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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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LICENSING SUPPORT NETWORK ADVISORY REVIEW PANEL

+ + + + +

MEETING

+ + + + +

TUESDAY

FEBRUARY 27, 2018

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ROCKVILLE, MARYLAND

+ + + + +

The Advisory Committee met at the Nuclear Regulatory Commission, Three White Flint North, Room 01C3, 11601 Landsdown Street, Rockville, Maryland, at 10:03 a.m., Andy Bates, Chairman, and Chip Cameron, Facilitator, presiding.

1 BOARD MEMBERS:  
2 ANDY BATES, Chairman, LSNARP  
3 JESSICA BIELECKI, NRC  
4 LAURIE BORSKI, State of Nevada  
5 ANNE COTTINGHAM, NEI\*  
6 DIANE CURRAN, Eureka County, Nevada  
7 ROBERT HALSTEAD, State of Nevada  
8 ABIGAIL JOHNSON, Eureka County, Nevada\*  
9 PHIL KLEVORICK, Clark County, Nevada\*  
10 L. DARRELL LACY, Nye County, Nevada\*  
11 SUSAN LYNCH, State of Nevada\*  
12 MARTIN MALSCH, State of Nevada  
13 REX MASSEY, Churchill and Lander Counties, Nevada\*  
14 LEVI MCALLISTER, DOE  
15 TIM MCCARTIN, NRC  
16 ROD MCCULLUM, NEI  
17 JOHN MCINTIRE, NEI  
18 LOREEN PITCHFORD, Churchill and Lander Counties,  
19 Nevada  
20 THOMAS POINDEXTER, DOE  
21 BRYAN PYLE, White Pine County, Nevada\*  
22 KAITLIN REKOLA, NEI  
23 CARRIE SAFFORD, NRC  
24 CONNIE SIMKINS, City of Caliente, Nevada, and  
25 Lincoln County, Nevada\*

1 BOARD MEMBERS (CONTINUED):

2 JUDY TREICHEL, Nevada Nuclear Waste Taskforce, Inc.

3 HEATHER WESTRA, Prairie Island Indian Community\*

4 IAN ZABARTE, Native Community Action Council\*

5

6 ALSO PRESENT:

7 CHIP CAMERON, Facilitator

8 PAUL BOLLWERK, NRC, ASLBP

9 RUSSELL CHAZELL, Office of the Secretary, NRC

10 K.G. GOLSHAN, Branch Chief, OCIO, NRC

11 MARGIE JANNEY, Acting Administrator, LSN, NRC

12 REKHA NAMBIAR, NRC

13 BRIAN NEWELL, Office of the Secretary, NRC

14 ANDY WELKIE, IT Specialist, NRC

15 THOMAS WELLOCK, NRC Historian, NRC

16

17 \*Present remotely

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C-O-N-T-E-N-T-S

Call to Order and Opening Remarks . . . . . 5

Overview . . . . . 20

Opportunity for Public Comment . . . . . 40

(None)

Status of the Yucca Mountain Adjudicatory . . . . 42

Process

History of the LSN and LSN Library . . . . . 54

Introduction of LSN Reconstitution/Replacement . 63

Options Paper

Status of EIE/EHD and Exhibit Submission Gap . . 71

Opportunity for Public Comment . . . . . 94

Option 1, Traditional Discovery . . . . . 101

Option 2, NRC ADAMS LSN Library . . . . . 152

Adjourn . . . . . 197

## P R O C E E D I N G S

10:39 a.m.

CHAIRMAN BATES: (presiding) Good morning, everybody.

I'm Andy Bates, the LSNARP Chairman and the designated federal employee for the meeting. I'm with the NRC's Office of the Secretary.

I want to welcome all of the Committee members and the public who are in attendance today, both in person and virtually.

Before we get into introductions, let me go through a couple of formalities. This is an open public meeting of NRC's Licensing Support Network Advisory Review Panel, and it's being held in accordance with the Federal Advisory Committee Act, FACA for short.

It was announced in The Federal Register on January 10th, 2018, and included the topics for the discussion and a preliminary agenda. And updated agenda was posted to the internet on February 23rd.

There are sign-in sheets at the back of the room, and I ask that everybody please sign in.

For those members of the public in the room, there's wifi available, and the wifi password is posted on the wall. Please note that the connection

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1 is going to timeout after four hours and you'll need  
2 to reconnect.

3 The meeting is going to be transcribed,  
4 and we expect the transcript to be available in about  
5 a week. We also expect to post it on the internet and  
6 send it to the members by March 9th.

7 This is the first meeting of this panel  
8 since December of 2003, and it's the first time we  
9 have used virtual meeting technology for the  
10 Committee. Since this meeting is being held with both  
11 attendees here in Rockville and virtually, I'll ask  
12 that everybody make sure to identify yourself for the  
13 record whenever you speak, so our transcriber can  
14 produce an accurate record of the meeting.

15 For the LSNARP members who are  
16 participating using GoToMeeting, please self-mute your  
17 audio connection by clicking on your audio icon in the  
18 GoToMeeting control panel. During the portions set  
19 aside for member comments, we'll ask for comments from  
20 members in the room first and, then, using GoToMeeting  
21 and, then, any member not using GoToMeeting but using  
22 the audio-only option.

23 If you would like to make a comment,  
24 please turn your name tent on its end, so that we can  
25 see it through your web camera. When we call on you

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1 for comment, please unmute your audio and wait a few  
2 seconds before providing your comment or question, as  
3 it takes a moment for the audio signal to unmute.

4 If you are not using a web camera, please  
5 use the chat feature to send a message that you wish  
6 to provide the comment or a question, and that message  
7 will be forwarded to our meeting facilitator. When  
8 sending and using the chat feature, please make sure  
9 to choose "organizers only" when you send the message.

10 If there's technical difficulties, you can  
11 all 888-395-2501. The listen-only code is  
12 4-6-5-2-5-5-4. Members should refer to the email that  
13 was sent out that contains the GoToMeeting link if you  
14 have difficulties.

15 I would like now to go around the room and  
16 ask each Committee member who's here to introduce  
17 themselves and, then, we're going to go to those who  
18 are connected by GoToMeeting, where I'll go through a  
19 list of the participants that I have. And we expect  
20 to try to follow that process during the day, where we  
21 go to members here in the meeting and, then, go to  
22 members who are online through GoToMeeting. And then,  
23 subsequently, several locations during the course of  
24 today and tomorrow, we'll ask if members of the public  
25 have any comments that they want to make, and they can

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1 participate by sending questions in through the  
2 GoToWebinar or our audio connection, if they're  
3 connected by telephone.

4 Let me go to first to Jessica.

5 MS. BIELECKI: Good morning. Jessica  
6 Bielecki, NRC staff.

7 MS. CURRAN: I'm Diane Curran,  
8 representing Eureka County.

9 MR. POINDEXTER: Tom Poindexter, Morgan  
10 Lewis, counsel to DOE.

11 MS. TREICHEL: Judy Treichel from the  
12 Nevada Nuclear Waste Task Force.

13 MR. HALSTEAD: Bob Halstead, Nevada Agency  
14 for Nuclear Projects, which is part of the Office of  
15 Governor Brian Sandoval.

16 MR. McCULLUM: Rod McCullum, Nuclear  
17 Energy Institute.

18 MR. GOLSHAN: K.G. Golshan, LSN staff.

19 MS. JANNEY: Margie Janney, Acting LSN  
20 Administrator.

21 CHAIRMAN BATES: And online we have Ian  
22 Zabarte. And I apologize if I mispronounced your  
23 name.

24 MR. ZABARTE: Ian Zabarte, Native  
25 Community Action Council.

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1 CHAIRMAN BATES: Okay. Thank you.

2 Is there anybody else that we've missed at  
3 this point?

4 MR. LACY: Darrell Lacy, Nye County.

5 MR. PYLE: Bryan Pyle, White Pine County.

6 CHAIRMAN BATES: Abby, are you there?  
7 Abby Johnson, are you on?

8 MS. JOHNSON: Abby Johnson, Eureka County.

9 CHAIRMAN BATES: Okay. Thank you.

10 I'm not sure at this point whether we have  
11 members of the public here in the room. As I  
12 indicated before, periodically, we will go and open up  
13 the floor and the audio to members of the public. We  
14 do have a microphone in the back here, if you would  
15 use that when we ask for any comments that you may  
16 have.

17 A couple of other logistical issues.  
18 We're planning to break for lunch no later than about  
19 one o'clock today. We'll take several 15-minute  
20 breaks during the day.

21 There are restrooms back to the right in  
22 the main lobby and, also, to the left around the  
23 corner.

24 I'll turn now, introduce Chip Cameron,  
25 who's going to help facilitate the discussion over the

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1 next three days, couple of days, two days, to provide  
2 some introductory comments on the meeting process and  
3 that we want to follow over the next two days in order  
4 to facilitate a good discussion amongst all of the  
5 members.

6 Chip?

7 MR. CAMERON: Okay. Thank you. Thank  
8 you, Andy.

9 Andy W., is my lavalier on? Can everybody  
10 hear me? Okay. Great.

11 Good morning to everybody here and online.  
12 My name is Chip Cameron, and I'm going to be serving  
13 as your facilitator for this two-day meeting of the  
14 Licensing Support Network Advisory Review Panel.

15 We're going to try to keep acronyms down,  
16 but one acronym you're going to hear a lot is LSN.

17 And the most important objective of these  
18 two days of meeting is to hear the Advisory Review  
19 Panel's ideas, both collectively and individually, on  
20 the options for a reconstituted or replacement LSN.  
21 The NRC ARP staff has done some research on possible  
22 options for you to consider, and we'll be discussing  
23 those during the next two days, as well as any other  
24 options that you may want to suggest.

25 At this point, I should note that the NRC

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1 LSN staff is composed of representatives from the  
2 Commission's Office of the Secretary, the Office of  
3 the Chief Information Officer from the Atomic Safety  
4 and Licensing Board Panel, and we have Margie Janney,  
5 who is the Acting LSN Administrator.

6 And that term "NRC LSN staff"  
7 distinguishes it from the NRC staff who's here at the  
8 table, Jessica Bielecki, and Carrie Safford will also  
9 be joining us. And we have members of the NRC  
10 technical staff here. They are the staff who's  
11 responsible for the licensing process for the high-  
12 level waste repository.

