send out an RFI to
25 these commercial companies, and awaited their responses.

1 From their responses, we narrowed the number of systems that
2 we decided to evaluate. And then we actually asked them to
3 participate in the hands-on evaluation. We lost a few more
4 at that point.

5 We did end up with six systems that we selected.
6 They included LiveLink, Retrieval Ware, Inquiry, Fulcrum,
7 Thunderstone, and Basis. I'm sure some of you have heard
8 these names before. They're all commercial systems, and
9 they're all specific to retrieval technology.

10 The detailed study that we're doing basically is
11 to take the NRC Phase II requirements, adjust it for the
12 internet -- we have 38 requirements total, and they fall
13 into these second categories. And they're probably familiar
14 to you, I'm sure.

15 But also we have other consideration that we've
16 been able to evaluate with the systems being in place and
17 installed at ISRA. For example, we're able to see how well
18 these systems are compatible with other software
19 requirements that, that they need. For example, some of
20 them require relational databases, like Oracle.

21 Also, we were able to evaluate how good their
22 technical support staff is. Are they right there when we
23 have, when we have questions for them during installation or
24 whatever.

25 Also, the quality of the documentation -- as both

1 Tom and Kazam have said, the systems are very large and very
2 complex and the documentation is crucial when you're trying
3 to put together a system like this. The ease of
4 installation and collection preparation -- a lot of times
5 you need to prepare the documents before loading them, and
6 that can take a lot of time. But if the system isn't
7 designed properly... also the, the customizability is really
8 important, as there are changes over time, the system is
9 going to have to change as well. So these are some of the
10 considerations that we've reviewed as we've gone through
11 this hands-on evaluation.

12 We're also able to do other kinds of retrieval
13 tasks. I know I heard Kazam mention relevance many times in
14 his, in his presentation. Basically, that's a similarity of
15 the documents to the queries.

16 We're able to actually measure this using
17 precision in recall measurements. We have 65 queries and
18 relevance of judgments, means someone has actually looked at
19 the queries and decided whether these documents were
20 relevant to these queries or not. And then when we run
21 these queries against the systems, we're able to determine
22 which systems are returning the best results. And this is
23 another way that we're able to prepare the different
24 retrieval technology.

25 And, in conclusion I'm going to turn it back over

1 to Tom.

2 MR. NARTLER: Thanks, Julie. I think our, I'm
3 afraid our main message is that we're not done yet. We're
4 evaluating these six systems. We're certainly eighty-
5 percent complete, maybe ninety. We've turned in reports for
6 the first four; the fifth report will be done in about a
7 week. And the final system we're evaluating is Basis.
8 We've just installed it last week. So we're not quite done.

9 But with regard to NRC requirements and with these
10 other considerations, we can tell you for sure there's a lot
11 of differences between these systems. We have refrained
12 from writing anything, or even discussing much amongst
13 ourselves -- which is the best or which one we like more.
14 We're really trying to do a thorough written side-by-side
15 comparison of each system with regard to the perspective E2
16 quantum. One at a time. And when we're done in about a
17 month, we will then sit down and compare these, write up
18 what we've find on a requirement-by-requirement basis for
19 all six systems. So we're not there yet.

20 But I guess the main thing we can say at this time
21 is that it's, that it is surprising how different the
22 systems are. And it will be -- you know when we finally
23 write it up, we think you'll find it interesting to be able
24 to see how these systems compare.

25 That's all for us. Any questions?

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1 MR. CAMERON: You might have mentioned this, but
2 is it possible to factor in the type of user that might be
3 pulsing the system? And that could be type of user -- we
4 may have technical people, we may have lawyers, we may have
5 laymen. And how do you get a handle on -- I'm thinking
6 about potential LSN users. And there's, there's some
7 primary types of users and then there's, since it is going
8 to be a public system, there's a whole lot of lay people
9 that may be --

10 MR. NARTLER: Yes. The, the kind of query modes
11 that are provided are certainly a lot easier whether you
12 have natural language query or you have to formulate --

13 MR. CAMERON: Yes, that's what I'm talking about.

14 MS. BOISACK: Right. One of the requirements
15 includes both having a natural language interface as well as
16 a Boolean interface. So for people that know how to query
17 in Boolean, with the Boolean system, that's one of the
18 requirements that has to be met by the system.

19 MR. TAGHRA: Well, one of the things we're looking
20 at, again -- oh, okay, sure. One of the things that we're
21 looking at, as we mentioned, is obviously if there are
22 searches on the internet, typically they type in one word or
23 two words. Seven or eight percent of queries on the
24 internet use only word or two words at the most.

25 We know someone that may be using LSN may be

1 librarians that they know how to write very good Boolean
2 queries, for examples. They know how to use advanced
3 techniques, other expansion and so on. So one of the things
4 that we're looking at, a lot of the things that we're
5 looking at is essentially evaluating those features, looking
6 at the system and seeing what kind of system are we needing
7 in all those modes. And the status we are doing will say
8 which one is better, et cetera.

9 MR. PITTS: Do you still work with OCR?

10 MR. NARTKA: Yeah.

11 MR. PITTS: What OCR technology are you using now
12 in terms of retrievals?

13 MR. NARTKA: We are, we have, we still have,
14 operate our tests, our OCR test retrieval software. And the
15 three best surviving systems in this country are, and
16 they're quite close together, are quite clearly CAERE. The
17 original system was Xerox; Xerox just sold it to a different
18 company. The Xerox company is now -- can somebody help me
19 with that? Xerox just sold their OCR technology to a new
20 company. And the third is the Expervision technology. And
21 they're very close.

22 We have all three engines up and we still run
23 tests for people. And the answer to your question is not
24 quite so simple. The, it depends on the, the specific kind
25 of documents you have and which one is best. They're very

1 close.

2 I can tell you this. If you're doing automatic
3 zoning, you will find the Xerox technology the best.

4 MR. PITTS: We're using CAERE, and we're having a
5 lot of headaches with the graphic and stuff like that.

6 MR. NARTKA: Uh huh.

7 MR. PITTS: It's not sucking that out.

8 MS. BOISACK: You're not signing those out?

9 MR. PITTS: Yeah.

10 MS. BOISACK: You're not signing them out.

11 MR. PITTS: Oh --

12 MS. BOISACK: You -- are you?

13 MR. PITTS: Yeah.

14 MS. BOISACK: Oh, you are. That's interesting.

15 MR. PITTS: But we try to do it -- we're catching
16 a lot of, we're not really tight on the zone. We're
17 catching words underneath and those are OCR.

18 MR. NARTKA: Well a lot of the things we still
19 find with, with all of the, the OCR engines is that they
20 take a very aggressive approach towards, towards trying to
21 recognize things on the page. And you know, little noisy
22 scratches or little marks or little marks or little lines.
23 They try to make characters out of them.

24 And so you get a lot of -- when you use an OCR
25 engine, especially if you, you know, if you, if you do

1 manual zoning and you leave, and you say give me this text
2 and only this text, you can do a pretty good job. But if
3 you do automatic zoning, it opens up the degrees of freedom
4 to them significantly, and you get a lot of garbage text.

5 And one of the things that we have done for QE is
6 to is to provide them with a copy of our manicure technology
7 that does garbage string removal, that removes that garbage
8 text.

9 We're still, we're still doing some work with that
10 technology.

11 MR. HOYLE: Tom, I was just going to ask about
12 cost comparison of the six retrieval systems or search
13 systems.

14 MR. NARTKA: Ah. We don't know that we know the
15 answer. Four of the vendors gave us a copy for free. Two
16 of the vendors charged us a small amount that they said was
17 just an evaluation charge. And we paid \$10,000 for one
18 system and \$7,000 for another.

19 MS. BOISACK: \$10,000 for Thunderstone; \$7,000 for
20 Basis.

21 MR. NARTKA: \$7,000 for Basis, and \$10,000 for
22 Thunderstone. But Fulcrum and Excalibur and LiveLink and
23 Inquiry all contributed to our testing for further
24 evaluation.

25 MR. TASHRA: But his question is regarding --

1 MR. NARTKA: Yeah, his question is, what's the
2 commercial cost. We don't know the answer.

3 MS. BOISACK: Yeah. They're all based on
4 licenses, pretty much. It all depends on the licenses.

5 MR. BOLLWERK: You said you evaluated six of them.
6 Do you feel that you got a pretty good mix from the across
7 the industry, you got the main ones?

8 MR. NARTKA: We would have been, we would have
9 evaluated any others that stepped forward.

10 MR. BOLLWERK: Right.

11 MR. NARTKA: There are one or two missing. And
12 Verity is one, for example, that's missing. They didn't
13 respond.

14 MS. BOISACK: They didn't want to participate.

15 MR. NARTKA: They didn't want to participate.

16 MS. BOISACK: A lot of the systems, too, that are
17 actually document management systems us a lot of the same
18 underlying retrieval technology. And that's what we found
19 when we were out, you know, because we had a long, much
20 longer list of about 15 or 20. And when you got right down
21 to brass tacks, you found out that PCDOCS and Document are
22 both using Fulcrum. So there was no point in doing any
23 comparison there because we're only really evaluating the
24 retrieval effectiveness.

25 MR. NARTKA: By and large the separate engines

1 that we didn't evaluate, just chose themselves not to
2 participate. We didn't limit anybody.

3 MR. HOYLE: Tom, your final report will be when?

4 MR. NARTKA: We won't make November 1st, but we'll
5 make December 1st.

6 MR. HOYLE: Does that go to the M&L, or -- that
7 would be very interesting.

8 MR. NARTKA: Yes. We are imagining that what we
9 will be doing is, is probably picking the two best for this
10 report and doing an even more thorough study of the final
11 two over the month of December, maybe part of January. So
12 -- but that will, we will be done with all this within the
13 next week.

14 MR. HOYLE: Okay. Thank you very much for the
15 presentation.

16 MS. BOISACK: Thank you.

17 MS. JOHNSON: Do you test these at all with just
18 real people who don't have a clue?

19 MR. TASHRA: Not yet.

20 [Laughter.]

21 MS. JOHNSON: Not yet. Well, when you get there,
22 you could call me and I could help you.

23 [Laughter.]

24 MR. TASHRA: Well, one of the plan is we are in
25 the future, we are trying to identify two or three, and then

1 from that point on they are going to really accurate load of
2 all documents in those search engines, ultimately identify
3 the one. But for that, we have, in mind to do that, you
4 understand.

5 MR. GRASER: I'd just like to add a couple
6 comments on that. I mentioned earlier today portal
7 software, okay. Portal software -- and there are probably
8 80 different brands of portal software that are out there
9 right now. To either a lesser or greater extent, a lot of
10 the portal software does the same thing that these document
11 management systems does. It will embed other software
12 underneath it to do the job, so you may in fact find that
13 the portal software is really using NTC for handling its
14 relational data, or structured data, and it's using Verity's
15 topic, which is a text retrieval software, to build the
16 portal site. Those are the tools that the portal software
17 is using to go off and index other sites.

18 So as they said, as you go around the industry you
19 will find repeatedly, over and over and over again, the same
20 short lists of the software packages that are most widely
21 used in, in the various portal technology. So it is
22 relevant and it is pertinent.

23 Now the other thing I was going to mention is that
24 the way you implement the portal site itself goes a long way
25 toward making the underlying tools seem less complex. In

1 other words, you can tailor what the portal site chooses to
2 use or not use. If a certain feature is very clunky in the
3 way it's implement or very difficult for somebody who is
4 just an occasional browser type person, then you can look at
5 that and say that even though a very powerful tool is
6 available to me, I will choose not to implement for the sake
7 of keeping the site simple.

8 And in some cases, these portal software packages
9 allow users to build their own search and retrieval
10 environments and building at a level that they feel
11 comfortable with. They have a basket full of tools. If
12 they choose only to use the relatively simple,
13 natural-language interface, just like going to Yahoo! and
14 searching the one or two terms.

15 On the other hand, you may have paralegals or
16 engineers or scientists routinely who routinely run complex
17 programs and feel very comfortable going in there and
18 getting down into command language level, of dealing with
19 the software, building their own queries. And some of them
20 are really phenomenally complex queries -- more power to
21 them. If they want to choose to do that in their own site,
22 that's fine.

23 So in some regards we can control how
24 sophisticated the interface presents these tools. It could
25 be very simple or very complex, depending on the user.

1 MR. BOLLWERK: Are you doing this for the search
2 engine for your collection, or why?

3 MS. NEWBURY: Yes. It's a, a grant for --

4 SPEAKER: Now actually they were funded partially
5 by the UAS last year, as well the unit, but now solely by
6 the unit.

7 MS. NEWBURY: It's all our money anyway.

8 [Laughter.]

9 MR. HOYLE: Okay. Back to the schedule. We have
10 Dan's abbreviate guidance on the discussion. I haven't
11 talked to Dan about this.

12 [Laughter.]

13 MR. HOYLE: I'm shocked that we're here telling
14 him he has two minutes.

15 [Laughter.]

16 MR. HOYLE: I want to keep, you know, just kind of
17 wrap up the meeting. So I think we're relatively close to
18 the end. I'm willing to take a break if that's, if that
19 would be better for everybody. It should be just about five
20 minutes in length.

21 MR. GRASER: Okay, so I get a minute and a half
22 now, right?

23 [Laughter.]

24 MR. GRASER: One of the things that I was hoping
25 to be able to do over the course of this morning's

1 discussion was to try to extract any additional questions or
2 comments or observations that anybody had in regards
3 especially to the guidelines materials that we had sent out,
4 and hopefully you all had the opportunity to go through.

5 The walk-through this morning was actually a
6 little more detailed and looks much more like the
7 presentation I was going to present this afternoon. So I
8 gave the presentation this morning, and my goal or objective
9 for this afternoon was to try to get some feedback from you
10 guys in terms of any additional questions, concerns, or, or
11 anything else that you would like to bring up.

12 And I would just like to make one more offer that
13 if anybody does have any questions, I'm going to be here
14 today, Thursday, Friday. If you don't want to ask the
15 question in the form this afternoon, but it suddenly occurs
16 to you later on in the week, that's fine. Please feel free
17 to raise the question.

18 We did leave a handout on the desktops this
19 morning that basically presented the flip charts, the
20 overheads that I was going to walk through this afternoon.
21 And the little bulleted items on each one of those gave a
22 little more flavor for the actual guideline document itself.
23 It gives you the thumbnail essence of what the guideline
24 says, more requests.

25 And even if I don't walk through the presentation

1 one more time and subject you, in excruciating detail,
2 listen to me lecture about these things, I do want to get
3 others that made the offer. If you have any other
4 questions, please feel to approach me at any time, and if
5 you any contacts -- you want to send me questions in email,
6 I'd be glad to answer them, and in fact answer any questions
7 to the broader audience, make sure you get copied on that.

8 But it really, if nobody has any additional
9 questions that they want to put down on the table, like I
10 said, the material is there. It's, it's in the three-ring
11 binder; it's in the overhead handouts. And if you at a
12 later time want to revisit it, you just let me know.

13 MR. HOYLE: Let me ask at this time whether there
14 are any comments or statements that anyone in the audience
15 would like to make? Okay.

16 We need to -- I would just kind of like to wrap up
17 what I, what I heard today that I think we ought to proceed
18 with. First of all, I think we accomplished what I would
19 call jump-starting the LSN. And then Dan has brought his
20 enthusiasm and energy for the project to all of us, and I
21 think we're going to get some good motion out of it.

22 We approved good ground rules for operating the
23 panel. We've agreed to charter for their technical working
24 group. And I think a couple things we would like to be able
25 to focus on, in addition to those which you may have

1 planned, Dan, one of which obviously is to proceed on the
2 technical alternative for LSN implementation.

3 I heard several speaking about looking into the
4 public access issues raised by the coursing of the ERs. We
5 clarified the roles and distinctions of the mission of
6 responsibilities of NRC and DOE with respect to, to the LSN.

7 We recommended a method for letting one party put
8 another party's document into the docket.

9 We talked about some other issues, like in the
10 sanctions area we need to expand the guidelines to provide
11 more detail on sanctions for problems that occur, or no
12 sanctions, when one party is sharing the site of another
13 party and problems arise.

14 We talked a little bit about expanding public
15 outreach to provide information on NRC's licensing
16 adjudicatory process, a little broader than we've heard
17 about.

18 So those are the central points that I picked up
19 today. Are there any others that should be added to that
20 list of general things?

21 The next meeting would occur after the working
22 group has gotten together and has submitted the material to
23 us for consideration. And your projection is that that
24 would be in January. We heard from Al that there's a TRV
25 meeting in January, but kind of late in the month.

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1 MS. NEWBURY: Yes, but that's my, one of my major
2 jobs. So I would rather have it after that than before
3 that, if you don't mind.

4 MR. HOYLE: And you're going to mess up Dan's
5 chart if you do it after that.

6 [Laughter.]

7 MS. NEWBURY: Sorry, Dan. You're off-schedule
8 already.

9 [Laughter.]

10 MR. HOYLE: I think we've seen the difficulty of
11 scheduling meetings with all of you. You're all very busy.
12 This is probably 1/20th of your actual work, or less perhaps
13 for some of you. But Dan, it's his full-time job, so he's
14 charging along here.

15 We do need to look at January, Dan. We'll work on
16 that, move it along. We'll see if we can get together
17 face-to-face. I think we accomplish a lot when we do that.
18 We also have the video conference opportunity. And then
19 we'll look into that.