13 I would emphasize that all members of the  
14 LSN Advisory Review Panel who are with us today and on  
15 GoToMeeting, a webinar technology, that you're all  
16 going to get a chance to participate and talk to one  
17 another. Some of the members of the ARP may be more  
18 familiar with the LSN or more interested in the LSN.  
19 And I know we're going to be hearing a lot from them,  
20 but we want to hear from all of the panel members.

21 We're in a virtual meeting setting, so  
22 we're not going to be able to be as spontaneous as if  
23 we were in a face-to-face meeting. So, we're going to  
24 have to be a little bit more disciplined about how we  
25 go through the discussion process, so that we can

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1 avoid at least some chaos during the next few days.

2 But, before I go through the meeting  
3 guidelines, the discussion guidelines, let me explain  
4 the backdrop of all who are involved in this meeting.  
5 We have the member organizations of the ARP, and each  
6 of those organizations has a designated primary, and  
7 in most cases a secondary, representative. One or  
8 both representatives may be in attendance here in  
9 person in Rockville or they may be one here, one on  
10 the virtual technology GoToMeeting.

11 And I've asked each member organization to  
12 designate a spokesperson to sort of act as a  
13 gatekeeper for when the other members of their team  
14 want to speak. I think the spokesperson will probably  
15 be the main discussant, but I want to emphasize again  
16 that everyone going to get a chance to talk, if they  
17 have something to say.

18 Now each member organization can  
19 participate in one of three ways, here physically at  
20 the table in Rockville. The second way is those on  
21 through GoToMeeting. And third, we have a dedicated  
22 phone line for ARP members, and they can come in  
23 through that phone line.

24 Members of the public can also participate  
25 in the meeting, and we're looking forward to hearing

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1 any comments or questions that members of the public  
2 have today. And they can be here in person. We'll  
3 find out who is here in person and as a member of the  
4 public. They can be on virtually through a technology  
5 called GoToWebinar. And we'll see how many times I  
6 can foul up and confuse the GoToMeeting and  
7 GoToWebinar. But GoToMeeting, ARP members;  
8 GoToWebinar, members of the public.

9 There is also a separate phone line for  
10 members of the public to come in on. Okay? And  
11 that's how they'll be coming in. Members of the  
12 public who are on through GoToWebinar can also use  
13 that technology to type a text into the NRC LSN staff,  
14 and that will be relayed up here, so that we can hear  
15 that comment or answer that particular question.

16 For comments, there's always going to be  
17 comments that are out of sequence on the agenda.  
18 Usually, we have a parking lot to put those items in,  
19 and we come back and address them at the appropriate  
20 time. We're going to use a corral. Okay? That's in  
21 deference to all the people here from the West, from  
22 the State of Nevada. At any rate, we'll do that.

23 Now discussion guidelines, we'll start  
24 each segment with a brief NRC presentation, and the  
25 staff is going to keep their presentations brief

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1 because they want to hear from you. But it will sort  
2 of set the stage for whatever agenda topic is there.  
3 And just hold your questions until they finish that  
4 presentation.

5 And then, we're going to follow this  
6 process at each discussion point: we're going to go  
7 to anyone who wants to talk from the ARP who's here at  
8 the table. Then, we're going to go to the ARP members  
9 that are on through GoToMeeting. Then, we'll see if  
10 anybody is on the phone who wants to make a comment.

11 So, once we get those initial comments in,  
12 then we're going to come back to the table and try to  
13 have an interactive discussion, to hear what anybody  
14 thinks about a comment that's been made previously,  
15 either in the room, on the phone, through GoToMeeting.

16 As usual when we have these meetings, I'm  
17 going to ask those of you who here in the room to  
18 raise your name tent if you want to make a comment.  
19 Okay? That will alert me to who wants to talk.

20 The members of the ARP who are on through  
21 GoToMeeting also have name tents that they will raise  
22 if they want to make a comment. Okay? And we have  
23 great staff back here who is going to alert me to who  
24 might have their name tent on up there.

25 Okay. Andy mentioned that we have a court

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1 reporter. This is Sam Wojack who's with us. He is  
2 eventually going to get to know who's in the room, but  
3 we're asking everybody to state their name, so that he  
4 knows who to properly attribute the comment to. And  
5 that's going to be especially important for all of you  
6 who are on through GoToMeeting or GoToWebinar.

7           When we get to the public comment portion  
8 -- and I'll repeat this at that time -- we usually in  
9 a face-to-face meeting have a member of the public  
10 come up and make their comment and, then, we'll see  
11 whether the NRC staff or members of the ARP have  
12 anything to say about that comment. They may not.  
13 But, in this case, we're going to hear from a member  
14 of the public in the room, if they want to talk.  
15 We're, then, going to go to those members of the  
16 public who are on through GoToWebinar, those who are  
17 on through the dedicated phone line for the public,  
18 then come back to all of you for ARP members here and  
19 through GoToMeeting to offer anything they want to say  
20 about that public comment.

21           And I would just ask you to all have  
22 patience and bear with us today in this virtual  
23 meeting. There's a lot of moving parts involved, but  
24 we want to make sure that we get to everyone and that  
25 we can try to actually form some, what I call,

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1 discussion threads, have a dialog on everything.

2 And I'm almost done here. This seems like  
3 it's going on a long time.

4 But I do have some instructions for those  
5 people, the public, who are on through GoToWebinar.  
6 So, if you're using GoToWebinar to participate in  
7 today's meeting, you're going to see an orange arrow  
8 that will open the GoToWebinar control panel. The  
9 orange arrow is typically found in the upper righthand  
10 portion of your screen after you connect to  
11 GoToWebinar.

12 When this control panel is open, you have  
13 two options to ask questions or make comments. The  
14 first is to use the GoToWebinar "raise your hand"  
15 feature. You can use that "raise your hand" feature  
16 to orally ask questions or make comments throughout  
17 the meeting. So, you can raise your hand. We'll  
18 recognize you and we'll unmute your phone. Note that,  
19 if you're on through GoToWebinar, your phones are  
20 muted until you use the "raise your hand" function.

21 The other option with GoToWebinar is the  
22 questions feature. You open the questions panel, type  
23 in your question, and press Send. And so, those will  
24 be relayed to us up here in the front of the room.

25 Finally, I just have a couple of notes on

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1 the agenda. In a few places after the NRC  
2 presentation, we're going to start the discussion with  
3 a brief presentation by the State of Nevada. And I  
4 believe that the State of Nevada's PowerPoint slides  
5 are in the back of the room, for anybody who needs  
6 them.

7 And if you look at your agenda, there's a  
8 10:45 slot that is "Comments on the Meeting Process  
9 and Agenda". At that point when we open the  
10 discussion for the ARP, we're going to open with Bob  
11 Halstead. Then, we're going to get comments from  
12 anybody else who's here physically, then comments from  
13 ARP members who are on through GoToMeeting, the phone,  
14 if we have anybody on the phone. Then, we're going to  
15 come back for a discussion with all of you and the NRC  
16 staff on what they heard from the NRC staff or our  
17 meeting process, agenda, what Bob Halstead said,  
18 whatever.

19 After the "Status of Yucca Mountain  
20 Adjudicatory Process" -- that's 11:45 on your agenda  
21 -- we're going to have a short presentation by Marty  
22 Malsch from the State of Nevada's legal team. And  
23 then, we're going to roll on through history of the  
24 LSN, all the way up to lunch. And these are summary  
25 presentations. This material will be addressed at

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1 various other points during the day. So, we're not  
2 going to have a big discussion period, but we are  
3 going to take clarifying questions then.

4 When we move to this afternoon, you'll  
5 note there's an option 2 at 2:45, "NRC ADAMS LSN  
6 Library". We're going to hear a presentation from  
7 K.G. Golshan on that option, brief. And then, to open  
8 up the discussion, we're going to go to Laurie Borski  
9 from the State of Nevada's team, who has a number of  
10 slides based on some research that she's done  
11 searching the ADAMS LSN Library.

12 After that, there's a few points I think  
13 that K.G. and his team will present. And then, we'll  
14 go to discussion, follow the usual process, here in  
15 the room, GoToMeeting.

16 And I think that's about it.

17 Andy, where do we go next?

18 CHAIRMAN BATES: Well, Chip, let's go  
19 back. I think since we got started here initially,  
20 we've had several other people from GoToMeeting join  
21 us online. And I understand Rex Massey is on.

22 Rex, I see you on screen.

23 MR. MASSEY: Hi.

24 CHAIRMAN BATES: Have you unmuted your  
25 audio?

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1 MR. MASSEY: I did.

2 CHAIRMAN BATES: Okay. Good morning.

3 I understand, also, that Connie Simkins  
4 from Lincoln County is on. Is Connie there?

5 MS. SIMKINS: That's correct.

6 CHAIRMAN BATES: Thank you.

7 Also, as before, Ian Zabarte is online.

8 MR. ZABARTE: Hello.

9 CHAIRMAN BATES: Darrell Lacy from Nye  
10 County.

11 MR. LACY: Yes, Darrell Lacy and Celeste  
12 Sandoval are here together --

13 CHAIRMAN BATES: Okay.

14 MR. LACY: -- in a conference room.

15 CHAIRMAN BATES: All right. Thank you.

16 Heather Westra from the Prairie Island  
17 Indian Community.

18 Heather, are you there?

19 (No response.)

20 Muted? Heather, you must be on mute.

21 (No response.)

22 Okay. Let me go on to Byron (sic) Pyle of  
23 White Pine County.

24 MR. PYLE: I am here. It's Bryan.

25 CHAIRMAN BATES: Bryan? Okay.

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1 MR. PYLE: Yes.

2 CHAIRMAN BATES: Thank you.

3 MR. PYLE: Thank you.

4 CHAIRMAN BATES: And Abigail Johnson from  
5 Eureka County?

6 MS. JOHNSON: I'm here.

7 CHAIRMAN BATES: Okay. Thank you.

8 The next item on the agenda this morning  
9 is kind of an overview of the goals of what we would  
10 like to accomplish in the next two days.

11 First, it's been about 15 years since this  
12 Committee has met. So, we have some members who have  
13 participated back in the late 1980s and during the  
14 '90s. Others are new to the Committee. And  
15 consequently, some of you are going to have to bear  
16 with us as we go over material that you're familiar  
17 with. We really kind of want to recap some of the  
18 history of the Committee and bring everybody up to a  
19 common level of understanding on really three main  
20 topics.

21 First, the status of the LSN document  
22 collection, that the NRC is now housed in a separate  
23 library within the NRC ADAMS document system. Those  
24 documents were provided to the NRC at the time the  
25 hearing was suspended back in 2011.

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1           Secondly, we would like to go through the  
2 capabilities and functionality of the current ADAMS  
3 LSN Library, just to have an understanding of what the  
4 current collection capabilities are in the library  
5 collection.

6           And finally, go through a variety of  
7 options that might be considered to reconstitute the  
8 LSN system if the high-level waste proceedings are  
9 going to be restarted.

10           We've structured the meeting to provide,  
11 again, a series of short overviews on the topics.  
12 We've built a lot of time into the agenda to provide  
13 for a discussion and feedback. And we want all the  
14 members to participate and provide their views and  
15 offer up suggestions that can be constructive towards  
16 moving forward, again, if the high-level waste  
17 proceedings should be restarted.

18           At the end of the meeting tomorrow  
19 afternoon, we really plan to ask for the views of the  
20 members on whether they've got a preferred option  
21 amongst those that we've presented. Negative comments  
22 about various options, positive comments about  
23 options, reservations, things that maybe needed to  
24 make an option function better, all of that feedback  
25 and, then, discussion will be valuable to us.

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1           As I indicated earlier, the meeting  
2 transcript should be available in a week or so, and we  
3 will post that online. We would like to get any  
4 additional comments that people might have as a  
5 followup, once you've thought about it and reviewed  
6 the transcript, get that back in writing by March  
7 23rd, which is about two weeks after the transcript  
8 will be posted.

9           Following the meeting and any additional  
10 input, the LSN staff, the Board, and SECY will be  
11 providing basically a summary of the meeting and all  
12 of the comments that we've received from the members  
13 to the Licensing Board Chairman for recommendations  
14 that eventually we assume will go to the Commission  
15 for any action on a restart of proceeding.

16           With that, Chip, I'll pass the time to you  
17 for, I guess, the next item we've got. Bob Halstead  
18 from the State of Nevada has asked for a short  
19 opportunity to make some comments.

20           MR. CAMERON: Yes. Let me just call your  
21 attention to, at the end of today, there is an  
22 orientation session on searching the ADAMS LSN  
23 Library. We're lucky to have Rekha Nambiar who is  
24 going to do that for us at the end of the day. It's  
25 an optional session, but please attend if you want to

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1 see more about it.

2 We do have these green cards which, if you  
3 have specific questions about searching the system,  
4 you can use those to write your question down and give  
5 to us. And so, Rekha will know that before she starts  
6 the orientation. That might be helpful for her. But,  
7 also, like anything else, we're going to have a live,  
8 so to speak, session where people can ask questions  
9 after Rekha goes through that. But I just want you to  
10 know that.

11 As Andy just mentioned, we're going to go  
12 to Bob Halstead to lead us off with the public or the  
13 comment discussion, the ARP comment/question  
14 discussion. So, we'll go to Bob.

15 I'm going to look around to see if anybody  
16 else here at the table has their name tent up. We'll  
17 go to you, and then, we're going to look for anybody  
18 who's on through GoToMeeting, whether their name tent  
19 is up. Then, the phone. And then, we're going to  
20 come back for a discussion.

21 And after that discussion, we'll also see  
22 if there's any member of the public who has some  
23 comment or question. And then, we'll all go to lunch.

24 So, Bob, you can come up here or I can  
25 give you this clicker. Which would you prefer?

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1 MR. HALSTEAD: What's best for  
2 transmission? I think I'll come up and do this.

3 MR. CAMERON: Okay. Good.

4 And, Andy, we have all of Bob's slides?  
5 Okay.

6 MR. HALSTEAD: We are going to use the  
7 slides.

8 MR. CAMERON: Yes, yes.

9 And there is that thing. Don't ask me how  
10 to operate it. I have no clue.

11 MR. HALSTEAD: Well, good morning. Let me  
12 begin by saying how much we appreciate the opportunity  
13 to participate as members of this Advisory Review  
14 Panel, how much we appreciate the rescheduling of the  
15 meeting, this meeting, and how much we appreciate the  
16 revising of the agenda. And I particularly want to  
17 thank our Chairman, Dr. Bates, and our Facilitator,  
18 Chip Cameron, but I also want to thank the NRC staff  
19 contact people, Mr. Chizell and Mr. Newell.

20 And on our team, I want to especially  
21 thank Laurie Borski, who you'll hear from later this  
22 afternoon; Susan Lynch, our Technical Program  
23 Administrator, who's participating from Carson City,  
24 and, of course, always Marty Malsch for his guidance.

25 Next slide, please.

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1           The LSN and any LSN substitutes serve  
2 truly important purposes. One is to allow the public  
3 to stay informed about Yucca Mountain. But the  
4 principal objective of the LSN and any LSN substitute  
5 must be to provide an electronic discovery tool that  
6 will serve the needs of the participants in the  
7 licensing proceeding.

8           And this, of course, especially important  
9 to the State of Nevada. We plan to defend over 200  
10 contentions, probably under strict deadlines, and we  
11 will be the party, we believe, that suffers the most  
12 if the LSN or the LSN substitute performs poorly.

13           Next slide, please.

14           Here we talk about the determination of  
15 the users' needs. Now the Advisory Review Panel was  
16 established under the Federal Advisory Committee Act,  
17 and as required by FACA, it operates under an NRC-  
18 approved charter. The charter says that the primary  
19 focus is to be on technical issues relating to the  
20 operation and maintenance of the LSN and the  
21 continuing assessments as to how and whether the LSN  
22 is performing its intended function and serving users'  
23 needs.

24           The users' needs, and especially the needs  
25 because we have a large and diverse group of 19

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1 participants, in our opinion, can only be determined  
2 through active participation by all the members in the  
3 Advisory Committee process and, we believe, in a  
4 subsequent rulemaking. All 19 participants must be  
5 involved, especially in the early stages when the  
6 criteria for the architecture selection and  
7 architecture options are put forward.

8 Next slide, please. Next slide, please.

9 Certainly, we all understand that these  
10 are interesting times for the Yucca Mountain  
11 Repository Project. There are many uncertainties and,  
12 clearly, constrained circumstances. With the  
13 proceeding having been suspended for over six years,  
14 prospects for resumption unclear at best, no new  
15 federal funding in the current fiscal year, it's  
16 certainly not reasonable to expect the kind of  
17 participant involvement at this time that we believe  
18 is going to be required.

19 And the Commission has recognized that  
20 participants' funding limitations must be taken into  
21 account in deciding how to move forward. To move  
22 forward with this Advisory Committee process, we  
23 believe all of the members will need adequate  
24 resources, so that they can participate effectively,  
25 especially in formulating criteria for architecture

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1 selection and, then, putting options forward for  
2 further consideration. And let me say especially that  
3 the State is concerned about the need for resources on  
4 the part of the Nevada counties and Native American  
5 organizations that are part of the process.

6 Next slide, please.

7 Our expectations for this meeting. First,  
8 let me say that Nevada understands that our Chair, Dr.  
9 Bates, and the representatives of the Atomic Safety  
10 and Licensing Board Panel and all of the other NRC  
11 staff are now, and will in the future, be constrained  
12 by directives from the Commission. Nevertheless,  
13 Nevada wishes to state for the record that, while we  
14 are participating in this meeting, we will object to  
15 any process whereby an inadequately funded Advisory  
16 Review Panel would be asked to provide final advice  
17 after only this one meeting. And we further suggest  
18 that the proper deliverable from this meeting cannot  
19 be final opinions and options to the Atomic Safety and  
20 Licensing Board Panel. Instead, we suggest that the  
21 deliverable, if there must be a deliverable, should be  
22 a path forward for facilitating effective  
23 participation in future meetings and obtaining the  
24 Advisory Review Panel's advice that reflects all of  
25 the users' needs. Now Nevada's view of this

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1 proceeding is, the overall licensing proceeding, we  
2 expect a fair field and no favor, and the LSN as a  
3 primary tool for making sure that the process is fair.

4 Now let me turn to some slides -- next  
5 slide, please -- where we're offering Nevada's view of  
6 user needs based on many person-decades of experience,  
7 searching the documents in this docket. But let me,  
8 again, say that these are Nevada's views. Other users  
9 are going to have other needs. And so, they'll need  
10 to be considered as well. But we thought it would be  
11 useful for you to hear at the beginning what Nevada  
12 would like to put on the table.

13 Now in this first slide -- and this is a  
14 slide where, again, I want to acknowledge the work  
15 that Laurie Borski did -- in this slide we address the  
16 overarching system design issues. They're almost  
17 common-sense rules.

18 That software has to be designed with the  
19 end-users in mind. Not all the end-users are going to  
20 use the database the same way or for the same purpose.  
21 The designers need to be aware of these various end-  
22 user needs and functions at the beginning to reflect  
23 them. And again, while this is a listing of desired  
24 attributes based on our experience, it's Nevada's  
25 experience only.

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1                   Next slide, please.

2                   In this slide we generally address issues  
3 of access to the system and the documents. So, the  
4 desired attributes are rapid speed for access, search,  
5 filters, view, and download; centralized search  
6 capability through a single-portal access to the  
7 entire library; accessible to all viewers via the web;  
8 accessible via a range of popular web browsers, and  
9 not just Internet Explorer; equal access by agencies,  
10 participants, and interested members of the public,  
11 and a stable collection of documents and headers.

12                   Next slide, please.

13                   Now in this slide we address some document  
14 entry and searching issues. And the desired  
15 attributes are a transparent process for adding,  
16 revising, and deleting documents, although we  
17 recognize deleting documents is rare; new versions of  
18 documents already in the database are added. They do  
19 not replace existing versions of documents. And  
20 importantly, documents with marginalia are treated as  
21 new documents.

22                   The search templates need to have logical  
23 search properties, such as the date, the title, the  
24 LSN number, the acquisition number, and the type. And  
25 the content search of documents must include the

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1 entire document and not be limited by page or line  
2 breaks. Search items need to be highlighted in the  
3 search results list, and the search template needs to  
4 be designed so that it disappears to reveal search  
5 results and does not have to be hidden manually by the  
6 user.