20 All right. Any further comments? We'll be close
21 to the --

22 MR. BOLLWERK: I just have one, two things to say.

23 MR. HOYLE: Yes.

24 MR. BOLLWERK: First is a procedural matter. We,
25 I guess we had down under these books, and I think we do

1 have some extra copies back in the back, where the materials
2 are kind of stapled together. If you didn't get a book and
3 you want the materials, you might see Jack Whetstine back
4 there. I think there are some copies back there, as well as
5 there are a number of other things that were handed out.
6 They may have extra copies, and you might see Jack.

7 The second thing, I just wanted to say on behalf
8 of the panel, we do appreciate your participation today. As
9 I said in the beginning, we recognize there are a lot of
10 things going on right now. But this is an important effort
11 and you're getting things moving and I think there's going
12 to be the working groups tomorrow and they'll have a lot of
13 the information, and we're gonna be pressing forward with
14 this project. With Dan's help, I think we're on track to
15 get this done in a timely manner. So hopefully we won't bag
16 it back to ten years from now, saying the same thing.

17 [Laughter.]

18 MR. BOLLWERK: I don't think so this time. I
19 think this is the real deal.

20 MR. HOYLE: Not that I need the final word, but
21 let me mention that we will send transcripts out to
22 everyone. We have a transcript available. Usually, I guess
23 you've gotten hand-outs here. Those of you who are here and
24 have them, there are a number of members that are not here.
25 I want to be sure, Jack, that they get all of the hand outs.

1 MR. WHETSTINE: We're going to have those bound
2 into the transcript.

3 MR. GRASER: And as I said earlier today, when the
4 technical working group has its meeting minutes compiled and
5 a list of attendees develop and so forth, I will be sending
6 that out additionally to everybody who's on the ARP
7 distribution list, plus directly to the individuals who are
8 on the technical working group to make sure that everybody
9 is kept informed of the progress that's being made by the
10 technical working group. So some of the, some of the
11 materials that the technical working group is using, you may
12 find also attached as part of the minutes that I send out
13 for the technical working groups.

14 MR. HOYLE: Meeting adjourned.

15 [Whereupon, at 3:00 p.m., the meeting was
16 concluded.]

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A handwritten signature in cursive script that reads "Audrey Johnson". The signature is written over a horizontal line.

Audrey Johnson

Official Reporter

Ann Riley & Associates, Ltd.

Agenda for Licensing Support Network Advisory Review Panel Meeting

Wednesday, October 13, 1999

Morning

- ✓ 8:30 - 8:45 Introductions (HOYLE)
- ✓ 8:45 - 9:00 Briefing on ASLBP Role in LSN Development (BOLLWERK)
- 9:00 - 9:15 NRC's LSN Team Roles and Responsibilities (BOLLWERK)
- 9:15 - 9:45 TWG Pre-meeting of 10/12/99 (Charter, Ground Rules, Objectives as agreed upon) (GRASER)
- 9:45 - 10:00 Formally Task TWG (HOYLE)
- 10:00 - 10:20 Break
- 10:20 - 10:30 Participant Involvement in TWG and Design (GRASER)
- 10:30 - 10:50 Overall Schedule for LSN and Development of Guidance Documents (GRASER)
- 10:50 - 11:45 Comments on Preliminary Materials Disseminated before LSN ARP Meeting (to see if any participants want to include items for the TWG to address as part of tasking the TWG) (OPEN DISCUSSION)

Afternoon

- 1:00 - 1:45 FY 2000 Budget, Impacts, Status, Part 63 Discussions (ROOM CANVASS OF EACH PARTICIPANT/POTENTIAL PARTICIPANT)
- 1:45 - 2:15 DOE Activities on Web Site & Topical Guidelines (NEWBURY & VERDEN)
- 2:15 - 2:35 Break
- 2:35 - 2:55 UNLV technology research (NARTKER)
- 2:55 - 4:30 LSN Guidance Document (GRASER)
- 4:30 - close Public Comments
Scheduling for Closure of TWG Activities
Next ARP Meeting (Videoconference?) I.e, arrangements for accessible LV site
(HOYLE & WHETSTINE & NEWBURY)

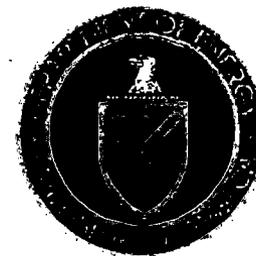
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**Yucca Mountain Site Characterization Office
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**Presented to
Licensing Support Network Advisory
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**Presented by
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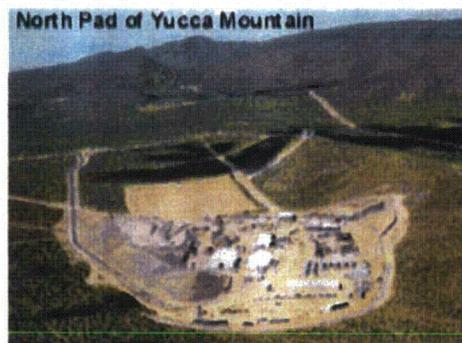
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- [Air-Injection Testing in Vertical Boreholes in Welded and Nonwelded Tuff, Yucca Mountain, Nevada Water-Resources Investigations Report USGS-WRIR-96-4262. Denver, Colorado: U.S. Geological Survey. MOL.19980310.0148.](#)
- [Application of the RIP \(Repository Integration Program\) to the Proposed Repository at Yucca Mountain: Conceptual Model and Input Data Set Redmond, Washington: Golder Associates. 235334.](#)
- [Analysis of the Total System Life Cycle Cost of the Civilian Radioactive Waste Management Program Preliminary draft. A00000000-00811-5708-00002, REV 00A. Vienna, Virginia: CRWMS M&O. HQO.19980901.0001.](#)
- [Analysis of the Total System Life Cycle Cost of the Civilian Radioactive Waste Management Program](#)

[Back to top](#)

B

- [Basis for the VA and TSLCC Cost Estimate Operational Waste Stream A00000000-01717-1701-00002, REV 00. Vienna, Virginia: CRWMS M&O. MOV.19980622.0021.](#)
- [Bedrock Geologic Map of the Yucca Mountain Area, Nye County,](#)

Step 2 - Sort by Topical Guidelines

- **First attempt completed in August by degreed Librarians**
- **Very difficult to sort into logical categories that match the TG**
- **Will be added to the Web Page next month**

Step 3 - Index the Documents

- ' **Still investigating approaches**
 - keywording
 - subject indexing
 - “back-of-the-book” indexing techniques
- ' **Labor intensive effort**
- ' **Needs interviews/testing with members of the public**

Concerns . . .

- ' **Topical Guidelines may not be appropriate for sorting all documents**
- ' **Inconsistent indexing**
- ' **Costs of re-indexing**
- ' **Computer security -- access across firewall**

Desired Results --

- ' Maximum options for searchers**
- ' User-friendliness**
- ' Ability to browse or search for specifics**
- ' No documents "buried" within the database, all readily available**

Plans

- ' **Release key products supporting Site Recommendation on YMP Homepage**
- ' **Continue to hyperlink from documents to reference materials**
- ' **Release SR product and all (DOE) referenced documents**
- ' **Provide alternative tools for reviewing referenced materials**
- ' **Continue process for potential License Application**

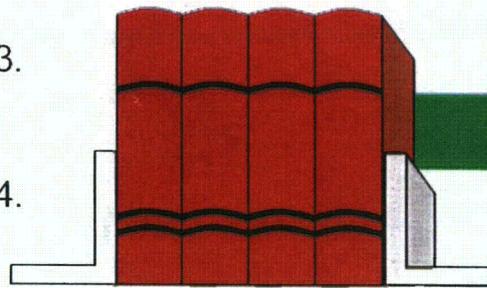
SR Products & Reference List

- 1.a
- b
- c

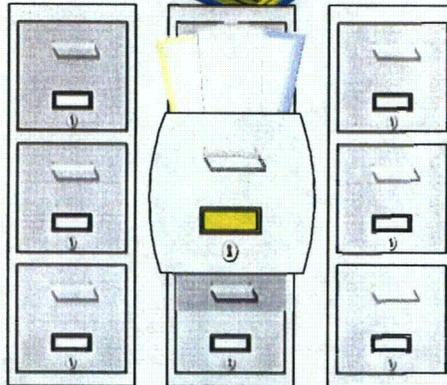
2.

3.

4.



Supporting Documents



Search Tools
alphabetic lists
topics based on YMP/TGD
key words



CURRENT AND PROPOSED TOPICAL GUIDELINES

| | A | B | C | D |
|----|------------|--|-----------------|---|
| 1 | RG 3.69 TG | Topic | Proposed TG | Title |
| 2 | 01.00.00 | General Information | 01.00.00 | GENERAL INFORMATION |
| 3 | 01.01.00 | General Facility Description | 01.01.00 | GENERAL DESCRIPTION OF THE REPOSITORY |
| 4 | 01.02.00 | Basis for Licensing Authority | 01.01.04 | Basis of Licensing Authority |
| 5 | 01.03.00 | Schedules Relevant to the NRC/DOE Repository Programs | 01.02.00 | PROPOSED SCHEDULES FOR CONSTRUCTION, WASTE RECEIPT, AND WASTE EMPLACEMENT |
| 6 | 01.04.00 | Any Publicly Available Information on Certification of Safeguards | 01.06.00 | PHYSICAL PROTECTION AND MATERIAL CONTROL AND ACCOUNTING (publicly available information only) |
| 7 | 01.05.00 | Any Publicly Available Information on the Physical Security Plan | 01.06.00 | PHYSICAL PROTECTION AND MATERIAL CONTROL AND ACCOUNTING (publicly available information only) |
| 8 | 01.06.00 | Site Characterization | 01.04.01 | Summary of Site Characterization Activities |
| 9 | 01.07.00 | License Specifications | By specific SSC | |
| 10 | 01.07.00 | License Specifications | 11.10.00 | LICENSE SPECIFICATIONS |
| 11 | 01.08.00 | Information Relevant to NRC Findings Regarding Compliance with Statutes | 14.04.00 | COMPLIANCE WITH APPLICABLE STATUTES |
| 12 | 02.00.00 | The Natural Systems of the Geologic Setting | 03.00.00 | SITE CHARACTERISTICS |
| 13 | 02.01.00 | Geologic System | 03.02.00 | REGIONAL AND SITE GEOLOGIC SETTING |
| 14 | 02.01.01 | Regional Geology | 03.02.03 | Regional Geologic Setting |
| 15 | 02.01.02 | Site Geology | 03.02.05 | Site Geology |
| 16 | 02.01.03 | Future Variations in Geologic Processes | 03.02.00 | REGIONAL AND SITE GEOLOGIC SETTING |
| 17 | 02.02.00 | Hydrologic System | 03.05.00 | HYDROLOGY |
| 18 | 02.02.01 | Surface Water Hydrology | 03.05.04 | Surface Water Hydrology |
| 19 | 02.02.02 | Regional Hydrogeology | 03.05.03 | Regional Hydrologic Setting |
| 20 | 02.02.03 | Site Hydrogeology | 03.05.05 | Groundwater Hydrology |
| 21 | 02.03.00 | Geochemical System | 03.03.00 | GEOCHEMISTRY |
| 22 | 02.03.01 | Regional Geochemistry | 03.03.03 | Rock Geochemistry of Yucca Mountain and Vicinity |
| 23 | 02.03.01 | Regional Geochemistry | 03.03.04 | Fluid Geochemistry of Yucca Mountain and Vicinity |
| 24 | 02.03.02 | Site Geochemistry | 03.03.03 | Rock Geochemistry of Yucca Mountain and Vicinity |
| 25 | 02.03.02 | Site Geochemistry | 03.03.04 | Fluid Geochemistry of Yucca Mountain and Vicinity |
| 26 | 02.04.00 | Climatological and Meteorological Systems | 03.04.00 | CLIMATOLOGY AND METEOROLOGY |
| 27 | 02.04.01 | Present Climate and Meteorology | 03.04.03 | Present Climate and Meteorology |
| 28 | 02.04.02 | Paleoclimatology | 03.04.04 | Paleoclimatology |
| 29 | 02.04.03 | Future Climatic Variation | 03.04.05 | Future Climate Variation |
| 30 | 02.05.00 | Integrated Natural System Response to the Maximum Design Thermal Loading | 08.04.01 | Evaluation of the Nominal Scenario |
| 31 | 02.06.00 | Processes and Events | 08.02.00 | SELECTION OF TOTAL SYSTEM PERFORMANCE ASSESSMENT SCENARIOS |
| 32 | 02.07.00 | Effectiveness of Natural Barriers Against the Release of Radioactive Material to the Environment | 08.06.03 | Results of Multiple Barrier Analysis |
| 33 | 03.00.00 | Geologic Repository Operations Area (GROA): Physical Facilities | 04.00.00 | REPOSITORY SURFACE DESIGN |
| 34 | 03.00.00 | Geologic Repository Operations Area (GROA): Physical Facilities | 06.00.00 | ENGINEERED BARRIER SYSTEM DESIGN (EXCLUDING WASTE PACKAGE) |
| 35 | 03.01.00 | Surface Facilities | 04.00.00 | REPOSITORY SURFACE DESIGN |
| 36 | 03.01.01 | Waste Handling System, Buildings, or Equipment (Including Hot Cell) | 04.00.00 | REPOSITORY SURFACE DESIGN |

| | A | B | C | D |
|----|------------|---|----------------------|--|
| 1 | RG 3.69 TG | Topic | Proposed TG | Title |
| 37 | 03.01.02 | Onsite Radioactive Waste Management System | 09.00.00 | RADIOACTIVE WASTE MANAGEMENT |
| 38 | 03.01.03 | Fire and Explosion Protection Systems | By specific SSC | |
| 39 | 03.01.04 | Emergency Systems | By specific SSC | |
| 40 | 03.01.04 | Emergency Systems | 06.02.07 | Emergency Systems |
| 41 | 03.01.05 | Communication Systems | 04.06.14 | Site Communications |
| 42 | 03.01.05 | Communication Systems | 06.02.08 | Communication System |
| 43 | 03.01.06 | Utility Systems | By specific building | |
| 44 | 03.01.06 | Utility Systems | 04.06.00 | BALANCE OF PLANT |
| 45 | 03.01.07 | Instrumentation and Control Systems | By specific building | |
| 46 | 03.01.08 | Onsite Transportation System | 04.03.00 | CARRIER/CASK TRANSPORT SYSTEM |
| 47 | 03.01.09 | Ventilation Systems | By specific building | |
| 48 | 03.01.10 | Operations Support Systems | 04.06.10 | Site Operations System |
| 49 | 03.01.10 | Operations Support Systems | 06.02.10 | Operations Support Systems |
| 50 | 03.01.11 | Plans for the Decommissioning System | 11.15.00 | DECONTAMINATION OR DISMANTLEMENT OF SURFACE FACILITIES |
| 51 | 03.01.12 | Other Surface Systems | 04.06.00 | BALANCE OF PLANT |
| 52 | 03.02.00 | Shafts/Ramps | 06.02.02 | Subsurface Description |
| 53 | 03.02.01 | Waste Shaft/Ramp | 06.02.02 | Subsurface Description |
| 54 | 03.02.02 | Muck Shaft/Ramp | 06.02.02 | Subsurface Description |
| 55 | 03.02.03 | Ventilation Intake Shafts | 06.02.04 | Ventilation System |
| 56 | 03.02.04 | Ventilation Exhaust Shafts | 06.02.04 | Ventilation System |
| 57 | 03.02.05 | Personnel and Materials Shafts | 06.02.02 | Subsurface Description |
| 58 | 03.02.06 | Plans for the Decommissioning System | 11.15.00 | DECONTAMINATION OR DISMANTLEMENT OF SURFACE FACILITIES |
| 59 | 03.02.07 | Other Shaft/Ramp Systems | 06.02.02 | Subsurface Description |
| 60 | 03.03.00 | Underground Facility | 06.00.00 | ENGINEERED BARRIER SYSTEM DESIGN (EXCLUDING WASTE PACKAGE) |
| 61 | 03.03.01 | Excavation and Ground Support Systems | 06.02.03 | Excavation and Ground Support Systems |
| 62 | 03.03.02 | Muck Handling System | 06.02.03 | Excavation and Ground Support Systems |
| 63 | 03.03.03 | Ventilation System | 06.02.04 | Ventilation System |
| 64 | 03.03.04 | Waste Emplacement System | 06.02.05 | Waste Emplacement |
| 65 | 03.03.05 | Waste Retrieval System | 06.02.06 | Waste Retrieval |
| 66 | 03.03.06 | Emergency Systems | 06.02.07 | Emergency Systems |
| 67 | 03.03.07 | Communication System | 06.02.08 | Communication System |
| 68 | 03.03.08 | Operations Support System | 06.02.10 | Operations Support Systems |
| 69 | 03.03.09 | Plans for the Decommissioning System | 11.15.00 | DECONTAMINATION OR DISMANTLEMENT OF SURFACE FACILITIES |
| 70 | 03.03.10 | Other Underground Systems | 06.02.11 | Other Underground Systems |
| 71 | 03.04.00 | Interface of Structures, Systems, and Components | By specific SSC | |
| 72 | 03.05.00 | Retrievability of Waste | 11.12.00 | WASTE RETRIEVAL, REMOVAL, AND ALTERNATE STORAGE |
| 73 | 03.06.00 | Effectiveness of the GROA against the Release of Radioactive Materials to the Environment | 07.00.00 | PRECLOSURE RADIOLOGICAL SAFETY ASSESSMENT |
| 74 | 03.06.00 | Effectiveness of the GROA against the Release of Radioactive Materials to the Environment | 08.00.00 | PERFORMANCE OF THE REPOSITORY AFTER PERMANENT CLOSURE |
| 75 | 04.00.00 | Engineered Barrier Systems | 05.00.00 | WASTE FORM AND WASTE PACKAGE DESIGN |
| 76 | 04.01.00 | Waste Package | 05.02.00 | WASTE PACKAGE DESIGN DESCRIPTION |
| 77 | 04.02.00 | Waste Form | 05.01.00 | WASTE FORM |
| 78 | 04.03.00 | Underground Facility | 06.00.00 | ENGINEERED BARRIER SYSTEM DESIGN (EXCLUDING WASTE PACKAGE) |

| | A | B | C | D |
|-----|------------|---|-------------|---|
| 1 | RG 3.69 TG | Topic | Proposed TG | Title |
| 79 | 04.04.00 | Engineered Barrier System Waste Package Emplacement Environment | 06.01.01 | Engineered Barrier System Environment |
| 80 | 04.05.00 | Engineered Barrier System Alternative Design Features | IG 21(c)(7) | Requirement for design alternatives deleted. |
| 81 | 04.06.00 | Effectiveness of Engineered Barriers Against the Release of Radioactive Material to the Environment | 06.01.00 | ENGINEERED BARRIER SYSTEM OVERVIEW DESCRIPTION |
| 82 | 05.00.00 | Overall System Performance Assessment | 08.00.00 | PERFORMANCE OF THE REPOSITORY AFTER PERMANENT CLOSURE |
| 83 | 05.01.00 | Basic Approach | 08.01.03 | Basic Approach of the Performance Assessment |
| 84 | 05.02.00 | System Description | 08.01.02 | Scope of the Performance Assessment |
| 85 | 05.02.01 | Conceptual Models | 08.03.00 | SYSTEM AND SUBSYSTEM DESCRIPTIONS |
| 86 | 05.02.02 | Processes and Events (Potentially Disruptive) | 08.02.03 | Features, Events, and Processes Database |
| 87 | 05.02.03 | Processes and Events (Undisturbed Performance) | 08.02.03 | Features, Events, and Processes Database |
| 88 | 05.03.00 | Cumulative Release of Radioactive Materials | 07.06.00 | CONSEQUENCE ANALYSES OF DESIGN BASIS EVENTS |
| 89 | 05.03.00 | Cumulative Release of Radioactive Materials | 07.07.00 | ATMOSPHERIC DISPERSION AND DOSE CALCULATIONS |
| 90 | 05.03.00 | Cumulative Release of Radioactive Materials | 08.08.01 | Ten Thousand Year Dose Rates |
| 91 | 05.03.01 | Screening of Processes and Events | 08.02.00 | SELECTION OF TOTAL SYSTEM PERFORMANCE ASSESSMENT SCENARIOS |
| 92 | 05.03.02 | Scenario Development and Screening | 08.02.01 | Scenario Selection Method |
| 93 | 05.03.03 | Consequence Analyses: Estimates of Cumulative Releases | 08.08.00 | CONCLUSIONS |
| 94 | 05.03.04 | Probability Estimates | 08.03.01 | Subsystem Models and Data |
| 95 | 05.03.05 | Model and Code Validation | 08.03.00 | SYSTEM AND SUBSYSTEM DESCRIPTIONS |
| 96 | 05.04.00 | Undisturbed Performance | 08.04.01 | Evaluation of the Nominal Scenario |
| 97 | 05.04.01 | Individual Protection Requirements | 07.08.00 | DEMONSTRATION OF COMPLIANCE |
| 98 | 05.04.01 | Individual Protection Requirements | 08.08.00 | CONCLUSIONS |
| 99 | 05.04.02 | Ground Water Protection Requirements | N/A | |
| 100 | 05.04.03 | Model and Code Validation | 08.03.00 | SYSTEM AND SUBSYSTEM DESCRIPTIONS |
| 101 | 06.00.00 | Conduct of Repository Operations | 11.00.00 | CONDUCT OF OPERATIONS AND RELATED TOPICS |
| 102 | 06.01.00 | Maintenance | 11.09.00 | MAINTENANCE |
| 103 | 06.02.00 | Organization | 11.01.00 | ORGANIZATIONAL STRUCTURE AND MANAGEMENT |
| 104 | 06.03.00 | Personnel | 11.01.00 | ORGANIZATIONAL STRUCTURE AND MANAGEMENT |
| 105 | 06.04.00 | Records/Reports | 11.04.00 | RECORDS |
| 106 | 06.05.00 | Training Programs | 11.03.00 | TRAINING |
| 107 | 06.06.00 | Schedules | 01.02.00 | PROPOSED SCHEDULES FOR CONSTRUCTION, WASTE RECEIPT, AND WASTE EMPLACEMENT |
| 108 | 06.06.00 | Schedules | 11.00.00 | CONDUCT OF OPERATIONS AND RELATED TOPICS |
| 109 | 06.07.00 | Identification of Operating Controls and Limits | 11.10.00 | LICENSE SPECIFICATIONS |
| 110 | 06.08.00 | Preservation of Records | 11.04.02 | Record Preservation |
| 111 | 06.09.00 | Site Markers | 13.02.00 | ACCESS CONTROLS |
| 112 | 07.00.00 | Land Ownership and Control | 13.00.00 | LAND OWNERSHIP AND CONTROL |
| 113 | 07.01.00 | Plans for Restricting Controlled Area Access | 13.02.00 | ACCESS CONTROLS |
| 114 | 07.01.01 | Identification of Controlled Area | 13.01.01 | Identification of the Postclosure Controlled Area |
| 115 | 07.01.02 | Identification of Existing Legal Interests | 13.01.02 | Legal Interests |
| 116 | 07.01.03 | Identification of Legal Interests To Be Obtained | 13.01.02 | Legal Interests |
| 117 | 07.01.04 | Water Rights | 13.01.03 | Water Rights |
| 118 | 07.02.00 | Plans for Regulating Land Use Outside the Controlled Area | 13.02.00 | ACCESS CONTROLS |

| 1 | A | B | C | D |
|-----|------------|---|--|---|
| | RG 3.69 TG | Topic | Proposed TG | Title |
| 119 | 07.02.01 | Identification of Adjacent Areas of Concern | 13.01.01 | Identification of the Postclosure Controlled Area |
| 120 | 07.02.02 | Identification of Existing Legal Interests | 13.01.02 | Legal Interests |
| 121 | 07.02.03 | Identification of Legal Interests To Be Obtained | 13.01.02 | Legal Interests |
| 122 | 07.03.00 | Plans for Regulating Land Use at the GROA | 13.01.01 | Identification of the Postclosure Controlled Area |
| 123 | 07.04.00 | Other Types of Legal Interests | 13.01.02 | Legal Interests |
| 124 | 08.00.00 | Quality Assurance (QA) Records | Include in respective topical category | |
| 125 | 08.01.00 | QA Records for Site Characterization | Include in respective topical category | |
| 126 | 08.02.00 | QA Records for Design and Construction | Include in respective topical category | |
| 127 | 08.03.00 | QA Records Including Records Covering Operations, Permanent Closure, Decontamination, and Decommissioning | Include in respective topical category | |
| 128 | 08.04.00 | QA Records for All Relevant Research Activities | Include in respective topical category | |
| 129 | 09.00.00 | Emergency Planning | 11.11.00 | EMERGENCY PLANNING |
| 130 | 10.00.00 | Radiation Protection | 10.00.00 | RADIATION PROTECTION |
| 131 | 10.01.00 | Ensuring that Radiation Exposures Are As Low As Is Reasonably Achievable (ALARA) | 10.01.00 | AS LOW AS IS REASONABLY ACHIEVABLE PROGRAM |
| 132 | 10.02.00 | Radiation Sources | 07.04.00 | SOURCE TERM DEVELOPMENT |
| 133 | 10.03.00 | Radiation Protection Design Features | 04.00.00 | REPOSITORY SURFACE DESIGN |
| 134 | 10.03.00 | Radiation Protection Design Features | 06.01.00 | ENGINEERED BARRIER SYSTEM OVERVIEW DESCRIPTION |
| 135 | 10.03.00 | Radiation Protection Design Features | 09.00.00 | RADIOACTIVE WASTE MANAGEMENT |
| 136 | 10.04.00 | Estimated Onsite Dose Assessment | 10.02.00 | DOSE ASSESSMENT |
| 137 | 10.05.00 | Health Physics Program | 10.03.00 | OPERATIONAL RADIATION PROTECTION PROGRAMS |
| 138 | 10.06.00 | Estimated Offsite Dose Assessment | 10.02.00 | DOSE ASSESSMENT |
| 139 | 11.00.00 | Any Alternatives Considered | IG 21(c)(7) | Requirement for design alternatives deleted. |
| 140 | 12.00.00 | Information for Preparation of a Geologic Repository Environmental Impact Statement | 14.00.00 | ENVIRONMENTAL IMPACT ASSESSMENT |
| 141 | 12.01.00 | Environmental | 14.01.00 | ENVIRONMENTAL |
| 142 | 12.02.00 | Socioeconomic | 14.02.00 | SOCIOECONOMIC |
| 143 | 12.03.00 | Transportation | 14.03.00 | TRANSPORTATION |
| 144 | | | 01.01.01 | Location and Description of the Repository |
| 145 | | | 01.01.02 | Description of Radioactive Materials to Be Received (publicly available information only) |
| 146 | | | 01.01.03 | General Description of Proposed Activities |
| 147 | | | 01.03.00 | IDENTIFICATION OF AGENTS AND CONTRACTORS |
| 148 | | | 01.04.00 | DESCRIPTION OF SITE CHARACTERIZATION AND PERFORMANCE ASSESSMENT WORK CONDUCTED |

| 1 | A | B | C | D |
|-----|------------|-------|-------------|---|
| | RG 3.69 TG | Topic | Proposed TG | Title |
| 149 | | | 01.04.02 | Statement of Compliance and Performance Assessment Summary |
| 150 | | | 01.05.00 | QUALITY ASSURANCE (General programmatic information only in LA) |
| 151 | | | 01.07.00 | MATERIALS INCORPORATED BY REFERENCE |
| 152 | | | 02.00.00 | CONFORMANCE WITH TECHNICAL CRITERIA |
| 153 | | | 02.01.00 | CONFORMANCE WITH TECHNICAL CRITERIA IN PROPOSED 10 CFR 63 (64 FR 8640) |
| 154 | | | 02.02.00 | WASTE CONTAINMENT AND ISOLATION |
| 155 | | | 02.03.00 | USE OF U.S. NUCLEAR REGULATORY COMMISSION TECHNICAL POSITIONS, U.S. NUCLEAR REGULATORY COMMISSION REGULATORY GUIDES, AND INDUSTRY STANDARDS |
| 156 | | | 02.04.00 | CLASSIFICATION AND GRADING OF STRUCTURES, SYSTEMS, AND COMPONENTS |
| 157 | | | 02.05.00 | STRUCTURES, SYSTEMS, AND COMPONENTS IMPORTANT TO SAFETY |
| 158 | | | 03.01.00 | GEOGRAPHY AND DEMOGRAPHY |
| 159 | | | 03.01.01 | Data Sources and Quality |
| 160 | | | 03.01.02 | Site Geography |
| 161 | | | 03.01.03 | Site Demography |
| 162 | | | 03.02.01 | Overview |
| 163 | | | 03.02.02 | Data Sources and Quality |
| 164 | | | 03.02.04 | Regional Tectonic Models |
| 165 | | | 03.02.06 | Surficial Geology and Quaternary Stratigraphy |
| 166 | | | 03.02.07 | Site Stratigraphy |
| 167 | | | 03.02.08 | Site Structural Geology |
| 168 | | | 03.02.09 | Site Geoenvironmental Properties |
| 169 | | | 03.02.10 | Three Dimensional Integrated Site Model |
| 170 | | | 03.02.11 | Volcanism and Volcanic Hazards |
| 171 | | | 03.02.12 | Seismicity and Seismic Hazards |
| 172 | | | 03.02.13 | Natural Resources |
| 173 | | | 03.02.14 | Summary |
| 174 | | | 03.03.01 | Overview |
| 175 | | | 03.03.02 | Data Sources and Quality |
| 176 | | | 03.03.05 | Summary of the Geochemical Framework |
| 177 | | | 03.04.01 | Overview |
| 178 | | | 03.04.02 | Data Sources and Quality |
| 179 | | | 03.04.06 | Summary |
| 180 | | | 03.05.01 | Overview |
| 181 | | | 03.05.02 | Data Sources and Quality |
| 182 | | | 03.05.06 | Paleohydrology |
| 183 | | | 03.05.07 | Summary |
| 184 | | | 04.01.00 | SURFACE FACILITIES DESIGN |
| 185 | | | 04.01.01 | Surface Facility Design Overview |
| 186 | | | 04.01.02 | Level of Design Detail |
| 187 | | | 04.02.00 | CARRIER PREPARATION BUILDING |
| 188 | | | 04.04.00 | WASTE HANDLING BUILDING |

| 1 | A | B | C | D |
|-----|------------|-------|-------------|--|
| | RG 3.69 TG | Topic | Proposed TG | Title |
| 189 | | | 04.05.00 | WASTE TREATMENT BUILDING |
| 190 | | | 04.07.00 | DECONTAMINATION OR DISMANTLEMENT OF SURFACE FACILITIES |
| 191 | | | 05.01.01 | Commercial Spent Nuclear Fuel |
| 192 | | | 05.01.02 | U.S. Department of Energy Spent Nuclear Fuel |
| 193 | | | 05.01.03 | High Level Radioactive Waste |
| 194 | | | 05.01.04 | Naval Waste |
| 195 | | | 05.01.05 | Waste Form Testing Program |
| 196 | | | 05.02.01 | Waste Package Design Overview |
| 197 | | | 05.02.02 | General Design Criteria and Basis |
| 198 | | | 05.02.03 | Level of Design Detail |
| 199 | | | 05.03.00 | DESIGN METHOD |
| 200 | | | 05.03.01 | Criticality Design Method |
| 201 | | | 05.03.02 | Thermal Design Method |
| 202 | | | 05.03.03 | Structural Design Method |
| 203 | | | 05.03.04 | Shielding and Source Term Design Method |
| 204 | | | 05.04.00 | WASTE PACKAGE MATERIAL SELECTION AND PERFORMANCE |
| 205 | | | 05.04.01 | Design Basis |
| 206 | | | 05.04.02 | Design Description |
| 207 | | | 05.04.03 | Design Evaluation |
| 208 | | | 05.05.00 | WASTE PACKAGE DESIGN FOR 21 PRESSURIZED WATER REACTOR SPENT NUCLEAR FUEL ASSEMBLIES |
| 209 | | | 05.06.00 | WASTE PACKAGE DESIGN FOR 44 BOILING WATER REACTOR SPENT NUCLEAR FUEL ASSEMBLIES |
| 210 | | | 05.07.00 | WASTE PACKAGE DESIGN FOR U.S. DEPARTMENT OF ENERGY DEFENSE HIGH LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL |
| 211 | | | 05.08.00 | WASTE PACKAGE DESIGN FOR NAVAL FUEL |
| 212 | | | 06.01.02 | Level of Design Detail |
| 213 | | | 06.02.00 | ENGINEERED BARRIER SYSTEM DESIGN AND OPERATION |
| 214 | | | 06.02.01 | Thermal Management |
| 215 | | | 06.02.09 | Operations Monitoring System |
| 216 | | | 06.03.00 | PERMANENT CLOSURE |
| 217 | | | 06.03.01 | Seals |
| 218 | | | 06.03.02 | Plugs and Bulkheads |
| 219 | | | 06.03.03 | Backfill |
| 220 | | | 06.03.04 | Drip Shields |
| 221 | | | 06.04.00 | DESIGN EVALUATION |
| 222 | | | 06.04.01 | Engineered Barrier System Materials Performance |
| 223 | | | 06.04.02 | Engineered Barrier System Thermal Performance |
| 224 | | | 06.04.03 | Engineered Barrier System Criticality Performance |
| 225 | | | 06.04.04 | Engineered Barrier System Structural Performance |
| 226 | | | 06.04.05 | Engineered Barrier System Shielding Performance |
| 227 | | | 07.01.00 | REQUIREMENTS1 |
| 228 | | | 07.02.00 | APPROACH |
| 229 | | | 07.02.01 | Event Type |