7 Next slide, please.

8 So, in this slide we address some document  
9 viewing and handling issues. The desired attributes  
10 are the ability to narrow and filter search results,  
11 the ability to set the number of documents displayed  
12 per page of the search page. The display headers and  
13 bibliographic information with each document need to  
14 be listed in the search results. The ability to  
15 scroll through pages of search results rapidly or a  
16 page jump is needed.

17 Very importantly, the ability to print the  
18 search results needs to be addressed with a little  
19 extra attention because many people are going to want  
20 to do this. I realize we're trying to live in a world  
21 of reduced paper requirements and electronic offices,  
22 but we would like to see a system with one-click  
23 printing and not a copy-and-paste workaround, which is  
24 often the case.

25 We believe the system has got to allow the

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1 actual document to be viewed without being downloaded  
2 first. And then, of course, most importantly, at the  
3 end of this, the system has to provide for the easy  
4 and rapid download of the documents, many of which are  
5 quite voluminous.

6 Let me say, in closing, that there are  
7 three overall things that we would like to say about  
8 the meeting. First, we believe that the Advisory  
9 Review Panel should be the prime mover in  
10 reconstituting the Licensing Support Network.  
11 Secondly, the Licensing Support Network must be  
12 designed from the beginning to meet the needs of the  
13 users. And thirdly, the Licensing Support Network  
14 must support both traditional, face-to-face  
15 interactions in discovery and at hearing, but it must  
16 also be designed to support virtual access to the  
17 hearings.

18 Thank you very much. I'm looking forward  
19 to a very informative and helpful meeting for all of  
20 us. Thank you.

21 MR. CAMERON: Okay. Thank you, Bob.

22 And we're going to go to discussion.

23 MR. HALSTEAD: Yes.

24 MR. CAMERON: And there may be specific  
25 questions or comments for you at some point, which I

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1 believe you can just stay at your seat to address.

2           And the last two slides that you did on  
3 some attributes or criteria about the LSN, I don't  
4 think that it's the appropriate time to get in-depth  
5 on those. The time to do that will be as go through  
6 some of the options. But, be that as it may, if  
7 members of the ARP want to comment on the general idea  
8 that you put forth at this point, we should hear those  
9 comments. I just don't want us to get too wrapped up  
10 in specific LSN attribute issues at this point.

11           Judy Treichel?

12           MS. TREICHEL: Judy Treichel, Nevada  
13 Nuclear Waste Task Force.

14           I think it's extremely important for NRC  
15 to be aware that the LSNARP came into being a year  
16 before there was a Google. And I remember sitting at  
17 those tables when we were meeting back then; it never  
18 occurred to any of us that we would actually own  
19 personal computers, and certainly not that we would  
20 have a personal computer that looked like this that we  
21 could also use as a camera or phone, whatever.

22           But, in doing this, we all know now --  
23 primarily I know because I have children and  
24 grandchildren that are very well-versed in computers  
25 -- but this is absolutely doable to put together a

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1 system that Bob was talking about or that people  
2 expect, because they've all done internet searches.  
3 The public is very aware of how to do this.

4 And it's really important for NRC to  
5 understand that the public is skeptical, particularly  
6 in Nevada. People are very skeptical. They're  
7 worried. They're concerned that we're being dumped  
8 on. And even if somebody is looking for something  
9 that's not there, something that doesn't even exist,  
10 if they can't find it, it's going to be NRC's fault;  
11 NRC is going to be hiding something from them, even if  
12 it's not there. Or, if anything is very difficult, it  
13 comes back to you, and it becomes part of a pile of  
14 complaints that people have about the NRC.

15 So, it really would be a good thing for  
16 you, as well as for us out there in the public, to  
17 have a system that's independent from you and that you  
18 make sure works, that they have to be answerable to  
19 you as well as to us. But it should not be just you.

20 So, thank you.

21 MR. CAMERON: Okay. Thank you, Judy.

22 Rod?

23 MR. McCULLUM: Yes, I want to thank both  
24 the NRC and the State of Nevada for a lot of  
25 thoughtful preparation into this meeting. We've got

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1 multiple revisions of an option paper. The reason I  
2 believe there's multiple reasons is that NRC has been  
3 taking to heart the input that they've been receiving  
4 from the various participants.

5 And I think it is appropriate that the  
6 State of Nevada lead things off, as they are the most  
7 significant intervener in this proceeding.

8 This proceeding is required by law to move  
9 forward. NRC is under a court order to continue the  
10 Yucca Mountain licensing process so long as it has  
11 funding, and a certain amount of carryover funding has  
12 been identified, which has made this meeting possible.

13 I think, as Bob said, the prospects for  
14 additional fundings are uncertain. We all can easily  
15 predict what Congress will do next in so many areas.  
16 But, given that the amount of funding that is certain  
17 is small, and given that there is a mandate for NRC to  
18 move this process forward -- and certainly this  
19 process does need to move forward; I think we do need  
20 an answer to this question that's before the nation on  
21 disposal of nuclear waste -- I think this activity of  
22 the LSNARP is probably the most worthwhile thing you  
23 can do with the limited amount of money that you have  
24 now.

25 I kind of shuttered a little bit when it

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1 was mentioned that the last time this Committee met  
2 was 15 years ago, because I was there. And now I  
3 officially feel old on the record.

4 (Laughter.)

5 But these last 15 years have seen a  
6 revolution in technology which to say it's  
7 unprecedented is an understatement. And I think that  
8 the member needs that Bob has outlined are certainly  
9 very valid things, not things that we would disagree  
10 with.

11 However, I would like to put forth a  
12 little bit more sense of optimism, that I think this  
13 Committee can do this. I think that one of the key  
14 aspects of this information revolution that we've  
15 experienced is that we have so much more capability  
16 now. This should be easier, not harder.

17 And I think, as evidenced by the  
18 participation you're getting in this meeting, that the  
19 parties should not require an extensive amount of  
20 resources to come to a decision on which option to  
21 move forward with. Now, beyond that, whether NRC has  
22 the resources to deploy that option, that's up to  
23 Congress.

24 But I just want to start off by conveying  
25 a sense of optimism that the body I see assembled in

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1 this room should be capable of choosing a path  
2 forward. And then, we just have to wait for the  
3 resources to see it implemented.

4 Thanks.

5 MR. CAMERON: Thank you, Rod. Thank you  
6 very much on that.

7 And we're going to go to Diane Curran.

8 MS. CURRAN: Yes. Thank you, Chip.

9 MR. CAMERON: Yes, Diane.

10 MS. CURRAN: I just want to say a few  
11 words for Eureka County. We very much endorse what  
12 Bob Halstead said about the importance of making sure  
13 that, whenever final decisions are made about this LSN  
14 system and about the discovery system for the Yucca  
15 Mountain proceeding, that all of the interested  
16 parties be able to participate with sufficient  
17 resources to do it. And we don't have that right now.

18 So, we are looking at this as a  
19 preliminary discussion. I'm a lawyer. This seems to  
20 me like an advance notice of proposed rulemaking where  
21 ideas get discussed, but nothing is set in stone.

22 There are, obviously, a lot of complicated  
23 issues having to do with the usability of this LSN  
24 system. I noticed a couple of statements in the NRC's  
25 materials that the LSN collection is up and usable.

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1 Well, there's a long, long list of problems with it,  
2 and I think that is one of the issues that's going to  
3 have to be discussed. And all the parties are going  
4 to need to be able to put on the table what their  
5 needs are and whether this system is set up in a way  
6 that can meet them. This is an awful lot of  
7 documents.

8 So, just wanted to emphasize that point  
9 that I appreciate the opportunity to participate here,  
10 but we are assuming -- and I think it's appropriate to  
11 assume -- that this discussion is preliminary.

12 Thank you.

13 MR. CAMERON: Okay. Thank you. Thank  
14 you, Diane.

15 Let's go to the GoToMeeting people. Does  
16 anybody have their card up out there, their tent, name  
17 tent?

18 MR. ZABARTE: Can you hear me?

19 MR. CAMERON: Okay. We have Ian Zabarte  
20 on the phone.

21 Hi, Ian. Why don't you go ahead?

22 MR. ZABARTE: Good morning. My name is  
23 Ian Zabarte. I'm the Secretary for the Native  
24 Community Action Council. We're the only unfunded  
25 parties in the proceedings.

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1           We're here and open to develop and present  
2           our issues that the United States cannot prove  
3           ownership to Yucca Mountain because it's under treaty  
4           with the Western Shoshone Government. And we feel  
5           that there is a level of environmental racism involved  
6           in these proceedings with the abject purpose of  
7           saddling the Shoshone Nation with nuclear waste. And  
8           we don't appreciate that. We think that funding needs  
9           to be made available.

10           Our resistance here is 10,000 years. So,  
11           if Nevada can prove somehow that their rights have an  
12           interest of paramount to the Shoshone Nation, I'd like  
13           to see that. But that's where we're coming from, and  
14           our 10,000-year history, our 10,000-year language in  
15           relation to this place is at risk, and Nevada can't  
16           touched that. So, I take exception to whoever  
17           suggests that these proceedings are about to help  
18           Nevada. Nevada doesn't exist in his country and  
19           that's what the law says, and those are things that  
20           we're going to be contending.

21           Thank you.

22           MR. CAMERON: Okay. Thank you for that,  
23           Ian.

24           Anybody else with their name tent on?

25           (No response.)

1           Okay. Well, let's come back to the room  
2           for a discussion, if there needs to be any, of what  
3           was said. And I'm going to put Ian's point up here.  
4           He used the term "environmental racism". And also,  
5           that's certainly related to funding for Native  
6           Americans to participate.

7           Anybody else? Anybody else around the  
8           table who wants to say anything? We are in a general  
9           point.

10          Bob?

11          MR. HALSTEAD: Yes, I want to reiterate  
12          what I said before about the State's concern about the  
13          resources that all the members of the Advisory Panel  
14          are going to need to be involved in this process.  
15          But, in particular, the Nevada counties and Native  
16          American organizations, which there are two who are  
17          admitted parties or interested governmental entities  
18          in the licensing proceeding itself.