| | A | B | C | D |
|-----|------------|-------|-------------|--|
| 1 | RG 3.69 TG | Topic | Proposed TG | Title |
| 230 | | | 07.02.02 | Radionuclide Releases |
| 231 | | | 07.02.03 | Radionuclide Transport and Radiation Dose |
| 232 | | | 07.03.00 | REPOSITORY DESIGN INPUT TO SAFETY ASSESSMENT |
| 233 | | | 07.03.01 | Geologic Repository Operations Area Description |
| 234 | | | 07.03.02 | Waste Package Description |
| 235 | | | 07.04.01 | Light Water Reactor Spent Nuclear Fuel |
| 236 | | | 07.04.02 | High Level Radioactive Waste |
| 237 | | | 07.04.03 | Radioactive Effluents and Wastes |
| 238 | | | 07.04.04 | Other U.S. Department of Energy Spent Nuclear Fuel |
| 239 | | | 07.04.05 | Plutonium Contained in U.S. Department of Energy High Level Radioactive Waste |
| 240 | | | 07.05.00 | DESIGN BASIS EVENT DEFINITION |
| 241 | | | 07.05.01 | Design Basis Event Categorization |
| 242 | | | 07.05.02 | Category 1 Design Basis Events |
| 243 | | | 07.05.03 | Category 2 Design Basis Events |
| 244 | | | 07.06.01 | Release of Radioactivity in Design Basis Events |
| 245 | | | 07.06.02 | Repository Radionuclide Transport Mechanisms |
| 246 | | | 07.07.01 | Meteorological Data and Radionuclide Dispersion |
| 247 | | | 07.07.02 | Radiological Dose Estimates |
| 248 | | | 07.08.01 | Category 1 Design Basis Events Demonstration of Compliance with Proposed Regulation and Interim Guidance |
| 249 | | | 07.08.02 | Category 2 Design Basis Events Demonstration of Compliance with Interim Guidance |
| 250 | | | 08.01.00 | OVERVIEW |
| 251 | | | 08.01.01 | Introduction |
| 252 | | | 08.02.02 | Scenarios Analyzed in the Total System Performance Assessment |
| 253 | | | 08.02.04 | Human Intrusion |
| 254 | | | 08.03.02 | Integration of Subsystem Models |
| 255 | | | 08.03.03 | Models and Data for Disruptive Events |
| 256 | | | 08.04.00 | TOTAL SYSTEM PERFORMANCE ASSESSMENT |
| 257 | | | 08.04.02 | Evaluation of Disruptive Scenarios |
| 258 | | | 08.04.03 | Overall Results for Total System Performance without Human Intrusion |
| 259 | | | 08.05.00 | HUMAN INTRUSION ANALYSIS |
| 260 | | | 08.05.01 | Stylized Human Intrusion |
| 261 | | | 08.05.02 | Models and Data for the Human Intrusion Analysis |
| 262 | | | 08.05.03 | Evaluation of the Human Intrusion Analysis |
| 263 | | | 08.06.00 | MULTIPLE BARRIER ANALYSES |
| 264 | | | 08.06.01 | Approach to Multiple Barrier Analysis |
| 265 | | | 08.06.02 | Identification and Description of Barriers |
| 266 | | | 08.07.00 | ADDITIONAL INFORMATION REQUIRED |
| 267 | | | 08.08.02 | Human Intrusion Dose Rates |
| 268 | | | 09.01.00 | LOW LEVEL RADIOACTIVE WASTE MANAGEMENT SYSTEMS OVERVIEW |
| 269 | | | 09.01.01 | Level of Design Detail |
| 270 | | | 09.02.00 | LIQUID LOW LEVEL RADIOACTIVE WASTE MANAGEMENT SYSTEM |

| | A | B | C | D |
|-----|------------|-------|-------------|--|
| 1 | RG 3.69 TG | Topic | Proposed TG | Title |
| 271 | | | 09.03.00 | SOLID LOW LEVEL WASTE MANAGEMENT SYSTEM |
| 272 | | | 09.04.00 | MIXED WASTE MANAGEMENT SYSTEM |
| 273 | | | 09.05.00 | PROCESS RADIOLOGICAL MONITORING AND SAMPLING SYSTEMS |
| 274 | | | 09.06.00 | SOURCE TERMS |
| 275 | | | 10.01.01 | As Low as Is Reasonably Achievable in Design |
| 276 | | | 10.01.02 | Operational as Low as Is Reasonably Achievable Considerations |
| 277 | | | 10.03.01 | Equipment, Instrumentation, and Facilities |
| 278 | | | 10.03.02 | Procedures |
| 279 | | | 11.01.01 | U.S. Department of Energy |
| 280 | | | 11.01.02 | Contractors |
| 281 | | | 11.02.00 | PROCEDURES |
| 282 | | | 11.02.01 | General Procedures |
| 283 | | | 11.02.02 | Other Procedures |
| 284 | | | 11.02.03 | Off Normal Procedures |
| 285 | | | 11.03.01 | Training Organization |
| 286 | | | 11.03.02 | Development and Qualification of Training Staff |
| 287 | | | 11.03.03 | Personnel Selection and Entry Level Requirements |
| 288 | | | 11.03.04 | Facility Personnel Training |
| 289 | | | 11.03.05 | Qualification and Certification Process |
| 290 | | | 11.03.06 | Training Records |
| 291 | | | 11.04.01 | Records Management Program |
| 292 | | | 11.05.00 | ADMINISTRATIVE PROGRAMS |
| 293 | | | 11.05.01 | Changes, Tests, and Experiments |
| 294 | | | 11.05.02 | Employee Concerns Program |
| 295 | | | 11.06.00 | REPOSITORY CONSTRUCTION INTERFACE |
| 296 | | | 11.07.00 | STARTUP ACTIVITIES AND TESTING |
| 297 | | | 11.08.00 | SURVEILLANCE AND PERIODIC TESTING |
| 298 | | | 11.10.01 | Subjects of License Specifications |
| 299 | | | 11.10.02 | License Specification Development Process |
| 300 | | | 11.13.00 | SAFETY QUESTION RESOLUTION |
| 301 | | | 11.14.00 | ACTIVITIES UNRELATED TO DISPOSAL OF RADIOACTIVE WASTE |
| 302 | | | 12.00.00 | PERFORMANCE CONFIRMATION PROGRAM |
| 303 | | | 12.01.00 | PERFORMANCE CONFIRMATION APPROACH |
| 304 | | | 12.02.00 | PERFORMANCE CONFIRMATION FOR THE NATURAL BARRIERS |
| 305 | | | 12.03.00 | REPOSITORY PERFORMANCE CONFIRMATION |
| 306 | | | 12.04.00 | PERFORMANCE CONFIRMATION FOR THE WASTE PACKAGE AND ENGINEERED BARRIER SYSTEM |
| 307 | | | 12.04.01 | Waste Package Performance |
| 308 | | | 12.04.02 | Engineered Barrier System (Excluding the Waste Package) Performance |
| 309 | | | 12.05.00 | PLANS TO REDUCE AREAS OF UNCERTAINTY |
| 310 | | | 12.06.00 | ANALYSIS OF CHANGES FROM PERFORMANCE CONFIRMATION BASELINE |
| 311 | | | 13.01.00 | ACQUISITION OF THE SITE |
| 312 | | | 15.00.00 | PROGRAMMATIC MATERIALS NOT TOPIC-SPECIFIC |



LICENSING SUPPORT NETWORK
ADVISORY REVIEW PANEL (LSNARP)

OCTOBER 13, 1999

LICENSING SUPPORT NETWORK
ADVISORY REVIEW PANEL (LSNARP)
OCTOBER 13, 1999
INDEX

AGENDA

TABLE OF CONTENTS

| | |
|---|-------|
| FEDERAL REGISTER NOTICE (SUBPART J) | Tab A |
| FEDERAL REGISTER NOTICE (STATEMENT OF CONSIDERATION) | Tab B |
| ARP CHARTER | Tab C |
| TECHNICAL WORKING GROUP CHARTER | Tab D |
| SURVEY RESULTS | Tab E |
| GANTT CHART | Tab F |
| GUIDANCE DOCUMENT | Tab G |
| Licensing Support Network (LSN) Roles and Responsibilities | 1-1 |
| Hosting of Participant Documentary Material | 2-1 |
| Definition of Downtime and System Availability | 3-1 |
| Participant Identification and Presentation of Documentary Material | 4-1 |
| Prioritization of Submission of Backfile Documentary Material | 5-1 |
| Records Management and Official Docket Requirements | 6-1 |
| Public Availability of Documentary Material | 7-1 |
| Amended/Changed Documents | 8-1 |
| Monitoring System | 9-1 |
| Site Audits | 10-1 |
| Sanctions for Non-compliance | 11-1 |
| Technical Alternatives for LSN Implementation | 12-1 |

PART 2 • RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS . . .

§ 2.911 Admissibility of restricted data or other national security information.

A presiding officer shall not receive any Restricted Data or other National Security Information in evidence unless:

(a) The relevance and materiality of the Restricted Data or other National Security Information to the issues in the proceeding, and its competence, are clearly established; and

(b) The exclusion of the Restricted Data or other National Security Information would prejudice the interests of a party or the public interest.

§ 2.912 Weight to be attached to classified evidence.

In considering the weight and effect of any Restricted Data or other National Security Information received in evidence to which an interested party has not had opportunity to receive access, the presiding officer and the Commission shall give to such evidence such weight as is appropriate under the circumstances, taking into consideration any lack of opportunity to rebut or impeach the evidence.

§ 2.913 Review of Restricted data or other National Security Information received in evidence.

At the close of the reception of evidence, the presiding officer shall review the record and shall direct that any Restricted Data or other National Security Information be expunged from the record where such expunction would not prejudice the interests of a party or the public interest. Such directions by the presiding officer will be considered by the Commission in the event of review of the determinations of the presiding officer.

§ 2.914 [Deleted 40 FR 44124.]

Subpart J—Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository

§ 2.1000 Scope of subpart.

The rules in this subpart govern the procedure for applications for a license to receive and possess high-level radioactive waste at a geologic repository operations area noticed pursuant to § 2.101(f)(8) or § 2.105(a)(5). The procedures in this subpart take precedence over the 10 CFR Part 2, subpart G, rules of general applicability, except for the following provisions: §§ 2.702, 2.703, 2.704, 2.707, 2.711, 2.713, 2.715, 2.715a, 2.717, 2.718, 2.720, 2.721, 2.722, 2.732, 2.733, 2.734, 2.742, 2.743, 2.750, 2.751, 2.753, 2.754, 2.755, 2.756, 2.757, 2.758, 2.759, 2.760, 2.761, 2.763, 2.770, 2.771, 2.772, 2.780, 2.781, 2.786, 2.788, and 2.790.

§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. The bibliographic header fields are a subset of the fields in the full header.

"Circulated draft" means a nonfinal 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.

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

41 FR 53328

63 FR 71729

54 FR 14925

PART 2 • RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS . . .

63 FR 71729

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 license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to part 60 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.

54 FR 14925

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

63 FR 71729

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

54 FR 14925

"Full header" means the series of descriptive fields and subject terms given to a document or other material.

"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 § 2.715(c) of this part to the proceeding on an application for a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to Part 60 of this chapter.

63 FR 71729

Licensing Support Network means the combined system that makes documentary material available electronically to parties, potential parties, and interested governmental participants to the proceeding for a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to part 60 of this chapter, as part of the electronic docket or electronic access to documentary material, beginning in the pre-license application phase.

LSN Administrator 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 Administrator 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 Administrator shall not be considered to be a party to the proceeding.

54 FR 14925

"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.

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.

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".

§ 2.1002 [Reserved 63 FR 71729.]

§ 2.1003 Availability of material.

(a) Subject to the exclusions in § 2.1005 and paragraphs (b) and (c) of this section, NRC and DOE shall make available, beginning in the pre-license application phase, and each other potential party, interested governmental participant or party shall make available no later than 30 days after the date the repository site selection decision becomes final after review by Congress—

(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. Concurrent with the production of the electronic file will be an authentication statement that indicates where an authenticated image copy of the document can be obtained.

(2) In electronic image form, subject to the claims of privilege in § 2.1006, graphic-oriented documentary material that includes raw data, computer runs, computer programs and codes, field notes, laboratory notes, maps, diagrams and photographs which have been printed, scripted, or hand written. Text embedded within these documents need not be separately entered in searchable full text. Graphic-oriented documents may include—

- (i) Calibration procedures, logs, guidelines, data and discrepancies;
- (ii) Gauge, meter and computer settings;
- (iii) Probe locations;
- (iv) Logging intervals and rates;
- (v) Data logs in whatever form captured;
- (vi) Text data sheets;
- (vii) Equations and sampling rates;
- (viii) Sensor data and procedures;
- (ix) Data Descriptions;
- (x) Field and laboratory notebooks;
- (xi) Analog computer, meter or other device print-outs;
- (xii) Digital computer print-outs;
- (xiii) Photographs;
- (xiv) Graphs, plots, strip charts, sketches;
- (xv) Descriptive material related to the information identified in paragraph (b)(1) of this section.

(b)(1) of this section.

(3) In an electronic file, subject to the claims of privilege in § 2.1006, only a bibliographic header for each item of documentary material that is not suitable for image or searchable full text.

(4) An electronic bibliographic header for each documentary material—

- (i) For which a claim of privilege is asserted;
- (ii) Which constitutes confidential financial or commercial information; or
- (iii) Which constitutes safeguards information under § 73.21 of this chapter.

(b) Basic licensing documents generated by DOE, such as the Site Characterization Plan, the Environmental Impact Statement, and the license application, or by NRC, such as the Site Characterization Analysis, and the Safety Evaluation Report, shall be made available in electronic form by the respective agency that generated the document.

(c) The participation of the host State in the pre-license application phase shall not affect the State's ability to exercise its disapproval rights under section 116(b)(2) of the Nuclear Waste Policy Act, as amended, 42 U.S.C. 10136(b)(2).

(d) This subpart shall not affect any independent right of a potential party, interested governmental participant or party to receive information.

(b) The responsible official designated pursuant to paragraph (a)(1) of this section shall certify to the Pre-License Application Presiding Officer that the procedures specified in paragraph (a)(2) of this section have been implemented, and that to the best of his or her knowledge, the documentary material specified in § 2.1003 has been identified and made electronically available. The responsible official shall update this certification at twelve month intervals. The responsible official for the DCE shall also update this certification at the time of submission of the license application.

63 FR 71729

§ 2.1010 Pre-License Application Presiding Officer.

(a)(1) The Commission may designate one or more members of the Commission, or an atomic safety and licensing board, or a named officer who has been delegated final authority on the matter to serve as the Pre-License Application Presiding Officer to rule on disputes over the electronic availability of documents during the pre-license application phase, including disputes relating to privilege, and disputes relating to the implementation of the recommendations of the Advisory Review Panel established under § 2.1011(d).

(2) The Pre-License Application Presiding Officer shall be designated before the Licensing Support Network is scheduled to be available.

(b) The Pre-License Application Presiding Officer shall rule on any claim of document withholding to determine—

(1) Whether it is documentary material within the scope of this subpart;

(2) Whether the material is excluded under § 2.1005;

(3) Whether the material is privileged or otherwise excepted from disclosure under § 2.1006;

(4) If privileged, whether it is an absolute or qualified privilege;

(5) If qualified, whether the document should be disclosed because it is necessary to a proper decision in the proceeding;

(6) Whether the material should be disclosed under a protective order containing such protective terms and conditions (including affidavits of nondisclosure) as may be necessary and appropriate to limit the disclosure to potential participants, interested governmental participants and parties in the proceeding, or to their qualified witnesses and counsel. When Safeguards Information protected from

63 FR 71729

PART 2 • RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS . . .

HLW geologic repository licensing proceeding under the Commission's Rules of Practice (10 CFR part 2).

(iii) The LSN Administrator 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.

§ 2.1012 Compliance.

(a) In addition to the requirements of § 2.101(f), the Director of the NRC's Office of Nuclear Materials Safety and Safeguards may determine that the tendered application is not acceptable for docketing under this subpart if the Secretary of the Commission determines that it cannot be effectively accessed through the Commission's electronic docket system or if the application is not accompanied by an updated certification pursuant to § 2.1009(b).

(b)(1) A person, including a potential party given access to the Licensing Support Network under this subpart, shall not be granted party status under § 2.1014, or status as an interested governmental participant under § 2.715(c), if it cannot demonstrate substantial and timely compliance with the requirements of § 2.1003 at the time it requests participation in the high-level waste licensing proceeding under § 2.1014 or § 2.715(c).

(2) A person denied party status or interested governmental participant status under paragraph (b)(1) of this section may request party status or interested governmental participant status upon a showing of subsequent compliance with the requirements of § 2.1003 of this subpart. Admission of such a party or interested governmental participant under § 2.1014 of this subpart or § 2.715(c) of this part, respectively, shall be conditioned on accepting the status of the proceeding at the time of admission.

(c) The Presiding Officer shall not make a finding of substantial and timely compliance pursuant to paragraph (b) of this section for any person who is not in compliance with all applicable orders of the Pre-License Application Presiding Officer designated pursuant to § 2.1010.

(d) [Removed 63 FR 71729.]

§ 2.1013 Use of the electronic docket during the proceeding.

(a)(1) Pursuant to § 2.702, the Secretary of the Commission will maintain the official docket of the proceeding on the application for a license to receive and possess waste at a geologic repository operations area.

(2) Commencing with the docketing in an electronic form of the license application to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to

63 FR 71729

54 FR 14925

56 FR 7787

63 FR 71729

PART 2 • RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS . . .

(ii) A list of the contentions that petitioner seeks to have litigated in the matter.

(iii) With respect to each contention:

(A) A specific statement of the issue of law or fact to be raised or controverted.

(B) A brief explanation of the basis of the contention.

(C) A concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing, together with references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion.

(D) Sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. This showing must include reference to the specific documentary material that provides a basis for the contention, or if the petitioner believes that any documentary material fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the petitioner's belief. In determining whether a genuine dispute exists on a material issue of law or fact, a dispositive factor shall be whether the contention, if proven, would be of no consequence in the proceeding because it would not entitle the petitioner to relief.

(E) The specific regulatory or statutory requirement to which the contention is relevant.

(3) Any petitioner who fails to satisfy paragraphs (a)(2) (ii) and (iii) of this section with respect to at least one contention shall not be permitted to participate as a party.