19          There is a larger issue. It isn't just a  
20          matter of resources to participate in the Advisory  
21          Panel's work. There is a larger issue of funding for  
22          those parties to remain involved, even in simply  
23          monitoring what is going on with the proposals to  
24          restart the licensing proceeding. And that is an  
25          issue that hangs over this meeting.

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1 MR. CAMERON: Okay. Thanks, Bob.

2 Diane?

3 MS. CURRAN: I'm chiming in to ask for a  
4 five-minute break at some point soon.

5 MR. CAMERON: What was that? I missed  
6 that.

7 MS. CURRAN: A five-minute break at some  
8 point.

9 MR. CAMERON: Oh, yes, we're going to take  
10 a break. It will be longer than five minutes.

11 We have one more element of this opening  
12 discussion which we'll do that, which is to see if we  
13 have any members of the public who wanted to comment  
14 on Andy Bates' overview, anything that was said at the  
15 table or, for example, by Ian Zabarte.

16 So, let me see. Is there any member of  
17 the public in the room who wants to say anything?

18 (No response.)

19 Okay. Well, let's go to GoToMeeting --  
20 GoToWebinar. So, I did it one time. Okay. Keep  
21 track.

22 (Laughter.)

23 (No response.)

24 Okay. GoToWebinar, do we have anybody  
25 from the public on GoToWebinar? No hands raised?

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1 Tara, our operator, Tara, are you there?

2 OPERATOR: Yes, I am.

3 MR. CAMERON: Do we have anybody who's on  
4 the phone from the public who wants to say anything at  
5 this point?

6 OPERATOR: If you would like to ask a  
7 question, please press \*1 on your phone and restate  
8 your name in order to introduce your question. If you  
9 need to retire a question, please press \*2. Again, to  
10 ask a question, please press \*1.

11 It will take a few moments for the  
12 question to come through. Please stand by.

13 (Pause.)

14 We show no questions at this time.

15 MR. CAMERON: Okay. Thanks a lot, Tara.  
16 We'll be back to you later on in the day.

17 And we have a break now, and the break was  
18 originally scheduled from 11:30 to 11:45. So, we're  
19 about a half-hour ahead of where we are on the agenda.  
20 So, why don't we break from -- why don't you come back  
21 at 10 after 11:00? That's a 20-minute break. And  
22 then, we'll get started with the next part of the  
23 program.

24 But thank you. Thank you all.

25 (Whereupon, the foregoing matter went off

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1 the record at 11:00 a.m. and went back on the record  
2 at 11:21 a.m.)

3 MR. CAMERON: Okay, everybody, we're going  
4 to get started in about 30 seconds.

5 And I just have a few announcements. One  
6 of them, the most important one, I think, is that  
7 you've been introduced to all the people who are on  
8 the phone through the GoToMeeting website, GoToMeeting  
9 technology. We have Loreen Pitchford that we're going  
10 to try to get her on, so she can introduce herself to  
11 you. But Loreen has been involved working for various  
12 counties in Nevada, advising on the LSN. So, she has  
13 a lot of experience in this. When we do get her on,  
14 we'll put her on. Okay? I just wanted to note that  
15 she is on.

16 At the lunch break, we're going to be  
17 showing in here and other places, I guess, online --  
18 there's 11 training videos on the search process on  
19 LSN ADAMS, and it's going to be a continuous loop.  
20 After you watch that two or three times, if you still  
21 want to see some more, you can go onto the YouTube  
22 site at NRC and tune into those training videos. I  
23 just wanted to call that to your attention.

24 We're going to start off now and finish up  
25 with this in the morning. But we have a number of

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1 what I call summary topics. These are just to give  
2 you some context; for example, the Yucca Mountain  
3 adjudicatory process, and we're going to hear from  
4 Margie Janney, the Acting LSN Administrator, who is  
5 going to talk about history of the LSN.

6 So, we're not going to go for discussion  
7 after each of those. We will have time for clarifying  
8 questions at the end of all of those, with the  
9 exception that after Judge Paul Bollwerk talks about  
10 the status of the Yucca Mountain adjudicatory process,  
11 we're going to have Marty Malsch from the State of  
12 Nevada legal team come up and just give us a few  
13 points on legal issues, some of which Judge Bollwerk  
14 will be introducing in his presentation.

15 So, that's how we're going to spend the  
16 morning. And it's time for the status of the Yucca  
17 Mountain adjudicatory proceeding. We'll hear from  
18 Judge Bollwerk and, then, we'll go to Marty. And  
19 then, we'll continue down the list, come back for  
20 clarifying questions at the end.

21 MR. BOLLWERK: All right. Thank you,  
22 Chip.

23 Good morning, everyone. My name is Paul  
24 Bollwerk, and I'm a legal administrative judge with  
25 the agency's Atomic Safety and Licensing Board Panel.

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1 And as Chip mentioned, I will be giving a series of  
2 background presentations by the LSN staff, intended to  
3 provide a common understanding regarding a number of  
4 the matters that the Advisory Review Panel members  
5 will be discussing over the next several days.

6 And I'm going to take a real chance. Mr.  
7 Halstead took the safer approach. I'm going to try  
8 the clicker. We'll see who made the better choice.  
9 I bet it's going to be you, but we'll see.

10 So, the adjudicatory process associated  
11 with the Department of Energy, or DOE's, Yucca  
12 Mountain high-level Radioactive waste repository  
13 construction authorization application and the LSN are  
14 closely linked, as the LSN exists as a tool to  
15 facilitate participation in the adjudicatory process.  
16 That being said, I'm not going to try to provide a  
17 history of the LSN. Acting LSN Administrator Margie  
18 Janney is going to be talking about the LSN's history  
19 in a couple of minutes, although given the  
20 relationship between the high-level waste repository  
21 adjudication and the LSN, our presentations may touch  
22 on some of the same items.

23 My presentation this morning has a  
24 different purpose, which is to provide some background  
25 information about the status of the adjudication

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1       itself.  And in doing so, I'm not going to review the  
2       early stage of the adjudication, which began back in  
3       October 2008 with The Federal Register publication of  
4       a hearing opportunity notice and the subsequent filing  
5       of intervention petitions regarding the DOE  
6       construction authorization application for the Yucca  
7       Mountain repository.  Certainly many of you in this  
8       room and participating online know that history well  
9       because you were involved in the proceeding as it was  
10      before the Commission or one or more Construction  
11      Authorization Boards.  Instead, I'm going to start at  
12      the point some three years later when the adjudication  
13      and the original LSN were no longer in an active  
14      status and bring things up to the present, as that  
15      portion of the proceeding's history is most relevant  
16      to the LSNARP's efforts over the next several days.

17               Also, as an aid in following along, as  
18      well as a reference tool for those who might want to  
19      do some additional research into what I'm going to  
20      discuss, a timeline will be displayed, which is also  
21      part of the meeting presentation slides that are  
22      available on the LSN Library website.

23               So, to begin, in early September 2011, in  
24      CLI-11-7, the Commission directed that the then-  
25      presiding Construction Authorization Board, or CAB-04,

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1 should complete all activities before the Board by the  
2 close of fiscal year 2011.

3           Thereafter, in late September 2011, CAB-04  
4 in LBP-11-21 -- and these, again, are Commission or  
5 Licensing Board decisions -- suspended the Yucca  
6 Mountain adjudication. Also, consistent with this  
7 Commission direction, the Licensing Support Network  
8 was shut down and decommissioned at about the same  
9 time.

10           Skipping ahead, in August 2013, in the  
11 Aiken County case, the United States Court of Appeals  
12 for the District of Columbia Circuit directed the  
13 Commission to resume the Yucca Mountain licensing  
14 process, and you've already heard that particular  
15 court case referenced this morning as something the  
16 Commission is seeking to comply with.

17           In response to the Court's direction, in  
18 CLI-13-08, another Commission decision, the Commission  
19 indicated its intent to, quote, "advance the licensing  
20 process in a manner that is constructive and  
21 consistent with the Court's decision and the resources  
22 available". Close quote.

23           Knowing that the agency then had in hand  
24 approximately \$11 million in unobligated carryover  
25 funding, appropriated from the Nuclear Waste Fund, the

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1 Commission further indicated that it would, quote,  
2 "take an incremental approach, since the agency cannot  
3 engage in all licensing activities that we would  
4 undertake if fully funded. For example, we cannot at  
5 this time complete a formal hearing requiring  
6 depositions of nearly 300 contentions." Close quote.

7 Accordingly, the Commission looked to the  
8 schedule set forth in 10 Code of Federal Regulations,  
9 or CFR, Part 2, Subpart J, and Appendix D, and  
10 identified activities that represented, quote, "the  
11 next logical steps in the process". Close quote.

12 To implement that approach, in CLI-13-08,  
13 the Commission took the following steps:

14 Directed the NRC staff to complete its  
15 Safety Evaluation Report, or SER, for the Yucca  
16 Mountain facility.

17 Requested that DOE prepare a Supplemental  
18 Environmental Impact Statement, or EIS, to address the  
19 potential construction authorization associated  
20 impacts on groundwater and from surface discharges of  
21 groundwater.

22 And third, as an aid to the NRC staff's  
23 SER completion efforts, and to ensure appropriate  
24 treatment in accordance with agency records  
25 requirements, directed incorporation into an internal

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1 ADAMS database of the LSN documentary material that  
2 had been residing with the Office of the Secretary  
3 since the LSN was decommissioned in 2011.

4           Thereafter, an internal ADAMS database of  
5 the LSN documentary material -- oops, I think I messed  
6 up. I know I should have been careful.

7           Thereafter, an internal ADAMS database for  
8 the LSN documentary material was established in April  
9 of 2014, while the SER was completed in January of  
10 2015, and after DOE declined to do so, the  
11 Supplemental EIS was completed by the NRC staff in May  
12 of 2016.

13           In February 2015, in the Staff  
14 Requirements Memorandum, or SRM, for  
15 SRM-COMSECY-14-0041, the Commission approved the  
16 placement of the LSN documentary material into a  
17 public ADAMS database, which is now referred to as the  
18 LSN Library and which became operational in October of  
19 2016.

20           In July of 2017, in the SRM for  
21 COMSECY-17-001, the Commissioned authorized the Office  
22 of the Secretary and the Atomic Safety and Licensing  
23 Board Panel as a, quote, "next logical step," unquote,  
24 in keeping with the Court's direction in the Aiken  
25 County decision to proceed with organizing and

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1 conducting a virtual LSN Advisory Review Panel meeting  
2 to provide options and input to the Commission  
3 regarding reconstituting or replacing the LSN in the  
4 event the high-level waste proceeding should be  
5 restarted.

6 Two questions generally raised regarding  
7 the potential restart of the adjudicatory process are:  
8 first, what process will the Commission follow in  
9 restarting the adjudication? And second, will that  
10 process include rulemaking to address items such as  
11 the provisions in 10 CFR Part 2, Subpart J, regarding  
12 LSN functionality and operation?

13 We cannot offer an opinion on the  
14 Commission's direction for the restart of the  
15 adjudication. Lifting the suspension of the  
16 adjudication, the issuance of any Commission decision  
17 about the adjudicatory process and what guidance might  
18 be given to the litigants are matters for a Commission  
19 decision.

20 In CLI-13-08, however, the Commission  
21 provided some insight into its possible approach  
22 regarding each of these items by noting that, quote,  
23 "Should we lift the suspension in the future,  
24 participants will have the opportunity to resubmit  
25 requests associated with the conduct of the proceeding

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1 at that time. Among the questions we leave for  
2 another day is whether to reconstitute the LSN, either  
3 as it was originally implemented or in a different  
4 incarnation." Close quote.

5 The Commission observed as well that,  
6 quote, "Questions relating to how the LSN might be  
7 configured in the future, the need for and scope of  
8 any potential revisions to the LSN regulations in  
9 Subpart J, and how those revisions might take place,  
10 whether by a specific order or rulemaking, would be  
11 decided at that time." Close quote.

12 What this suggests is that, first, if and  
13 when the Commission decides that it's appropriate to  
14 begin the process of restarting the Yucca Mountain  
15 adjudicatory proceeding, it likely would invite  
16 adjudication participants to comment on the matters  
17 noted in CLI-13-08 and potentially other procedural  
18 matters.

19 And second, whether a case-specific order  
20 or rulemaking would be the appropriate vehicle for  
21 implementing any aspect of that procedural approach  
22 will be decided by the Commission as part of the  
23 restart process.

24 And with that, I'll conclude my remarks  
25 and step aside to allow Chip to introduce the next

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1 presentation.

2 Thank you very much.

3 MR. CAMERON: Okay. Thanks, Paul.

4 We're going to have Marty Malsch come up  
5 and just give us a few comments that are relative to  
6 Paul's presentation. And then, we're going to go with  
7 the rest of the agenda before we go for clarifying  
8 questions, and if we have time, any discussion.

9 Marty?

10 MR. MALSCH: Hi. Thank you, Chip. I just  
11 have four, maybe five, very brief remarks.

12 First, to point out that the LSN was  
13 developed only after numerous Advisory Committee  
14 meetings and consideration of options prepared by a  
15 Special Technical Working Group that reported to the  
16 LSNARP.

17 Also, both the LSN and its predecessor,  
18 the LSS, were incorporated into Part 2, principally  
19 Subpart J of Part 2, only after notice and comment  
20 rulemaking. And we would stress here that we think  
21 the same process should be followed here, assuming --  
22 and I think most people are assuming this -- that the  
23 old LSN cannot simply be revived.

24 And we wanted to stress that an  
25 immediately effective change to Part 2, Subpart J, or

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1 some sort of exemption from Part 2, Subpart J, as  
2 opposed to notice and comment rulemaking, would only  
3 cause confusion, delay, and possibly prejudice. And,  
4 in fact, if the Commission were to proceed to amend  
5 Subpart J to accommodate a new electronic discovery  
6 system, and to do so without prior notice and public  
7 comment, actually it would raise a significant legal  
8 question whether it's violated Section 189(a) of the  
9 Atomic Energy Act, which we don't have to go into  
10 detail here. Just to say that this would raise a  
11 significant legal issue.

12 And in that regard, I just wanted to point  
13 out that, while the Commission was very good, in  
14 response to the Aiken County Mandamus, in asking the  
15 views of the parties on how to restart and continue  
16 with the Yucca Mountain licensing process, it's been  
17 not so great in its decisionmaking processes since  
18 then.

19 As just two "for examples," it approved  
20 the idea of DOE of the staff, rather than DOE  
21 completing the Supplemental Environmental Impact  
22 Statement. That itself raises a significant legal  
23 question, and the views of the parties were not  
24 solicited in that respect. The Commission just did  
25 it, and in doing so, did something extremely unusual.

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1 It actually reconsidered and amended a formal  
2 adjudicatory decision by a SECY requirements memo,  
3 which I don't think has ever been done in the agency's  
4 history.

5 And then, they also decided to move  
6 forward with at least one LSNARP meeting, again,  
7 without consulting the parties.

8 So, we hope in the future the Commission  
9 will be a little more, express a little more concern  
10 and be a little more interested in hearing about the  
11 views of the public.

12 So, with that, that's my remark.

13 MR. CAMERON: Okay. Thank you. Thank you  
14 very much, Marty.

15 And I think there's at least one issue  
16 that we might want to have some views and discussion  
17 on, which is Marty's point on the need for notice and  
18 comment rulemaking. So, I don't want to just rule out  
19 discussion on that because this is basically summary  
20 topics.

21 But thank you. Thank you, Paul. Thank  
22 you. Thank you, Marty.

23 And when we get to the discussion, the  
24 clarifying questions, can we get Loreen to introduce  
25 herself, since she's on GoToMeeting? Okay, we'll do

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1 that then. She may have something to say on this.  
2 We'll see that.

3 But, right now, we're going to go to the  
4 history of the LSN and LSN Library. And we have  
5 Margie Janney with us, who's the Acting LSN  
6 Administrator.

7 Margie?

8 MS. JANNEY: Good morning. I am Margie  
9 Janney, and I am the Acting LSN Administrator. I used  
10 to work under Dan Graser, starting in 2000. So, I  
11 have a lot of history here and I've met many of you in  
12 the room.

13 10 CFR 2, Subpart J, defines the LSN  
14 Administrator as "the person within the NRC  
15 responsible for coordinating access to, and the  
16 integrity of, data available on the Licensing Support  
17 Network".

18 I'm going to talk for a few minutes on the  
19 history of the LSN, so that we can all have a common  
20 understanding of the original document collection.

21 Under the Nuclear Waste Policy Act of  
22 1982, the Nuclear Regulatory Commission is responsible  
23 for evaluating the Department of Energy's application  
24 for authorization to construct a permanent geologic  
25 repository at Yucca Mountain in Nevada and determining

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1 whether to authorize construction of the proposed  
2 repository.

3 The NRC's licensing process primarily  
4 consists of a technical Review by the NRC staff of  
5 DOE's construction authorization application and a  
6 licensing adjudication before NRC Construction  
7 Authorization Boards.

8 To support the NRC's adjudicatory  
9 responsibilities, the Licensing Support Network was  
10 established as the means of making discovery material  
11 electronically available to the various participants  
12 in the adjudication via a publicly available  
13 distributed database network that was expected to be  
14 available for both the initial construction  
15 authorization and subsequent receive and possess  
16 licensing proceedings. A distributed database means  
17 that there are different servers across the nation, as  
18 opposed to one server or server farm that contains all  
19 the documents in a single location. In other words,  
20 all of the documents that you could find via the LSN  
21 existed in servers across the whole nation.

22 The development of the original LSN began  
23 in 1997 when the NRC issued a proposed rule that was  
24 intended to take advantage of technological  
25 developments that had occurred since the original

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1 Licensing Support System rule was adopted in 1989.  
2 That proposed rule, 10 CFR 2, Subpart J, which was  
3 adopted at the end of 1998, initiated a series of  
4 meetings and discussions with the Licensing Support  
5 Network Advisory Review Panel that culminated in the  
6 April 2000 submission to the NRC Information  
7 Technology Business Council of a business case  
8 analysis that discussed several LSN implementation  
9 options, including the distributed database  
10 configuration that was ultimately implemented.

11 In October 2001, the original LSN became  
12 operational and continued to operate through September  
13 2011, when it was decommissioned. It has been more  
14 than six years since the original LSN operated, and  
15 since that time, there have been many technological  
16 developments and changes in federal IT policy.

17 The development of the functional  
18 requirements for the LSN culminated in a June 2001 LSN  
19 baseline design requirements document. The LSN  
20 guidelines were prepared under the direction of the  
21 LSN Administrator to document the decision reached by  
22 the LSNARP and the technical aspects of the July 2001  
23 amendments to 10 CFR 2, Subpart J, that implemented  
24 the original LSN technical solution.

25 In addition, they were written to help the

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1 participants develop their piece of the technical  
2 solution, such as how to set up their LSN repository,  
3 acceptable image file formats, and optical character  
4 recognition, or OCR, accuracy requirements, so that  
5 you could actually perform searches on the content, on  
6 the words within the documents. They in no way  
7 affected, superseded, or otherwise relieved a  
8 participant from compliance with 10 CFR Part 2.

9 The LSN comprised 19 servers in a local  
10 area network environment connected to the internet in  
11 an offsite data center, and it was accessible by the  
12 public at [www.lsnnet.gov](http://www.lsnnet.gov). The system was connected to  
13 the internet through a firewall and was protected by  
14 an intrusion detection device. Interconnectivity was  
15 provided by multiple switches and hubs.

16 Additionally, each high-level waste  
17 participant operated a website that hosted its  
18 collection of LSN headers and documents. The headers  
19 assisted with searching for documents in the LSN.  
20 They're also called the metadata, an index,  
21 bibliographic information. So, they contained the  
22 title, the document date, the author name. You can  
23 think of them like looking through the old-fashioned  
24 library card catalog, how many different ways you can  
25 find access to one single book.

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1           The server count and configuration listed  
2           on this slide does not include the components that  
3           were required for each participant site. So, the LSN  
4           crawled or spidered the participant servers to create  
5           an index, much like Google does. So, the LSN did not  
6           actually contain the documents, but went out to the  
7           individual participant servers and brought back the  
8           information to an index that was contained in the LSN.  
9           Each of the participant's servers had their own  
10          information, the actual documents. The LSN just  
11          contained the index.