(4) Any party may amend its contentions specified in paragraph (a)(2)(ii) of this section. The Presiding

56 FR 7787

Officer shall rule on any petition to amend such contentions based on the balancing of the factors specified in paragraph (a)(1) of this section, and a showing that a significant safety or environmental issue is involved or that the amended contention raises a material issue related to the performance evaluation anticipated by §§ 60.112 and 60.113 of this chapter.

(b) Any party or interested governmental participant may file an answer to a petition for leave to intervene or a petition to amend contentions within twenty days after service of the petition.

(c) Subject to paragraph (a)(3) of this section, the Commission, or the Presiding Officer designated to rule on petitions to intervene and/or requests for hearing shall permit intervention, in any hearing on an application for a license to receive and possess high-level radioactive waste at a geologic repository operations area, by an affected unit of local government as defined in section 2(31) of the Nuclear Waste Policy Act of 1982, as amended, 42 U.S.C. 10101. In all other circumstances, the Commission or Presiding Officer shall, in ruling on a petition for leave to intervene, consider the following factors, among other things:

(1) The nature of the petitioner's right under the Atomic Energy Act to be made a party to the proceeding;

(2) The nature and extent of the petitioner's property, financial, or other interest in the proceeding;

(3) The possible effect of any order that may be entered in the proceeding on the petitioner's interest;

56 FR 7787

54 FR 14925

56 FR 7787

54 FR 14925

(4) The failure of the petitioner to participate as a potential party in the pre-license application phase.

(5) In determining whether a genuine dispute exists on a material issue of law or fact, whether the contention, if proven, would be of no consequence in the proceeding because it would not entitle petitioner to relief.

(d) An order permitting intervention and/or directing a hearing may be conditioned on such terms as the Commission, or the designated Presiding Officer may direct in the interests of:

(1) Restricting irrelevant, duplicative, or repetitive evidence and argument,

(2) Having common interests represented by a spokesman, and

(3) Retaining authority to determine priorities and control the compass of the hearing.

(e) In any case in which, after consideration of the factors set forth in paragraph (c) of this section, the Commission or the Presiding Officer finds that the petitioner's interest is limited to one or more of the issues involved in the proceeding, any order allowing intervention shall limit the petitioner's participation accordingly.

(f) A person permitted to intervene becomes a party to the proceeding, subject to any limitations imposed pursuant to paragraph (e) of this section.

(g) Unless otherwise expressly provided in the order allowing intervention, the granting of a petition for leave to intervene does not change or enlarge the issues specified in the notice of hearing.

63 FR 71729

56 FR 7787

54 FR 14925

PART 2 • RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS . . .

§ 2.1016 Motions.

(a) All motions shall be addressed to the Commission or, when a proceeding is pending before a Presiding Officer, to the Presiding Officer.

All motions, unless made orally on the record, shall be filed according to the provisions of § 2.1013(c) of this subpart.

(b) A motion shall state with particularity the grounds and the relief sought, and shall be accompanied by any affidavits or other evidence relied on, and, as appropriate, a proposed form of order.

(c) Within ten days after service of a motion a party, potential party, or interested governmental participant may file an answer in support of or in opposition to the motion, accompanied by affidavits or other evidence. The moving party shall have no right to reply, except as permitted by the Presiding Officer or the Secretary or the Assistant Secretary.

(d) The Presiding Officer may dispose of motions either by order or by ruling orally during the course of a prehearing conference or hearing.

(e) Where the motion in question is a motion to compel discovery under § 2.720(h)(2) of this part or § 2.1018(f) of this subpart, parties, potential parties, and interested governmental participants may file answers to the motion pursuant to paragraph (c) of this section. The Presiding Officer in its discretion, may order that the answer be given orally during a telephone conference or other prehearing conference, rather than filed electronically. If responses are given over the telephone the Presiding Officer shall issue a written order on the motion which summarizes the views presented by the parties, potential parties, and interested governmental participants unless the conference has been transcribed. This does not preclude the Presiding Officer from issuing a prior oral ruling on the matter which is effective at the time of its issuance, provided that the terms of the ruling are incorporated in the subsequent written order.

§ 2.1017 Computation of time.

In computing any period of time, the day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period so computed is included unless it is a Saturday, Sunday, or legal holiday at the place where the action or event is to occur, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor holiday. Whenever a party, potential party, or interested governmental participant, has the right or is required to do some act within a prescribed period after the service of a notice or other document upon it, one day shall be added to the prescribed period. If the electronic docket is unavailable for more than four access hours of any day that would be counted in the computation of time, that day will not be counted in the computation of time.

§ 2.1018 Discovery.

(a)(1) Parties, potential parties, and interested governmental participants in the high-level waste licensing proceeding may obtain discovery by one or more of the following methods:

- (i) Access to the documentary material made available pursuant to § 2.1003;
- (ii) Entry upon land for inspection, access to raw data, or other purposes pursuant to § 2.1020;
- (iii) Access to, or the production of, copies of documentary material for which bibliographic headers only have been submitted pursuant to § 2.1003(a);
- (iv) Depositions upon oral examination pursuant to § 2.1019;
- (v) Requests for admission pursuant to § 2.742;
- (vi) Informal requests for information not made electronically available, such as the names of witnesses and the subjects they plan to address; and
- (vii) Interrogatories and depositions upon written questions, as provided in paragraph (a)(2) of this section.

(2) Interrogatories and depositions upon written questions may be authorized by order of the discovery master appointed under paragraph (g) of this section, or if no discovery master has been appointed, by order of the Presiding Officer, in the event that the parties are unable, after informal good faith efforts, to resolve a dispute in a timely fashion concerning the production of information.

(b)(1) Parties, potential parties, and interested governmental participants, pursuant to the methods set forth in paragraph (a) of this section, may obtain discovery regarding any matter, not privileged, which is relevant to the licensing of the likely candidate site for a geologic repository, whether it relates to the claim or defense of the person seeking discovery or to the claim or defense of any other person. Except for discovery pursuant to §§ 2.1018(a)(2) and 2.1019 of this subpart, all other discovery shall begin during the pre-licensing application phase. Discovery pursuant to §§ 2.1018(a)(2) and 2.1019 of this subpart shall begin after the issuance of the first pre-hearing conference order under § 2.1021 of this subpart, and shall be limited to the issues defined in that order or subsequent amendments to the order. It is not ground for objection that the information sought will be inadmissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

or interested governmental participant submitting the request or taking the deposition may move the Presiding Officer, within five days after the date of the response or after failure to respond to the request, for an order compelling a response in accordance with the request. The motion shall set forth the nature of the questions or the request, the response or objection of the party, potential party, interested governmental participant, or other person upon whom the request was served, and arguments in support of the motion. For purposes of this paragraph, an evasive or incomplete answer or response shall be treated as a failure to answer or respond. Failure to answer or respond shall not be excused on the ground that the discovery sought is objectionable unless the person, party, potential party, or interested governmental participant failing to answer or respond has applied for a protective order pursuant to paragraph (c) of this section.

(2) In ruling on a motion made pursuant to this section, the Presiding Officer may make such a protective order as it is authorized to make on a motion made pursuant to paragraph (c) of this section.

(3) An independent request for issuance of a subpoena may be directed to a nonparty for production of documents. This section does not apply to requests for the testimony of the NRC regulatory staff pursuant to § 2.720(h)(2)(i) of this part.

(g) The Presiding Officer pursuant to § 2.722 of this part may appoint a discovery master to resolve disputes between parties concerning informal requests for information as provided in paragraphs (a)(1) and (a)(2) of this section.

§ 2.1019 Depositions.

(a) Any party or interested governmental participant desiring to take the testimony of any person by deposition on oral examination shall, without leave of the Commission or the Presiding Officer, give reasonable notice in writing to every other party and interested governmental participant, to the person to be examined, and to the Presiding Officer of the proposed time and place of taking the deposition; the name and address of each person to be examined, if known, or if the name is not known, a general description sufficient to identify him or her or the class or group to which he or she belongs, the matters upon which each person will be examined and the name or descriptive title and address of the officer before whom the deposition is to be taken.

(b) Within the United States, a deposition may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the examination is held. Outside of the United States, a deposition may be taken before a secretary of an embassy or legation, a consul general, vice consul or consular agent of the United States, or a person authorized to administer oaths designated by the Commission. Depositions may be conducted by telephone or by video teleconference at the option of the party or interested governmental participant taking the deposition.

(c) The deponent shall be sworn or shall affirm before any questions are put to him or her. Examination and cross-examination shall proceed as at a hearing. Each question propounded shall be recorded and the answer taken down in the words of the witness. Objections on questions of evidence shall be noted in short form without the arguments. The officer shall not decide on the competency, materiality, or relevancy of evidence but shall record the evidence subject to objection. Objections on questions of evidence not made before the officer shall not be deemed waived unless the ground of the objection is one which might have been obviated or removed if presented at that time.

PART 2 • RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS . . .

56 FR 7787
54 FR 14925

(j) In a proceeding in which the NRC is a party, the NRC staff will make available one or more witnesses designated by the Executive Director for Operations, for oral examination at the hearing or on deposition regarding any matter, not privileged, which is relevant to the issues in the proceeding. The attendance and testimony of the Commissioners and named NRC personnel at a hearing or on deposition may not be required by the Presiding Officer, by subpoena or otherwise: *Provided*, That the Presiding Officer may, upon a showing of exceptional circumstances, such as a case in which a particular named NRC employee has direct personal knowledge of a material fact not known to the witnesses made available by the Executive Director for Operations and the testimony sought is not reasonably obtainable from another source by any party, require the attendance and testimony of named NRC personnel.

56 FR 14925
54 FR 7787

§ 2.1020 **Entry upon land for inspection.**
(a) Any party, potential party, or interested governmental participant may serve on any other party, potential party, or interested governmental participant a request to permit entry upon designated land or other property in the possession or control of the party, potential party, or interested governmental participant upon whom the request is served for the purpose of access to raw data, inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of § 2.1018 of this subpart.

56 FR 7787

(b) The request may be served on any party, potential party, or interested governmental participant without leave of the Commission or the Presiding Officer.

56 FR 7787
54 FR 14925

(c) The request shall describe with reasonable particularity the land or other property to be inspected either by individual item or by category. The request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts.
(d) The party, potential party, or interested governmental participant upon whom the request is served shall serve on the party, potential party, or interested governmental participant submitting the request a written response within ten days after the service of the request. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, in which case the reasons for objection shall be stated. If objection is made to part of an item or category, the part shall be specified.

56 FR 7787
54 FR 14925

§ 2.1021 **First prehearing conference.**
(a) In any proceeding involving an application for a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to Part 60 of this chapter the Commission or the Presiding Officer will direct the parties, interested governmental participants and any petitioners for intervention, or their counsel, to appear at a specified time and place, within seventy days after the notice of hearing is published, or such other time as the Commission or the Presiding Officer may deem appropriate, for a conference to:
(1) Permit identification of the key issues in the proceeding;
(2) Take any steps necessary for further identification of the issues;
(3) Consider all intervention petitions to allow the Presiding Officer to make such preliminary or final determination as to the parties and interested governmental participants, as may be appropriate;

54 FR 14925

(4) Establish a schedule for further actions in the proceeding; and
(5) Establish a discovery schedule for the proceeding taking into account the objective of meeting the three year time schedule specified in section 114(d) of the Nuclear Waste Policy Act of 1982, as amended, 42 U.S.C. 10134(d).

56 FR 7787
54 FR 14925

(b) The Presiding Officer may order any further formal and informal conferences among the parties and interested governmental participants including teleconferences, to the extent that it considers that such a conference would expedite the proceeding.

54 FR 14925

(c) A prehearing conference held pursuant to this section shall be stenographically reported.

56 FR 7787

(d) The Presiding Officer shall enter an order which recites the action taken at the conference, the schedule for further actions in the proceeding, and any agreements by the parties, and which identifies the key issues in the proceeding, makes a preliminary or final determination as to the parties and interested governmental participants in the proceeding, and provides for the submission of status reports on discovery.

56 FR 7787

§ 2.1022 **Second prehearing conference.**
(a) The Commission or the Presiding Officer in a proceeding on an application for a license to receive and possess high-level radioactive waste at a geologic repository operations area shall direct the parties, interested governmental participants, or their counsel to appear at a specified time and place not later than thirty days after the Safety Evaluation Report is issued by the NRC staff for a conference to consider:

PART 2 • RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS . . .

in accordance with procedures for participation by the DOE, the NRC staff, or other parties and interested governmental participants to the Presiding Officer proceeding established by the Commission in its written statement of reasons. If a postponement results from a review under paragraph (c)(2) of this section, comments on the uncontested matters at issue may be filed by the DOE within ten days of service of the Commission's written statement.

§ 2.1025 Authority of the Presiding Officer to dispose of certain issues on the pleadings.

(a) Any party may move, with or without supporting affidavits, for a decision by the Presiding Officer in that party's favor as to all or any part of the matters involved in the proceeding. The moving party shall annex to the motion a separate, short, and concise statement of the material facts as to which the moving party contends that there is no genuine issue to be heard. Motions may be filed at any time. Any other party may file an answer supporting or opposing the motion, with or without affidavits, within twenty (20) days after service of the motion. The party shall

annex to any answer opposing the motion a separate, short, and concise statement of the material facts as to which it is contended there exists a genuine issue to be heard. All material facts set forth in the statement to be filed by the moving party will be deemed to be admitted unless controverted by the statement required to be filed by the opposing party. The opposing party may, within ten (10) days after service, respond in writing to new facts and arguments presented in any statement filed in support of the motion. No further supporting statements or responses thereto may be entertained. The Presiding Officer may dismiss summarily or hold in abeyance motions filed shortly before the hearing commences or during the hearing if the other parties or the Presiding Officer would be required to divert substantial resources from the hearing in order to respond adequately to the motion.

(b) Affidavits must set forth those facts that would be admissible in evidence and show affirmatively that the affiant is competent to testify to the matters stated therein. The Presiding Officer may permit affidavits to be supplemented or opposed by further affidavits. When a motion for summary disposition is made and supported as provided in this section, a party opposing the motion may not rest upon the mere allegations or denials of its answer; its answer by affidavits or as otherwise provided in this section must set forth specific facts showing that there is a genuine issue of fact. If no such answer is filed, the decision sought, if appropriate, must be rendered.

(c) The Presiding Officer shall render the decision sought if the filings in the proceeding show that there is no genuine issue as to any material fact and that the moving party is entitled to a decision as a matter of law. However, in any proceeding involving a construction authorization for a geologic repository operations area, the procedure described in this section may be used only for the determination of specific subordinate issues and may not be used to determine the ultimate issue as to whether the authorization must be issued.

§ 2.1026 Schedule.

(a) Subject to paragraphs (b) and (c) of this section, the Presiding Officer shall adhere to the schedule set forth in appendix D of this part.

(b)(1) Pursuant to § 2.711, the Presiding Officer may approve extensions of no more than 15 days beyond any required time set forth in this subpart for a filing by a party to the proceeding. Except in the case of exceptional and unforeseen circumstances, requests for extensions of more than 15 days must be filed no later than 5 days in advance of the required time set forth in this subpart for a filing by a party to the proceeding.

56 FR 7787

56 FR 7787

56 FR 7787

PART 2 • STATEMENTS OF CONSIDERATION

amendments are intended to allow application of technological developments that have occurred after the original rule was adopted in 1989, while achieving the original goals of facilitating the NRC's ability to comply with the schedule for decision on the construction authorization for the repository contained in Section 114(d) of the Nuclear Waste Policy Act, and providing for a thorough technical review of the license application and equitable access to information for the parties to the hearing.

EFFECTIVE DATE: January 29, 1999.

FOR FURTHER INFORMATION CONTACT: Kathryn L. Winsberg, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-1641, e-mail KLV@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On November 13, 1997 (62 FR 60789), the NRC published a proposed rule in the *Federal Register* that would have amended NRC's regulations in 10 CFR Part 2, Subpart J. In response to the request of a representative of Clark County, Nevada, the NRC extended the comment period which would have expired on January 27, 1998, until March 30, 1998 (63 FR 5315, February 2, 1998). The proposed rule was intended to maintain the primary functions of the Licensing Support System (LSS) which are:

- (1) Discovery of documents before the license application is filed;
- (2) Electronic transmission of filings by the parties during the proceeding;
- (3) Electronic transmission of orders and decisions related to the proceeding; and
- (4) Access to an electronic version of the docket.

The proposed rule would have eliminated the current requirement in 10 CFR Part 2, Subpart J, for a centralized "Licensing Support System" administered by the NRC and therefore also would have eliminated the requirement for an LSS Administrator to ensure the viability of the central database. To replace these features of the existing rule, the proposed rule would have required that each potential party, including the NRC and the Department of Energy (DOE), make its documentary material available in electronic form to all other participants beginning in the pre-license application phase. For the purposes of this rule, the pre-application phase would have begun on the date that the President submits the site recommendation to Congress. Although the mechanism to

63 FR 71729
Published 12/30/98
Effective 1/29/99

10 CFR Part 2

RIN 3150-AF88

Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its Rules of Practice for the licensing proceeding on the disposal of high-level radioactive waste at a geologic repository (HLW proceeding). The

PART 2 • STATEMENTS OF CONSIDERATION

could not be represented by one seat. One commenter, Nye County, Nevada, stated that its status as the "situs jurisdiction" is significantly different from that of the other counties and requires separate representation. The National Congress of American Indians stated that individual affected tribes from the Yucca Mountain area should be members of the LSNARP.