12                 So, using the LSN search and retrieval  
13          capabilities, you would be able to locate, identify,  
14          and retrieve documents on the server of the party,  
15          potential party, or interested governmental  
16          participant. So, just like Google doesn't actually  
17          own any of those documents that your search results  
18          point you to, Google sends you to that, the owner of  
19          those documents.

20                 Shutting down the LSN. The high-level  
21          waste proceeding was suspended in September of 2011,  
22          and as part of an orderly suspension and to preserve  
23          the document discovery materials, the ASLBP  
24          Construction Authorization Board issued an order on  
25          April 11th, 2011, directing that all high-level waste

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1 participants, LSN document collections, both the  
2 headers and the documents, be submitted to the Office  
3 of the Secretary in portable document format, or PDF.  
4 That order also stated that the Office of the  
5 Secretary would add those headers and documents to the  
6 NRC's agencywide Documents Access and Management  
7 System, more commonly known as ADAMS, and make them  
8 available to the public.

9 The submissions of these headers and  
10 documents to the Office of the Secretary triggered  
11 federal records requirements that obligated the NRC to  
12 declare the hearing participant headers and documents  
13 as NRC official agency records, and to preserve them  
14 in compliance with the National Archives and Records  
15 Administration's requirements and other applicable  
16 federal laws.

17 The high-level waste hearing participant  
18 collections are now part of the ADAMS environment and  
19 have a narrow approved disposition schedule. The  
20 headers and documents are stored in an internal ADAMS  
21 Library to meet federal records requirements, but they  
22 are available on a public library for the use of the  
23 United States public and foreign countries.

24 As Judge Bollwerk said a couple of minutes  
25 ago, on August 13th, 2003, the U.S. Court of Appeals

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1 for the District of Columbia Circuit directed the NRC  
2 to resume the licensing process for the DOE high-level  
3 waste repository construction authorization  
4 application.

5 The Commission decisions and communication  
6 that I've provided on this slide show the history of  
7 why the participants' collections were placed into  
8 ADAMS and made publicly available. As I mentioned on  
9 the last slide, on November 18th, 2013, the Commission  
10 directed staff to put the LSN document collections  
11 into ADAMS, so that the staff could easily work on the  
12 Safety Evaluation Report.

13 On January 24th, 2014, the Commission  
14 directed agency staff to make the LSN document  
15 collection publicly available. On February 3rd, 2015,  
16 the Commission directed that, consistent with  
17 10 CFR Part 2.1011, LSN document activities shall be  
18 coordinated by the Office of the Secretary and the  
19 Atomic Safety Licensing Board Panel. On December 1st,  
20 2015, the Office of the Secretary and ASLBP informed  
21 the Commission that the project to make the LSN header  
22 and document collection publicly available in ADAMS  
23 would begin in December 2015. On July 29th, 2016, the  
24 Office of the Secretary and ASLBP informed the  
25 Commission that the ADAMS LSN Library would become

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1 publicly available on August 19th, 2016, and it did,  
2 indeed, become publicly available on that date.

3           When the NRC was loading the 3.692 million  
4 documents formally located through the LSN, we did a  
5 quality assurance check. Each document originally  
6 loaded to a participant server was required to have a  
7 Participant Accession Number. When those documents  
8 were indexed in the LSN, we also assign them, or they  
9 LSN assigned them, an LSN Accession Number.

10           The ADAMS LSN Library contents were  
11 verified using the final list of the LSN Accession  
12 Numbers generated by the LSN Administrator before the  
13 LSN was shut down against the corresponding lists of  
14 Participant Accession Numbers that were received when  
15 the participants were required to turn over copies of  
16 their documents to the Office of the Secretary. The  
17 LSN Administrator found 130 issues. The Office of the  
18 Secretary and ASLBP, then, informed the Commission  
19 about the issues and what the resolution of those  
20 anomalies would be.

21           The LSN Library Anomaly Result Report was  
22 originally documented in December 2016 and last  
23 updated in March 2017. Sixty of the 130 documents  
24 were NRC documents whose status had changed from  
25 publicly available to non-publicly available because

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1 of the sensitivity of the information contained in  
2 those documents. The other 70 were participants'  
3 documents. Those were documents that either we had on  
4 the LSN Accession Number list and were never received  
5 or the participants had on their list -- or else we  
6 received documents, but we didn't have them on the LSN  
7 Accession Number list. So, we did resolve all of  
8 those issues of the 70 participant documents except  
9 for one or two. So, the ADAMS LSN Library accurately  
10 reflects the content that was on the LSN except for  
11 one or two documents out of that 3.692 million.

12 I do want to point out that, when the  
13 documents came to the NRC's Office of the Secretary,  
14 no changes were made. So, every header and every  
15 document was loaded in with any errors that may have  
16 already existed. So, if there was an incorrect date  
17 or a title misspelling, they still exist. The NRC did  
18 not make any changes to those 3.692 documents.

19 In sum, since the LSN was shut down, the  
20 NRC has acted to: preserve all LSN documents in  
21 accordance with the National Archives and Records  
22 Administration record requirements; resolve anomalies  
23 in the documents and indexes submitted by the parties  
24 to the proceedings, and made LSN records available and  
25 searchable for NRC staff and for public use in a new

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1 LSN Library database.

2 On a final note, the LSN was a public  
3 discovery database. The ADAMS LSN Library is a public  
4 library system that experiences more than 500 hits per  
5 month.

6 Thank you.

7 MR. CAMERON: Okay. Thank you very much,  
8 Margie, for that history. And there are some issues  
9 there that I think we will probably be going into  
10 later on this afternoon.

11 We are going to now have Margie do a  
12 preview, a prelude to the options that are going to be  
13 discussed this afternoon and the next day. And she is  
14 going to give you a summary of that. Is that correct?

15 MS. JANNEY: That is correct. Thank you.

16 MR. CAMERON: Okay.

17 MS. JANNEY: So, once again, I'm Margie  
18 Janney, and I'm the Acting LSN Administrator.

19 The purpose of this presentation is to  
20 introduce the different options in the options paper  
21 outlining the reconstitution/replacement options for  
22 the Licensing Support Network. The latest version,  
23 Version 4, was emailed this past -- oh, it's sitting  
24 over there.

25 (Laughter.)

1           So, we just keep improving it. The  
2 version before that had added Inyo County,  
3 California's estimates. This one adds Nye County's  
4 estimates.

5           So, the scope of the options paper is  
6 limited to the technical discussion of the options to  
7 reconstitute or replace the original LSN. Each option  
8 discussed assumes, unless otherwise noted, that any IT  
9 system developed to emulate or replace the original  
10 LSN would meet the functional requirements found in  
11 Appendix A of the options paper.

12           As a reminder, we will be polling the  
13 LSNARP membership at the end of our two-day meeting as  
14 to their opinion of the best option to reconstitute or  
15 replace the LSN, should funding become available to  
16 continue the high-level waste proceeding. If the  
17 adjudication were to proceed, we would need to  
18 evaluate the performance of any replacement or  
19 reconstitution of the LSN.

20           There are a number of factors that will  
21 influence a decision to either reconstitute or replace  
22 the original LSN potentially with one of the options  
23 outlined in the options paper. This list provides  
24 factors that will need to be taken into consideration  
25 when reviewing the various options.

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1           10 CFR 2, Subpart J, provided specific  
2 rules governing the purpose and operation of a  
3 discovery system for the high-level waste proceeding,  
4 and these rules remain. All of the options provided  
5 in the option paper will require modifications to, or  
6 exemptions from, parts of 10 CFR 2, Subpart J.

7           An LSN Administrator within ASLBP would be  
8 appointed to oversee the design, implementation, and  
9 operation of a reconstituted or replacement LSN. The  
10 hardware and software components that constituted the  
11 NRC-operated portion of the original LSN are no longer  
12 available nor supported. The original LSN guidelines  
13 would be updated by the LSN Administrator in  
14 coordination with the LSNARP to provide technical  
15 guidance on the operation of a reconstituted or  
16 replacement LSN.

17           A reconstituted LSN or a replacement  
18 system will need to remain in operation through the  
19 construction authorization licensing proceeding, the  
20 interim period between the construction authorization  
21 and the receive and possess licensing proceeding,  
22 through the receive and possess licensing proceeding,  
23 and through any judicial appellate proceedings  
24 following the receive and possess licensing  
25 proceeding. Remember, that's a long period of time.

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1 Think about your options.

2 The bibliographic information provided by  
3 each participant in 2011 continues to be associated  
4 with each header and document. The original LSN  
5 Accession Number needs to be able to be used to find  
6 the headers and documents that are right now within  
7 the ADAMS public LSN Library.

8 Document sizing responses. Just as we did  
9 with the LSN, we have to have sizing information.  
10 Basic IT practice requires the knowledge of the  
11 database.

12 On October 27th, 2017, I sent to the  
13 parties to the proceeding that had 500 or more  
14 documents in the original LSN, or who had sponsored 10  
15 or more admitted contentions, a request to provide an  
16 estimate as to the number of new documentary material  
17 documents and header-only materials that each might  
18 produce, should the proceeding resume. The  
19 information was requested to assist ASLBP in  
20 developing options for technical implementation  
21 solutions for the possible reconstitution or  
22 replacement of the LSN and an enhanced exhibit  
23 submission process.

24 Inyo County, California provided a rough  
25 estimate of approximately 50 documents with no header-

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1 only documents.

2 A header-only document typically is an  
3 indication that there is no publicly available  
4 document because it could represent a videotape or a  
5 rock sample or a photograph, or else it could be a  
6 privileged, confidential safeguards or other type of  
7 limited-access documentary material that should not be  
8 publicly available.

9 NEI provided a rough estimate of between  
10 100 and 500 documents with no header-only entries.

11 The State of Nevada provided a rough  
12 estimate of more than 1,000 documents. However, at  
13 this time they could not provide an accurate estimate.

14 DOE provided a rough estimate of more than  
15 1,000 documents with approximately 9 percent as  
16 header-only documents. However, additional license  
17 application work and the number of new contentions  
18 will influence the amount of new material.

19 The NRC staff provided a rough estimate of  
20 between 1,000 and 2,000 new documents with  
21 approximately 1 percent as header-only. However,  
22 significant uncertainties related to the resumption of  
23 the adjudication may impact their rough estimate.