Response: In order to keep the functioning of the LSNARP manageable, including numbers of participants required for quorums and other operating requirements, NRC believes that it is necessary to continue to treat entities with similar interests as coalitions (e.g., affected units of local government, tribal groups). However, this does not need to affect recognition of the unique status of individual members of the coalition, nor their opportunity to attend and participate at LSN meetings.

Funding for Participants in the LSN

Comment: Several participants at the LSSARP meeting stated that there was an urgent need for funding to enable small entities to participate fully in the HLW licensing proceeding and the LSNARP, and to fulfill their responsibilities to provide electronic access to documentary material under this rule.

Response: The LSSARP participants did not suggest and NRC has not devised any revisions to the rule to address this problem. As noted at the LSSARP meeting, NRC is prohibited from paying expenses for participants in licensing proceedings by a provision from the Fiscal Year 1993 Energy and Water Development Appropriations Act, which has been codified at 5 U.S.C. 504 note. A Comptroller General's opinion issued December 3, 1980, Opinion No. B-200585, interpreting identical language previously contained in the Energy and Water Development Appropriation Act, 1981 (Pub. Law 96-367, 94 Stat. 1331), concluded that NRC could not provide to intervenors free copies of transcripts or free copying and service of intervenors' documents. Therefore, although the supplementary information of the proposed rule notice suggested that there might be an option for participants to provide their documentary materials to NRC or DOE to allow NRC or DOE to maintain electronic availability of the participants' documents, NRC has concluded that this action may not be permissible under the statutory prohibition.

NRC recognizes that this revised rule places responsibility for document conversion, loading, and maintaining

and operating a web server on each of the individual parties or potential parties. NRC believes there is an approach to help the smaller parties and potential parties mitigate the funding requirements of participation under this rule. Affected units of local government (AULG) and other parties and potential parties could utilize a portion of grant funds typically provided to the AULG by DOE in the past. Although in FY 1997 no grants were forthcoming from DOE and many of the county governments had to cancel or severely curtail their activities for the year, funding was available in FY 1998 and should be available in FY 1999.

Tribal Government Participation— Definition of "Party" and § 2.715

Comment: The National Congress of American Indians (NCAI) stated that NRC should set up a process to determine which tribes are interested in representation in the licensing proceeding to ensure that all interested federally recognized tribes are included as parties to the licensing proceeding. The NCAI also expressed a concern that tribal governments do not appear to be included in the provisions of § 2.715 which allow representatives of State or local governments to participate in a proceeding without being required to take a position on the issues. NCAI recognizes that this matter may not be within the purview of this rulemaking but requests that it be addressed in the appropriate forum.

Response: The definition of "party" includes "affected Indian Tribe as defined in section 2 of the Nuclear Waste Policy Act of 1982." If a tribe which did not meet that definition wished to participate as a party, it would still be able to seek intervention under § 2.1014.

With regard to § 2.715, because this issue is outside the scope of the current rulemaking, the NRC intends to undertake a separate rulemaking to amend that section to include federally recognized Native American tribal governments. This task has been added to the NRC's Rulemaking Activity Plan (SECY 98-168). However, the straightforward and procedural nature of such a rule change should make it possible to proceed without undue delay.

Additional Matters Regarding "Documentary Material" and Electronic Availability § 2.1003

The definition of "documentary material" has been amended to make clear that the duty to identify "information that is relevant to, but does not support, that information or

that party's position" is limited to information "that is known to, and in the possession of, or developed by the party."

The NRC staff has become aware through informal discussions with commenters on this rulemaking that the proposed rule language did not clearly retain the requirement for an electronic bibliographic header to be made available with each item of documentary material made available under § 2.1003. An electronic bibliographic header is necessary to allow effective and efficient use of an electronic full text search capability. Therefore, § 2.1003(a)(1) has been amended to clarify the requirement to submit an electronic bibliographic header along with each item of documentary material.

III. Section-by-Section Description of Final Rule

In § 2.1000, the reference to § 2.709 is removed because it requires compliance with § 2.708 which does not apply to this subpart.

In § 2.1001, the following definitions are added, amended, or removed:

ASCII File. This definition is removed and no longer used in the rule. Prescriptive references to specific technical standards have been removed to allow flexible implementation consistent with developing technology.

Documentary material. The definition of documentary material is revised to cover information upon which a party, potential party, or interested governmental participant intends to rely and/or cite in support of its position in the licensing proceeding; any information known to, and in the possession of, or developed by the party which is relevant to, but does not support, that information or that party's position; and 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. This definition is used in the rule in § 2.1003 to define what material must be provided in electronic form for access beginning in the pre-license application phase. Therefore, the term "documentary material" is intended to describe the most important body of material and would be defined clearly to require that all parties include electronic access to any relevant information in their possession that does not support their position in the

PART 2 • STATEMENTS OF CONSIDERATION

Regulatory Commission, Washington, DC 20555, telephone (301) 415-1641, e-mail KLW@nrc.gov.

SUPPLEMENTARY INFORMATION:

§ 2.1006 [Corrected]

On page 71738, first column, in § 2.1006, the first sentence of paragraph (a), the reference to "§ 2.1003(c)" should be corrected to read "§ 2.1003(a)(4)."

Dated at Rockville, Maryland, this 26th day of March, 1999.

For the Nuclear Regulatory Commission, Annette Vietti-Cook, Secretary of the Commission.

website, contact Ms. Carol Gallagher, (301) 415-5905; email CAG@nrc.gov.

Copies of any comments received may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Charles E. Mullins, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone (301) 415-1606; e-mail: CEM@nrc.gov.

SUPPLEMENTARY INFORMATION: Because the NRC considers this action noncontroversial and routine, the NRC is publishing the rule in final form without first seeking public comments on the amendments in a proposed rule. This action will become effective on August 2, 1999. However, if the NRC receives significant adverse comments by July 1, 1999, the NRC will publish a document that withdraws this action pending review of the comments, and will address those comments in a subsequent final rule. The NRC will not initiate a second comment period on this action.

Background

These amendments are intended to ensure that Federally-recognized Indian Tribal governments and their official subdivisions have the same participation rights in NRC adjudicatory proceedings as State governments, units of local governments, and their official subdivisions. In many respects, Federally-recognized Indian tribes exercise inherent sovereign powers over their members and territory, similar to the powers exercised by States and other units of local government. In many areas of the law, these sovereign rights are recognized either by court decision, statute, or treaty. Therefore, because these tribes exercise many of the attributes of States or other governmental units, the Commission has determined that they should be recognized in adjudicatory proceedings in the same fashion as State and local governmental bodies. Accordingly, the Commission is issuing this amendment to ensure that Federally-recognized Indian tribes will have the same opportunity to participate in any proceeding that affects their interests. These amendments are intended to meet the goals of Executive Order No. 13084 of May 14, 1998.

In addition, the Commission is also making two minor editorial changes in § 2.1211(b) to conform its wording to the wording in § 2.715(c).

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final regulation.

Paperwork Reduction Act Statement

This final rule contains no information collection requirements and, therefore, is not subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

Regulatory Analysis

A regulatory analysis has not been prepared for this direct final rule because this rule is considered a minor, non-substantive amendment; it has no economic impact on NRC licensees or the public.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rulemaking is an administrative action that clarifies the rights of Federally-recognized Indian tribes to participate in NRC adjudicatory proceedings. It has no financial impact on NRC licensees or the public.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule and, therefore, that a backfit analysis is not required for this final rule because these amendments do not impose any provisions that would impose backfits as defined in 10 CFR 50.109.

Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

List of Subjects in 10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear

64 FR 29212 Published 6/1/99 Effective 8/2/99 Comment period expires 7/1/99

10 CFR Part 2

RIN 3150-AG27

Formal and Informal Adjudicatory Hearing Procedures; Clarification of Eligibility To Participate

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations governing participation in adjudicatory proceedings conducted under its Rules of Practice to clarify that Federally-recognized Indian tribal governments are entitled to participate in these proceedings on the same basis as other governmental units.

DATES: The final rule is effective August 2, 1999, unless significant adverse comments are received by July 1, 1999. If significant adverse comments are received, a timely withdrawal will be published in the Federal Register.

ADDRESSES: Mail any comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Rulemakings and Adjudications Staff.

Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland, 20852, between 7:30 am and 4:15 Eastern time on Federal workdays.

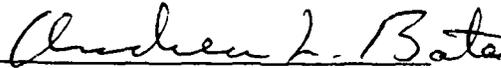
You may also provide comments via the NRC's interactive rulemaking website through the NRC home page (http://www.nrc.gov). This site provides the availability to upload comments as files (any format) if your web browser supports that function. For information about the NRC's interactive rulemaking

8. **Estimated Annual Operating Costs**

The estimated annual operating costs for the LSN Advisory Review Panel are \$6,000 and 0.2 person-years.

Filed with the Nuclear Regulatory Commission:

August 4, 1999



Andrew L. Bates
Advisory Committee Management Officer

LICENSING SUPPORT NETWORK ADVISORY REVIEW PANEL (LSNARP)
TECHNICAL WORKING GROUP (TWG)
CHARTER
OCTOBER 13, 1999

Drawing its membership from technical support personnel who support the various LSNARP members, the LSNARP TWG will focus on implementing LSN requirements for system design, implementation, and operation. The TWG will maintain a working knowledge of LSN functional requirements presented in 10 CFR Part 2, Subpart J, and monitor the implementation of those functional requirements. The TWG will provide regular briefings to the LSNARP summarizing TWG activities.

The TWG and its members will, to the extent they are asked to participate, provide assistance and technical analyses to the LSNARP to aid in resolving technical issues that are identified. The TWG will respond to LSNARP concerns regarding LSN design, operation and maintenance to help ensure that system functional requirements can be met.

INFORMATION REGARDING LSN PARTICIPATION

October 13, 1999

The following organizations have responded to the NRC request for preliminary information on LSN participation:

- | | | |
|----|---|-------------------|
| A. | Eureka County, NV | Abby Johnson |
| B. | Lincoln County Nuclear Oversight | Yvonne Culverwell |
| C. | Nevada Agency for Nuclear Projects | Steve Frishman |
| D. | Nevada Nuclear Waste Task Force | Judy Treichel |
| E. | Nye County, NV | Malachy Murphy |
| F. | U.S. Department of Energy | Claudia Newbury |
| G. | White Pine Nuclear Waste Project Office | Debra Kolkman |
| H. | Clark County, NV | Dennis Bechtel |
| I. | U.S. Nuclear Regulatory Commission | Dan Graser |

| Questions | A | B | C | D | E | F | G | H | I |
|--|-----|-----|-----|-----|-----------------|-----|------------------|-----|-----|
| 1. Will you participate in the LSN process? | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 2. Do you currently operate your own website? | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes | Yes |
| 3. Do you operate a website jointly with others? | No | Yes | No | No | No ¹ | No | Yes ² | Yes | No |
| 4. If not, are you planning to start a website? | N/A | N/A | N/A | Yes | N/A | N/A | N/A | N/A | N/A |

¹ Nye County has offered to host a joint website for other local governments. No decisions have been made on this issue.

² www.aulg.org or the affected units of local government central jump point.

| Questions | A | B | C | D | E | F | G | H | I |
|--|----------------|-------------------------|--------------|------|--------------|-------------------|-------------------------|--------------|--------------------|
| 5. How do you anticipate access to your material? a. Publish on existing website b. Develop a dedicated website c. Participate in a group/coalition website d. Other | a ³ | a | a | d | a | b | a | a | a |
| 6. If Other, estimate volume of documentary material | N/A | N/A | N/A | >500 | N/A | N/A | N/A | N/A | N/A |
| 7. Please provide technical characteristics of your existing or planned website | ⁴ | | ⁵ | | ⁶ | | | ⁷ | ⁸ |
| a. Hosting platform operating system: | | Windows 9x, NT and Unix | | | RJX 2.11 | Ultra Solaris 2.6 | Windows 9x, NT and Unix | NT and Unix | Windows SQL Server |

³ Possible collaboration with other affected units of local government (AULGs).

⁴ Our website does not have a search engine. Documents will be posted on the website in html and other downloadable formats, e.g., text and PDF.

⁵ NV is changing computer systems and website server this year so current specifications are not relevant.

⁶ Looking for an ISP located in Nye County, so this information will probably change in the near future.

⁷ Currently have partial search capability. We are working on implementation.

⁸ Dedicated external server contains all NRC publicly available documents; a separate library of HLW documents will be identified; documents are TIFF or PDF and native word processing format or ascii; full search capabilities provided at the server.

| Questions | A | B | C | D | E | F | G | H | I |
|--|---|---------------------|---|---|------------|---------------------------|---------------------|-------------------|---|
| b. Hosting platform web server software: | | MS, Unix, MS IIS | | | AOL | Stronghold (tentative) | MS, Unix, MS IIS | IIS 4 | FileNet IDM with CITRIX access |
| c. Search/index software: | | Asp, MS Access | | | TBD | Fulcrum (tentative) | Asp, MS Access | Infoseek Exite | FileNet (SQL based) and Fulcrum (Text) |
| d. Net bandwidth to site from Internet: | | T3 | | | 3GB/ month | ? | T3 | | 11.5 MB |
| e. Gross bandwidth to site from Internet: | | T3 | | | 3GB max | TBD | T3 | T1 1.5 MB/Sec | 7 MB |
| f. Est. aggregate storage used (MB): | | >1Gig | | | 75 MB | TBD | >1 Gig | | 1750 Gig |
| g. Est. number of documents (nearest 1000): | | 1000 | | | 1000 | 10000 | 1000 | | 16000 |
| h. Est. number of web pages (nearest 1000): | | 10000 | | | 1000 | 100000 | 10000 | | 193000 |

| Questions | A | B | C | D | E | F | G | H | I |
|-----------------------------------|------|------------------------|---|---|--------------------------------|--------------------|------------------------|-------------------|---|
| i. List document and image types: | html | html text, GIF, PDF | | | html, text GIF PDF, TIFF | html, PDF, TIFF | html, text GIG, PDF | html, GIF, PDF | TIFF, PDF, native word processing, ascii |



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 13, 1999

MEMORANDUM TO: Potential Licensing Support Network (LSN) Participants
(See Attached List)

FROM: Daniel J. Graser 
LSN Administrator

SUBJECT: LSN ADMINISTRATOR'S COMPLIANCE ASSESSMENT
PROGRAM GUIDELINES

Based on previous consideration by the former Licensing Support System (LSS) Advisory Review Panel (LSSARP) and the authority granted by the revised NRC Rules of Practice at 10 C.F.R. Part 2, Subpart J, the LSN Administrator (LSNA) is issuing a series of Guidelines as part of the LSNA Compliance Assessment Program.

The purpose of the Guidelines is to identify the assumptions made and issues considered under the former LSS Administrator's (LSSA) Compliance Assessment Program, and to document decisions reached at this point in time. The decisions will form part of the design basis for the LSN. Subsequent input from the LSNARP, its technical working groups, and NRC's project approval process will be documented and added to these guidelines as the LSN design begins to crystalize.

Many of these guidelines reflect NRC's reconsideration of previous LSSA proposals in light of the revisions made to the Nuclear Regulatory Commission's (NRC) Revised Rules of Practice, 10 C.F.R. Part 2, Subpart J (the Rule).

**ADDRESSEES - MEMORANDUM DATED OCTOBER 13, 1999
Potential Licensing Support Network (LSN) Participants**

SUBJECT: LSN ADMINISTRATOR'S COMPLIANCE ASSESSMENT PROGRAM GUIDELINES

**John Hoyle
Claudia Newbury
John Gandi
Jill Schrecongost
Robert Wells
Robert Holden
Loretta Metoxen
Steve Frishman
Marta Adams
Malachy Murphy
Nick Stellavato
Les Bradshaw
Alan Kall
Dennis Bechtel
Tony Cain
Leonard Fiorenzi
Abby Johnson
Andrew Remus
Michael Doramy
Tammy Manzini
Eve Culverwell
Jackie Wallace
Debra Kolkman
Judy Treichel
Steven Kraft**

**Nuclear Regulatory Commission
Department of Energy (YMSCO)
Department of Energy (YMSCO)
Department of Energy (YMSCO)
Department of Energy (YMSCO)
National Council of American Indians
National Council of American Indians
State of Nevada
State of Nevada
Nye County
Nye County
Nye County
Churchill County
Clark County
Esmerelda County
Eureka County
Eureka County
Inyo County
Inyo County
Lander County
Lincoln County
Mineral County
White Pine County
Nevada Nuclear Waste Task Force
Nuclear Energy Institute**

1. LICENSING SUPPORT NETWORK (LSN) ROLES AND RESPONSIBILITIES

The responsibilities of the Commission, the LSNA, and the participants under the LSN program arise from the LSN Rule and the roles of each defined therein. This section sets forth those responsibilities as they relate to the LSNA's Compliance Assessment Program.

The Commission

- Designate a Pre-License Application Presiding Officer prior to LSN scheduled availability.
- Specify the jurisdiction of the Pre-License Application Presiding Officer.
- Rule on appeals of orders of the Pre-License Application Presiding Officer as permitted under the LSN Rule.

The Secretary of the Commission

- Reconstitute the LSS Advisory Review Panel as the LSN Advisory Review Panel (LSNARP).
- Appoint additional members to the LSNARP consistent with the requirements of the Federal Advisory Committee Act (5 U.S.C. app. 1).
- Maintain the official docket of the licensing proceeding and determine whether the license application can be effectively accessed under the electronic docket rules.

LSNARP

- Provide advice to the NRC on the fundamental issues of the type of computer system necessary to access the LSN effectively.
- Provide advice to the Secretary of the Commission on the operation and maintenance of the electronic docket established for the licensing proceeding.
- Provide advice to the LSNA on solutions to improve the functioning of the LSN.
- Provide advice on format standards for providing electronic access to participant website documentary materials.
- Provide advice on the procedures and standards for the electronic transmission of filings, orders, and decisions during both the pre-license application phase and the hearing phase.

- Constitute such subgroups or subpanels (e.g., the Technical Working Group) as determined necessary by the Secretary of the Commission.

LSNA

- Act as NRC's representative to the LSNARP.
- Notify the Commission of LSN-related issues or incidents which would preclude NRC performing the license review in the Congressionally directed three year time frame.
- Identify technical and policy issues relating to implementation of the LSN for LSNARP and Commission consideration.
- With the approval of the Atomic Safety and Licensing Board Panel (ASLBP) Chairman, establish operating procedures and policies for the LSN and the electronic docket.
- Implement, with the advice of the LSNARP, a configurable set of standards for header content and format; image and text files; record packages; and the use of unique item identification numbers (document accession numbers).
- Implement, with the advice of the LSNARP, policies, procedures and guidelines for LSN security; priority access to the LSN; website search and response times; website availability (uptime); and website backups.
- Establish standards specifying the publication, on participant websites, of the website's weekly (minimum) server statistics, including number of "hits," problems, added documents, corrected/modified documents, etc.
- Establish, maintain, and operate an LSNA baseline computer system for monitoring the overall LSN system performance and individual participant's compliance with their responsibilities under the LSN Rule.
- Establish and operate a notification procedure that will communicate to participants information about correction, replacement, or deletion of materials previously published on participants' websites.
- Establish the formats for, and schedule the submission of, all LSNA Compliance Assessment Program documentation and certifications required of participants, such as the LSN Participant Compliance Program Plan.
- Establish target dates by which participant website document collections should be ready to connect to the LSN portal site.

- Establish target dates for operational policies, procedures and standards to be promulgated to participants.
- Implement the technical standards endorsed by the LSNARP Technical Working Group.
- Coordinate the resolution of problems experienced by participants regarding LSN availability.
- Coordinate the resolution of problems regarding the integrity and completeness of participant documentary material presented on their websites.
- Provide periodic reports to the Commission (and to the LSN community) on the status of LSN functionality and operability.

LSN Participants

- Designate an official who will be responsible for administering their LSN responsibilities.
- Designate technical points of contact for various functions including who will act as webmasters for their site, who is responsible for the website help desk, and who should be contacted for loss of service and related problems.
- Establish procedures to implement the requirements of Section 2.1003 of the LSN Rule.
- Provide training to their staff on the procedures described above.
- Obtain the computer system necessary to comply with the requirements for electronic document production and service.
- Make all their documentary material available in electronic format in accordance with Section 2.1003 of the LSN Rule.
- Make available (for inspection and copying) any document not provided to other parties in electronic form within five days after it has been requested.
- Comply with all standards for presentation of documentary materials established by the LSNA.
- Comply with all operational and functional standards regarding their website operation and maintenance as established by the LSNA and the LSNARP Technical Working Group.

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- Submit and maintain all LSNA-required Compliance Program Documentation on the schedule established by the LSNA.
 - Maintain and publish data on their website operation and functionality as required by the LSNA.
 - Cooperate in the LSNA review of corrected, changed, or deleted documents on their website.
 - Cooperate in the advisory review process established by the NRC under Section 2.1011(d) of the LSN Rule.
 - Demonstrate substantial and timely compliance with the requirements of Section 2.1003 of the LSN Rule at the time it requests participation in the licensing proceeding.
 - Transmit all filings in the adjudicatory proceeding on the license application electronically according to established requirements.

Pre-License Application Presiding Officer

- Rule on disputes over the electronic availability of documents during the pre-license application phase.
- Rule on any claim of document withholding.
- Prescribe procedures that effectively safeguard and prevent disclosure of Safeguards Information to unauthorized persons.

Presiding Officer

- Receive and dispose of all motions either by written or oral ruling.
- Appoint a discovery master to resolve disputes between parties concerning informal requests for information.
- Direct the parties, interested governmental participants, or their counsel to appear at a specified time and place to consider matters relating to the proceedings.

2. HOSTING OF PARTICIPANT DOCUMENTARY MATERIAL

Under Section 2.1003 of the LSN Rule, the DOE, NRC and each other potential party, interested governmental participant, and party are required to make available to one another all their documentary material, as defined in Section 2.1001. The documentary material is to be made available in an electronic file including text, image and header. When materials are not suitable for imaging or searchable full text or are considered privileged, an appropriate electronic header must be made available. As currently contemplated, participants will make their documentary material available through a website on the Internet

During discussions at the LSSARP meeting held in Las Vegas, Nevada, on February 24, 1998, it was noted [Official Transcript of Proceedings, LSSARP Meeting, February 24, 1998, p.144] that NRC is prohibited from paying expenses for participants in licensing proceedings by a provision of the FY 1993 Energy and Water Development Appropriations Act (5 U.S.C. 504 app.). Because this codified prohibition on paying intervenor expenses applies to all funds appropriated under all Energy and Water Development Appropriations Acts, this provision arguably applies to the DOE as well. (SECY-98-237, Final Rule, 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," at 5 (Oct. 19, 1998).) Several participants at that same meeting expressed concern over their ability to fully participate in the LSN process without some funding assistance from the Federal Government.

During the development of the LSN Rule, some thought was given to the prospect of the LSNA hosting a website for participants who could not afford to establish their own site or affiliate with other participants in a joint website. After a detailed analysis of this question, it has been determined that the only way that this could occur would be as a result of specific congressional approval of a DOE budget line item which could then be utilized by the NRC (through a Memorandum of Understanding between DOE and NRC) to assist small entities in providing electronic access to their documents through an LSNA-hosted website.

The LSNA is committed to providing participants with effective access to the LSN process, within statutory limitations. In order to best gauge the approach necessary to achieve this end, participants should consider the following issues and be prepared to provide input to the LSNA:

What are the estimated costs for establishing your website and converting your current documentary material backlog for presentation on that website?

What are your calculations for the cost of maintaining that website over time?
(Generally, maintenance costs are considered to approximate 20% of initial implementation costs per annum.)

What is the possibility that you can affiliate with other participants in a joint website to defray individual expenses?

If there are no Federal funds available to assist participants in their responsibilities under the LSN Rule, will you be unable to participate in the LSN process?

The LSNA will assess the responses to these questions and formulate an appropriate strategy to help ensure effective participation opportunities for all those interested.

3. DEFINITION OF DOWNTIME AND SYSTEM AVAILABILITY

Under the previous LSS program, system downtime was defined as that period of time during which the LSS was unavailable for access by participants. Should downtime occur during the three-year licensing hearing window, the hearing process would be extended on a day for day basis for each day that the LSS was unavailable. This procedure was based on the design of the LSS - a centralized system under the control and management of the LSSA, which would be equally available (or unavailable) to all participants at any given time. Participants were responsible for their own communication lines (or data links) into the LSS. The failure of a particular participant's communication link to the LSS was not considered in determining LSS downtime; only the general unavailability of the LSS itself would trigger a potential extension.

The use of the Internet as the underlying device around which to structure the LSN requires a change in the definition of downtime as that concept relates to the LSN. No longer will there be a system like the LSS, a central repository of participant documentary materials the unavailability of which would logically trigger the extension described above. The LSNA may conclude that it is optimal to establish a central portal site through which access may be gained to individual participant websites. Each participant will control its own documentary materials on a website operated and maintained either by itself or jointly with other participants. There may be occasions when one or more participant websites are down and unavailable, while at the same time all other participant websites are up and available. Similarly, regional communications difficulties might impact a particular participant's ability to access other participants' websites through the Internet.

Based on the above, the LSNA has determined that the concept of a day for day extension of the hearing period will only apply when either the LSNA portal site or the NRC server hosting the licensing hearing docket is down and unavailable to participants. The LSNARP Technical Working Group may consider appropriate measures to help ensure the availability of participant documentary materials by minimizing potential downtime. Additionally, the LSNA, in consultation with the LSNARP Technical Working Group, will issue guidelines on standards of practice for website backups, performance, availability, and security applicable to participant websites in an effort to minimize or eliminate downtime on individual participant sites.

4. PARTICIPANT IDENTIFICATION AND PRESENTATION OF DOCUMENTARY MATERIAL

Under Section 2.1003 of the Rule, NRC, DOE, and each other potential party, interested governmental participant, and party are obligated to make available to one another all their documentary material, as defined by the Rule. This availability fulfills discovery obligations related to the licensing actions for the potential repository at Yucca Mountain. The documentary material is to be provided in electronic format with a text, image and header file. In the case where materials are not suitable for image or searchable full text or are considered privileged, an appropriate header must be made available. As currently contemplated, participants will make their documentary material available through a website on the Internet.

As discussed during previous LSSARP meetings, the burden of having a participant generate a separate listing of documents that it determines are not relevant to the licensing proceeding (for review by other participants) far outweighs the usefulness of such a listing. [Official Transcript of Proceedings, LSSARP Meeting, March 22-23, 1995, pp. 200 et seq.] Under Section 2.1009 of the Rule, a participant must certify on the record that all of its documentary material as defined in the Rule has been made available, and this certification provides a measure of assurance that no relevant documents have been withheld. Under Section 2.1004 of the Rule, a participant can request a copy of any other participant's document that it maintains has not been made available in electronic form. Access to that document must be provided within five days, unless a different time is set by the Pre-License Application Presiding Officer or the Presiding Officer. Under Section 2.1012 of the Rule, if a participant does not comply with the above requirements, it could face adjudicatory sanctions up to and including denial of party status. In the case of DOE, the appropriate prehearing sanction could be a declaration that the tendered license application is not acceptable for docketing.

In light of the above, the LSNA will rely on participant certifications that they have made all their documentary material available to the other participants, and will further rely on the participants to provide prompt notice of any potential violation of such certifications. The LSNA will review participant claims of documentary material disclosure non-compliance and make recommendations on the record to the Pre-License Application Presiding Officer or the Presiding Officer regarding an appropriate resolution and/or sanction. [PP #2 provides more detail on sanctions for non-compliance.]

5. PRIORITIZATION OF SUBMISSION OF BACKFILE DOCUMENTARY MATERIAL

5.1 Scheduling of Availability of Documentary Material

Section 2.1003(a) of the LSN Rule requires that the DOE and the NRC make their documentary material electronically available "beginning in the pre-license application phase." Section 2.1001 of the LSN Rule states that the pre-license application phase begins "30 days after the date the DOE submits the site recommendation to the President." The DOE's latest program plan, Civilian Radioactive Waste Management Program Plan, Rev. 2, DOE/RW-0504 (July 1998), estimates the date of the site recommendation submission to be July 2001. Based on that schedule, the DOE and NRC will have to make their documentary materials available beginning approximately August 2001.

If the time frames stated above are accepted, the LSNA and the LSNARP have approximately 22 months from the date of the October 1999 LSNARP meeting to design and implement the LSN, thoroughly test it, and make it available to the LSN participants. At that time, the DOE and NRC websites would have to be fully loaded with their respective documentary material. Thirty (30) days after the site selection decision becomes final (after review by Congress) all other participants would make their documentary material electronically available. Because of the tight time frame for design, implementation, testing, acceptance, performance tuning, and troubleshooting of the LSN, the LSNA has determined that a schedule of electronic availability must be established for participant documentary material. This schedule is necessary to allow the LSNA to test the system's performance characteristics well before the LSN is scheduled to be fully functional under the LSN Rule.

Based on industry estimates, it will take approximately 18 months to design, implement, test and finalize a system of this type. Consequently, the LSN participants, including the DOE and NRC, will have to begin making a portion of their documentary material electronically available within a time frame that permits integration, testing and finalization within that 18 month period. A significant percentage of each participant's document collection will have to be made available prior to the end of this period in order for the LSNA to be able to size the system, evaluate system performance characteristics and connectivity, and extrapolate the results into a meaningful performance model. This model will then be used to modify and finalize the system based on desired performance characteristics.

The LSNA is proposing that LSN participants make at least 25% of their then-existing documentary material available on their individual websites by January 31, 2001, with an additional 25% available by April 30, 2001. While it is true that the largest number of documents will be housed in the DOE and NRC document collections, the LSNA will need to test the connectivity and response times across all participant websites, to help measure full LSN functionality. The LSNARP Technical Working Group will be working with the LSNA to provide input regarding the LSN design on an accelerated basis, thereby helping to achieve timely initial implementation.

5.2 Prioritization of Submission of Backfile Documentary Material

The issue of prioritizing the submission of backfile documentary materials has arisen at past LSSARP meetings. Some participants were concerned that the most significant documents needed to be loaded first into the LSS, to provide more time for review prior to the start of the licensing hearing. Based on the currently envisioned schedule for the availability of participant documentary material under the LSN Rule, this issue seems to have been rendered moot. All DOE and NRC backfile documentary material will have to be made available in electronic form by August 2001, which is less than two years in the future. Documentary material generated after the LSN is operational will be made available reasonably contemporaneous with its creation.

Under the existing LSN schedule, by the time LSN participants could agree upon priority document categories, and the DOE and NRC had undertaken what would undoubtedly be the costly process of modifying their document systems to permit retrieval of documents by subject category, the complete backfile collections can be loaded and made electronically available. In fact, whether these document systems can be modified in that manner is doubtful. In any event, because it appears that priority loading of documentary materials by subject category would be inefficient and ultimately unnecessary, such a process is not contemplated for the LSN.

6. RECORDS MANAGEMENT AND OFFICIAL DOCKET REQUIREMENTS

The LSNA and the Atomic Safety and Licensing Board Panel (ASLBP) have the responsibility for establishing records management guidelines for the LSN and, in conjunction with the Office of the Secretary, for the NRC electronic docket. The requirements related to the LSN will help ensure that participants are able to effectively participate in the discovery process; those requirements related to the NRC electronic docket will help ensure that parties to the licensing hearing and the Presiding Officer can rely on the integrity and completeness of electronically filed motions and exhibits. The LSNA, with the advice of the LSNARP Technical Working Group, will establish standards for participant website operation and maintenance covering such topics as security, priority access, site availability (uptime), site response time, backup policy, and the use of bibliographic headers and unique item identification numbers. The guidelines described in this section are primarily concerned with documentary material presented on a participant website that are offered as official exhibits for the licensing docket, and which will eventually be retired to the National Archives and Records Administration (NARA) under approved disposition schedules as official agency records. Those files must come under control of NRC in order to satisfy NARA requirements.

6.1 Best Available Copy

Section 2.1003 requires a participant, concurrent with the production of an electronic file of documentary material, to provide an authentication statement "that indicates where an authenticated image copy of the document can be obtained." In accordance with normal adjudicatory procedure (and consistent with the approach taken under the LSS program), the participant will also have to certify under Section 2.1009(b) that the image made available on its website is the best available copy of that authenticated image copy. If that document is offered as an exhibit for inclusion in the electronic docket, the same standard will apply.

6.2 Use of Hyperlinks Within Website Documents

A document published on a participant website may contain hyperlinks to other supporting referenced documents that also reside on that website, permitting a viewer to easily navigate within a website and thereby more easily access the reference for further information. However, when that document is submitted as an exhibit to the NRC electronic docket, the hyperlinks to other referenced documents will be rendered ineffective. Therefore, a participant will have to ensure that, when submitting a document from its website as an exhibit, all referenced supporting documentation is properly assembled as a record package (in a parent/child context) and submitted in that form. The LSNA and the LSNARP Technical Working Group will develop additional procedures defining the responsibility for assembling a record package when a participant wants to submit another participant's document (containing hyperlinks) as an exhibit.

6.3 Digital Signatures

Documents presented on a participant's website will not be required to bear digital signatures. A certification by a participant's designated official that the documents presented are "true and accurate representations of documents maintained in the normal course of business in accordance with established procedures" will be acceptable. This certification, in addition to the mandated method of submission of material to the electronic docket described below, will reasonably ensure the integrity and completeness of participant website materials and tendered filings and exhibits.

6.4 Electronic Information Exchange

The Agencywide Documents Access and Management System (ADAMS) has been developed to be the NRC's electronic document and records management system. An integral part of ADAMS is the capability to intake, process and disseminate electronic documents that are either submitted to the Agency or are created within the Agency. The process of providing this capability is called electronic information exchange (EIE). EIE allows both users internal to the NRC as well as those external to NRC to exchange electronic documents in a secure manner via the Internet.

The development and use of EIE in the NRC environment is intended to address the mandate of the Government Paperwork Elimination Act, Title XVII of Public Law 105-277, that provides for Federal agencies, by October 21, 2003, to give persons who are required to maintain, submit, or disclose information the option of doing so electronically. It is also intended to provide for the use of electronic authentication (electronic signature) methods to verify the identity of the sender and the integrity of electronic content where necessary. The Act specifically provides that electronic records and their related electronic signatures are not to be denied legal effect, validity, or enforceability merely because they are in electronic form.

The NRC is conducting a pilot EIE program. The objective of this pilot program is to institute business processes that will enable the NRC and the customers and clients of the NRC to electronically interact and communicate in a secure manner via the Internet. This undertaking is expected to provide the basis for further evaluation and analysis that will result in operational and procedural improvements to the EIE process prior to agency-wide implementation. The NRC pilot EIE design is based on a public key infrastructure (PKI) that provides the capability to exchange electronic documents in a secure manner via the Internet using Secure Sockets Layer (SSL3) technology.

The NRC shall provide for overall administration of the EIE process through the Local Registration Authority (LRA) and the Local Registration Authority Administrator (LRAA). The LRA shall create and maintain an Access Control List (ACL) consisting of authorized internal and external EIE participants. Each participant shall provide the LRA with vital information such as name, organization name, phone number, and e-mail address. The LRA shall verify participant information (via e-mail) before adding them to the ACL. The information provided to the LRA is entered into a secure database and is used to create and distribute secure account information for access to the NRC EIE external server (external server) for the dissemination of electronic documents. The LRAA shall use the ACL to validate authorized individuals

requesting digital signature certificates. Both the LRA and the LRAA may be contacted via e-mail at LRAA@nrc.gov.

LSN participants may use their existing workstations with standard desktop configuration to submit documents to the NRC electronic docket. The recommended workstation configuration requires a Pentium 133 Mhz (or higher) with a minimum of 16 MB of RAM, and access to the World Wide Web through an Internet Service Provider. The operating system should be either Windows NT or Windows 95 (or higher). In addition, each workstation must be equipped with browser software consisting of either Netscape Navigator or Communicator (version 4.0 or higher) or Microsoft Internet Explorer (version 4.0 or higher). All other software needed in the EIE process shall be available via the NRC EIE external server home page.

7. PUBLIC AVAILABILITY OF DOCUMENTARY MATERIAL

Under the former LSS program, the LSS was intended to be a closed system with access restricted to dedicated terminals or workstations. Section 2.1007 of the former LSS Rule required both the NRC and DOE to provide such terminals at their Headquarters and Local Public Document Rooms to allow public access to LSS document headers and images (during the pre-license application phase) and document headers, images and searchable full text (during the hearing phase). The current LSN Rule, in Section 2.1007(a)(2), states that "(a) system to provide electronic access to the Licensing Support Network shall be provided at the headquarters Public Document Room of NRC, and at all NRC Local Public Document Rooms." An identical requirement is placed on the DOE under Section 2.1007(a)(1). Section 2.1007(a)(2) has been amended, effective October 12, 1999, to require that "(a) system to provide electronic access to the Licensing Support Network shall be provided at the NRC Web site, <http://www.nrc.gov>, and/or at the NRC Public Document Room beginning in the pre-license application phase."

The NRC is amending its regulations to reflect the use of a new electronic record keeping system for NRC records. The NRC is establishing the Agencywide Documents Access and Management System (ADAMS) to provide for the electronic submission, storage, and retrieval of NRC official records. When ADAMS becomes operational, all NRC official records that are normally publicly available, under the Commission's regulations, will be available to the public electronically through ADAMS. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, <http://www.nrc.gov> (the Electronic Reading Room).

When ADAMS becomes operational, NRC will discontinue furnishing paper and microfiche copies of its publicly available records to the NRC Public Document Room (PDR), located in Washington, DC, and the Local Public Document Rooms (LPDRs). Moreover, because of budget constraints and the improved access to newly received and created records via the NRC Web site under ADAMS, the Commission will discontinue funding of the LPDR program beyond Fiscal Year 1999.

ADAMS will provide the following added benefits that should preclude or minimize any public concerns regarding the impact from discontinuing the LPDR program:

- ADAMS Internet access will provide access to new records in full text and image.
- ADAMS will provide an improved electronic search capability. Under the existing system, only the bibliographic indexes and abstracts for most records are available from the online NUDOCS; similarly, only a fraction of the documents in the PDR's Bibliographic Retrieval System (BRS) contain full text.
- New records will be available to the public within days instead of the two weeks or longer it now takes for LPDRs to receive microfiche or paper copies of new accessions.

- Internet public access to the NRC Web site will provide direct access to a much broader range of the public than just to those who, because of their close proximity, have access to the PDR and LPDRs.
- Documents specific to the LSN will be readily identified and accessible through the NRC Web site.

As the discussion above makes clear, the dissolution of NRC Local Public Document Rooms will prevent the LSNA from providing access to the LSN through LPDRs. However, the public will have access to the LSN through the Internet. Additionally, the Commission will continue to provide LSN access at the NRC Headquarters Public Document Room located in Washington, D.C.

8. AMENDED / CHANGED DOCUMENTS

Under the former LSS program, Section 2.1003 of the LSS Rule required participants to submit a bibliographic header, an ASCII file (where available) and an image for all their documentary material to the Licensing Support System Administrator (LSSA) for processing and entry into the LSS. The DOE and NRC were required to provide a bibliographic header, an ASCII file and an image for all their documentary material. Section 2.1004 of the LSS Rule required all participants to access their documentary materials within sixty days of that material's entry into the LSS (during the pre-license application phase) or within five days of its entry (during the hearing phase) and verify that the documentary materials had been entered correctly. If a participant realized that one of its documents, as entered into the LSS, was incorrect in some way, the participant was required to notify the LSSA and request appropriate changes be made by the LSSA. Once the above time periods had expired, the participant desiring to make corrections to a document had to submit a corrected version as a separate document with its own header. The original version of the document would remain in the LSS, and its header would be amended to identify the corrected version.

Under the LSN program, it is envisioned that participants will control their own websites containing their documentary material. They will be responsible for the completeness and correctness of the documentary material presented there, and will be required to certify to that completeness and correctness. Because all other participants must be able to rely on the integrity of the documentary materials presented on participant websites, the LSNA has determined that a policy concerning amended or changed documents is appropriate.

Any participant who determines, within five days of initial presentation, that a document presented on its website needs to be changed should make the change and notify the LSNA of the nature of the change. The LSNA will post a notice of the change on the LSN portal site for the information of all participants.

If a change is required to a document that has been present on a participant website for more than five days, the responsible participant will be required to add the corrected document (and its corresponding header, which identifies the earlier version) as a new document on its website. The participant will also be required to notify the LSNA of the specific change(s), and send a broadcast message to all other participants informing them of the change(s). The LSNA will post a notice of the change on its LSN portal site.

If a participant determines that a document needs to be removed from its website, the participant will be required to notify the LSNA of such intent. The LSNA will review the participant's justification for the removal and refer the matter, with recommendation on removal, to the Pre-License Application Presiding Officer or the Presiding Officer, as appropriate, for final resolution prior to any removal. When a document is removed from a participant website, the participant will be required to send a contemporaneous broadcast message to all other participants informing them of the removal. A notice of the removal will also be posted on the LSN portal site.

9. MONITORING SYSTEM

As part of its responsibilities under the LSN Rule, the LSNA will establish a system designed to monitor participant activity within the LSN program and to generate informational reports of such activity. The objectives of such a monitoring system are twofold:

- to give participants reasonable assurance of the integrity of presented documentary material and of participant compliance with their responsibilities under the LSN Rule; and
- to obtain usable statistical data for informational and system management purposes.

The monitoring system, as envisioned, will be primarily an automated one, utilizing software that will scan participant websites and gather data about website content and website activity. LSNA staff will analyze the data gathered in this fashion and make determinations regarding participant compliance and system management issues. The types of data that the system will gather on each website include:

- how many site records have been added since the last monitoring "sweep"?
 - number of bibliographic header records
 - number of text files
 - number of images
- have any files been changed within five days of being added?
- have any files been changed more than five days after being added?
- have any files been removed?
- total number of documents cumulative to date
- has the size of any file changed?
- how many "hits" has the website recorded?
- what response time has the site provided?
- has the site suffered any downtime?

The information gathered will assist the LSNA in measuring participant compliance and in assessing the effectiveness of the LSN operation. Information obtained through monitoring will routinely be published on the LSNA portal site, after analysis and appropriate follow-up actions have been completed. For example, if a monitoring "sweep" of a participant's website reveals that a document has been changed in some way, LSNA staff will contact that participant to determine the nature of the change before publishing a notice of the change on the LSNA portal site. The LSNA staff analysis will operate on an exception basis, investigating out-of-the-ordinary occurrences discovered by the automated monitoring "sweep".

10. SITE AUDITS

During previous presentations to the LSSARP [see Official Transcript of Proceedings, LSSARP Meeting, April 14-15, 1994, pp. 9 et seq.], the LSS Administrator presented a proposed Compliance Assessment Program that included the establishment of an Audit Program which would, among other activities, conduct site audits of a participant's document processing operations. It was proposed that a quality control inspection of the end product, that is, documentary materials submitted to the LSSA for electronic processing, would not be sufficient to provide reasonable assurance of participant compliance with the requirements of the LSS program. Instead, the LSSA would incorporate into its quality assurance activities an auditing program with on-site visits to participant facilities. This would allow the LSSA to oversee LSS program requirements including program planning and scheduling, personnel selection and training, procedure development and control, handling of procurement specifications for compliance, and interactions between the participant and the LSSA.

Other quality assurance controls proposed under the former LSS program included activities that examined the accuracy and completeness of participant-submitted LSS materials through strict quality control reviews and inspections of items such as document headers, images and text; error identification and correction activities; and the tracking of participant submissions against an established submission schedule.

Under the current LSN program, the LSNA has determined that audits of participants by on-site visits are not considered necessary to ensure compliance with program requirements. Each participant will be required to certify its compliance with the LSN program requirements under Section 2.1012 of the Rule. Available technology will allow the LSNA to monitor participant websites and determine whether each item of documentary material is represented by a header, image, and text file (as appropriate); whether materials on the website have been changed or removed; whether materials on the website have been made available in accordance with an LSNA-established schedule; whether participant websites have met LSNA-established performance guidelines for response time and downtime; and whether the materials on the website are presented in an acceptable and useable format. Based on a participant request or on an LSNA recommendation, and as determined by the Pre-Application Presiding Officer or the Presiding Officer, a site audit of participant facilities might be ordered, but such would be the exception rather than the rule. Elimination of routine participant site audits as part of the LSNA Compliance Assessment Program is considered to be both appropriate and cost-effective in light of currently available technology.

11. SANCTIONS FOR NON-COMPLIANCE

Under the former LSSA Compliance Assessment Program, the LSSA was responsible for evaluating and reporting on (i.e., certifying) the status of LSS participants' compliance with their obligations under the LSS Rule. If a participant was found not to be in compliance, the LSSA had the authority, subject to review by the Pre-License Application Presiding Officer or the Presiding Officer, to deny that participant access to the LSS. This sanction was available under the old LSS program because the LSS was a closed system under the control of the LSSA. With the revision of the Rule and the introduction of the Internet as the underlying structure of the LSN, the LSNA no longer has access control to the participant websites where the LSN materials will reside. While the LSNA is considering the option of operate a central portal site that will simplify access to participant websites, the very nature of the Internet provides many avenues of access to individual participant websites that cannot be controlled by the LSNA. Thus, denial of access is no longer an available sanction for a non-complying participant.

However, Section 2.1012 (b)(1) of the Rule states that a potential party to the licensing proceeding who cannot demonstrate substantial and timely compliance with the requirements of Section 2.1003 relating to the availability of its documentary materials will not be granted party status. Additionally, a party may be denied permission to use specific documentary materials in the hearing if that material was not previously made available to the other parties. These sanctions would be administered and imposed by the Presiding Officer as part of the adjudicatory process.

In light of the above, the LSNA will review participant non-compliance issues and make recommendations to the Pre-License Application Presiding Officer or the Presiding Officer regarding appropriate adjudicatory sanctions.

12. TECHNICAL ALTERNATIVES FOR LSN IMPLEMENTATION

This section is a discussion of alternatives for implementing an NRC-operated, Internet based computer network intended to address various requirements of the NRC's interaction with the greater LSN. These requirements include assisting with assessment of participant compliance, expediting access to LSN information, managing and monitoring the LSN, and administering policies and procedures of the Licensing Support Network Administrator (LSNA).

A description of requirements for participant sites is not within the scope of this document. However, some of these will be delineated as assumptions -- with the realization that these may be revised based on working group discussions -- and discussed to the extent they are impacted by the alternatives. The baseline system functionality needed even in the total absence of an NRC web site devoted to the LSN is outlined separately. Finally, the alternatives for the NRC sponsored and operated facility are described.

12.1 Assumptions Regarding Participant Site Requirements

Participants will publish all their documents related to the licensing process on the Internet through the facilities of an HTTP (HyperText Transport Protocol) server (AKA "web server"). These documents will be static in nature rather than constructed "on-the-fly" by one server or another. The documents will be available to any authorized party (as defined by the LSNA, perhaps including the general public) through a standard data exchange method and a HyperText Markup Language (HTML) hyperlink to every document will be provided on the participant's LSN web page or subordinate pages reachable from the LSN page through hyperlinks.

Participants will publish documents only in LSNA-mandated data representation formats, e.g., Portable Document Format (PDF), HTML, and Tagged Image File Format (TIFF). Participants will also provide appropriate metadata, e.g., bibliographic headers, and cross-references for each document.

Participants will maintain indices of all published material in a manner permitting arbitrary searching of document content, synopses, and metadata using standard web tools such as browsers and robots.

Participants will follow policies and procedures promulgated by the LSNA to ensure acceptable data integrity of published documents.

Participants will follow policies and procedures as determined by the LSNA intended to ensure acceptable site availability, performance, stability, and security.

Participants will provide access to information on their web facilities as necessary to allow a level of monitoring that provides for LSNA oversight.

12.2 A Baseline System

The baseline NRC LSN system is intended to address primarily the in-house needs of the NRC's Office of Nuclear Material Safety and Safeguards / Division of Waste Management (NMSS/DWM) staff. This functionality will be present in all of the alternatives described below. These functions are not included in the description of the basic alternative because they are, for the most part, invisible to those outside the NRC and may not necessarily be web-based. These elements are not expected to vary in kind between the alternatives, but may differ in detail. They include:

- A facility that monitors the "health" of the LSN checking on participant site availability, performance, and integrity.
- A component that will automatically traverse participant web sites and verify the availability and integrity of published documents.
- A database for storage and retrieval of arbitrary data.
- Security elements allowing secure remote administration, defense against compromise, and detection of attempts to compromise.
- A reporting facility to provide timely information to the LSNA.
- System assuredness elements, e.g., system backup, environmental controls, and uninterruptible power supply.

12.3 Alternatives for NRC LSN Web Site

Three different conceptual descriptions of an LSN website configuration are outlined below in increasing order of complexity and functionality. Increased complexity and functionality inevitably leads to increased costs; however, the relationship is not linear. Projected costs for these scenarios cannot be determined at this time due to insufficient information and, in any case, is beyond the scope of this document.

12.3.1 Least Complex

This alternative is intended to provide basic web functionality in addition to the baseline. The primary design focus of this alternative is to satisfy the basic requirements of the LSN participants for web access and to remain as simple as possible.

The system is envisioned as a simple "home page" or jumping-off point providing hyperlinks to LSN participant sites and other relevant material. This should be possible with a small number of HTML pages, perhaps only one. Active elements, e.g., Common Gateway Interface (CGI) scripts or HTML forms will not be present. The system will remain static for the entire pre-discovery phase. No revisions to the publicly-available pages are anticipated.

Adding this level of functionality to the baseline will require little more than implementation of a web server and authorship of several pages of HTML.

12.3.2 Medium Complexity

The focus of this alternative is providing information through the web to the entire community of interest in as simple-to-build-and-maintain a manner as practicable. In addition to the alternative noted in section 12.3.1, the NRC LSN web site will provide a central point of access to the general public and LSN participants of all LSN information, including such additional elements as:

- A centralized search facility that, when queried, will survey participant sites and return references to all matching documents on all participant sites.
- Publication of statistical information on LSN participant sites, including on site content and performance.
- Aggregation and publication of overall LSN access and usage statistics, e.g., number of hits.
- An online forum in which interested parties can discuss or exchange information regarding LSN matters.

Examples of an already implemented portal site may be found at <http://www.osti.gov/EnergyFiles/> or at <http://www.tis.eh.doe.gov/portal/KSMLinkReg.htm> both of which are DOE implementations. This site would contain only a limited number of active components and would remain relatively static with few manual updates. Adding this level of functionality will require few additional software components, but will require significantly greater development and maintenance expenditures than the previous alternative.

12.3.3 Significant Complexity

The focus of this alternative is to provide a fully-featured "vortal" (a subject specific portal or vertical portal) into the LSN. It is envisioned that it be the primary or, perhaps, sole way to access LSN information. This alternative will include the features outlined in section 12.3.2, enhanced to provide additional functionality such as:

- Seamless transitions among participant web sites.
- Caching and replication of participant documents for improved performance and access control.
- Mediated and/or prioritized access to LSN content through secure connection facilities (e.g., a virtual private network (VPN) that utilizes encryption to secure pathways).
- Levels of access (with some information available only to designated parties).
- Provision of additional media types, e.g., audio and video.

Development of such a site would require significant additional hardware, software, and personnel, both in development and maintenance. Manual revision would be frequent and occur through the entire system life-cycle. Additionally, this alternative requires that participants must be willing and active contributors to the site's development and maintenance by adjusting how their web sites work. This alternative might, however, be viewed as shifting the ultimate responsibility for document delivery from the participants to the LSNA.

These preliminary alternatives are to be considered by the LSN Advisory Review Panel (LSNARP) and its Technical Working Group (TWG) during meetings held on October 12-15, 1999.