24 Nye County, Nevada provided a rough  
25 estimate of between 200 and 300 documents with

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1 approximately 500 as header-only.

2 The two entities that did not provide a  
3 formal written response to the inquiry were the  
4 California Energy Commission and Clark County, Nevada.

5 So, the new documentary material estimates  
6 total between 3,350 to perhaps 5,000 or more.

7 The general objective of the options paper  
8 is it outlines possible IT system options for the  
9 replacement of the original LSN, as well as discusses  
10 the option of reconstituting the original LSN. Each  
11 option includes a cost and time estimate, risks and  
12 challenges, and pros and cons.

13 All cost and time estimates provided in  
14 this options paper are estimated based on available  
15 information and are intended to provide a consistent  
16 comparison basis between the options. Depending on  
17 the option selected, market research and a more  
18 detailed independent government cost estimate may be  
19 conducted as part of budget formulation or procurement  
20 activities to develop a more precise cost.

21 A project plan, depending on the option  
22 selected, may be developed to provide a more accurate  
23 schedule.

24 The final implemented solution for the  
25 selected option may vary from the description provided

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1 in this paper, as the selected option will be subject  
2 to design reviews and user acceptance testing.

3 The LSN Administrator may be coordinating  
4 these activities in conjunction with the LSNARP.

5 So, as a high-level overview, Option is  
6 traditional discovery. It uses existing public ADAMS  
7 LSN Library to access previously submitted documentary  
8 material, and new material will be exchanged amongst  
9 the parties, as Judge Paul Bollwerk will be discussing  
10 a little bit later.

11 Option 2 is the existing public ADAMS LSN  
12 Library as a base. This option would build upon the  
13 existing ADAMS LSN Library enhanced by additional  
14 requirements. The library would be the base used to  
15 access previously submitted and any new documentary  
16 material. The document intake and document  
17 modification processes would either use a modification  
18 to the Electronic Information Exchange, or EIE,  
19 system, or a semi-manual process, which will be  
20 discussed later by K.G. Golshan.

21 Option 3 is a cloud-based system.  
22 Previously submitted any new documentary material  
23 would be moved from the existing ADAMS LSN Library to  
24 a cloud-based system. The document intake and  
25 document modification processes would be moved to the

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1 cloud. And K.G. Golshan will also be presenting this  
2 option.

3 Option 4 is the original LSN design as it  
4 existed in 2011. And I will be discussing this  
5 option.

6 Appendix A includes the original LSN  
7 functional requirements that couldn't be met by one or  
8 more of the options or would need to be modified based  
9 on new technology. Appendix A does not include  
10 original LSN functional requirements that are not IT-  
11 system-related or currently provided by other systems  
12 or have been overtaken by events.

13 Appendix B describes the risk factors that  
14 were considered for each option, and we came up with  
15 a relative risk score.

16 Appendix C lists proposed new functional  
17 requirements such as enhanced exhibit processing and  
18 a feature that was lacking, which was the ability to  
19 take documents directly out of the LSN and file them  
20 as exhibits. The newly identified functional  
21 requirements would permit that capability.

22 And Appendix D is an options summary  
23 table.

24 Thank you.

25 MR. CAMERON: Okay. Thank you. Thank

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1 you, Margie.

2 I just want to put a finer point, before  
3 we go to the next presentations on Electronic  
4 Information Exchange and the Electronic Hearing  
5 Docket, which gives you a whole context, I just want  
6 to put a little finer point on a word that Margie  
7 used. She indicated that we would be "polling,"  
8 P-O-L-L-I-N-G, ARP members at the end of tomorrow.  
9 And we are going to be asking you what your opinions  
10 are on all of these options, but I didn't want anybody  
11 to think that this was going to be some type of a vote  
12 that might be given to the Commission that 5 of the 16  
13 ARP members voted for the cloud, or something like  
14 that. So, I just wanted to clarify that.

15 MS. JANNEY: Thank you, Chip.

16 MR. CAMERON: Okay.

17 So now, e-filing in the Electronic Hearing  
18 Docket, we are going to have Russ Chazell from the  
19 Office of the Secretary talk to us about that. And  
20 then, we're going to hear from Andy Welkie about  
21 another thing.

22 Russ?

23 MR. CHAZELL: Good morning, everyone.  
24 Thank you for attending today, either remotely or in  
25 person, our meeting of the LSNARP.

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1           As Chip said, my name is Russell Chazell,  
2           and I'm with the NRC Office of the Secretary.

3           With me, Brian Newell, if you could stand  
4           up? With me today is Brian Newell. Brian's an  
5           administrative and litigation assistant in the Office  
6           of the Secretary. And he, along with two others,  
7           handle most inquiries about the Electronic Information  
8           Exchange and the Electronic Hearing Docket systems.  
9           Many of you have spoken or emailed Brian while  
10          planning to attend this meeting. Brian will handle  
11          EIE/EHD logistics for high-level waste adjudicatory  
12          proceeding, if it is restarted in the future.

13          Thanks, Brian.

14          Today I will provide an overview of the  
15          Electronic Information Exchange, or EIE, and the  
16          Electronic Hearing Docket, or EHD, systems. This  
17          presentation is relevant to your discussions because  
18          several of the options under consideration include the  
19          EIE as the document intake system, and it's within the  
20          mandate of the LSNARP because, if it is part of the  
21          reconstituted LSN, it will be part of the LSN  
22          infrastructure.

23          First, some background. I guess I should  
24          do the slides, huh?

25          The NRC-mandated electronic filing for the

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1 high-level waste proceeding in 10 CFR Subpart J,  
2 Section 1013. Further, that section in Subparagraph  
3 (a)(2) mandates that the Office of the Secretary, or  
4 SECY, manage e-filing systems, again, known as EIE and  
5 EHD.

6 EIE is used for filing adjudicatory  
7 documents such as pleadings, motions, orders,  
8 transcripts, and admitted exhibits. EHD is the ADAMS  
9 Library where the documents are housed after they're  
10 filed.

11 The NRC's EIE permits users to make  
12 electronic submissions in a secure manner using  
13 digital signature technology. Upon receipt of  
14 transmission, EIE timestamps the documents and sends  
15 the submitter an email notice confirming receipt of  
16 the documents. The interface may look a little  
17 different than what some of you may remember because  
18 the NRC has made some changes in the last few years.  
19 We use these systems for all of our adjudications, not  
20 just the high-level waste system.

21 So, to access EIE, you go to the NRC home  
22 page at [www.nrc.gov](http://www.nrc.gov) to find the EIE. And then, you  
23 click on "Adjudicatory Submissions" at the bottom of  
24 the page right there.

25 As I said earlier, a digital certificate

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1 is required to submit documents to EIE. The  
2 certificate serves to authenticate documents and  
3 validate the identity of the person submitting the  
4 information. Certificates are issued to appropriate  
5 parties upon request to the Office of the Secretary.  
6 The process to obtain a certificate is started at this  
7 URL there. So, many of you may already have digital  
8 certificates, but they may now be expired or would  
9 need to be renewed before you could access EIE.

10 So, once you've arrived at "Adjudicatory  
11 Submissions," you click on "Obtain a Digital  
12 Certificate". Then, that will take you to a page  
13 there called "External Credential Service," and you  
14 click there. "Electronic Submittals - Adjudicatory".  
15 I'm just going through this real quick, so you can get  
16 a flavor for how the system works. Then, you click on  
17 "Apply Now" right there. And then, that takes you to  
18 a page called "Level 1 Credentialing". And as with  
19 all government websites, there's a nice warning there  
20 that you need to read. And after you've read the  
21 warning, click to "Level 1," continue to "Level 1 -  
22 Credentialing".

23 Then, there's a form to fill out. You  
24 fill out the form and click "Continue". At this  
25 point, the NRC IT team will review and approve the

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1 request, if appropriate, and email you a digital  
2 certificate with instructions on how to upload it to  
3 your machine.

4 There are some browsers and operating  
5 systems that are more challenging to use than others.  
6 If you're using one of those challenging browsers, the  
7 NRC Help Desk can walk you through that process. I'll  
8 provide the contact information and hours of operation  
9 for the Help desk later in my presentation.

10 So, once your certificate is installed,  
11 you can get to EIE from the "Adjudicatory Submissions"  
12 page shown earlier. You, then, click "Submit  
13 Adjudicatory Documents" right there.

14 When you arrive at the EIE front page,  
15 you'll get another warning. Read the warning. Click  
16 "Consent to Monitoring" and, then, click "Continue".

17 Then, you'll get a front page that tells  
18 you what's going on with the system. Are there any  
19 maintenance issues going on, or whatever? It's a  
20 splash page that tells you the current status of the  
21 system.

22 So, then, once you've read that, you click  
23 on "New Submission". And then, you click on "Type of  
24 Submission," which is in most cases a public  
25 submission.

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1           Then, you select the proceeding from the  
2 dropdown menu. There are a number of active  
3 proceedings happening at any given time, and the  
4 dropdown box will only show you the proceedings to  
5 which you have access. If high-level waste is the  
6 only proceeding you're involved in, you'll only see  
7 that on your dropdown. Now you can see there "High-  
8 Level Waste". There's the docket number, CAB-04. So,  
9 you click on that box, and it takes you to the page  
10 for submitting the information.

11           So, you fill out the form. You upload  
12 your documents. Right there, you type in the  
13 submission title, and you can upload your documents  
14 there. And this is a straightforward document upload  
15 process like you do for lots of other kinds of  
16 applications outside the NRC.

17           Once the document is filed, all parties  
18 will receive an email notification acknowledging the  
19 submission with a link to open the document. You'll  
20 see the page scrolling through many names here. So,  
21 you say "Add Another File," if you want to. And then,  
22 you can scroll through all of these names, and you get  
23 down to the bottom. You'll the page. The high-level  
24 proceeding has a long service list, and I think we  
25 abbreviated that. But the first iteration of this

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1 slide scrolled to like four pages because there were  
2 that many people that are on the service list for  
3 high-level waste. So, once you see that, you sign and  
4 date and, then, click "Submit".

5 Please note that 10 CFR Part 2, Subpart J,  
6 mandates specific attributes for filed documents.  
7 These attributes include, for example, optical  
8 character recognition and resolution requirements.  
9 The NRC has an add-in to Adobe Acrobat called  
10 Preflight that will flag attribute issues with the  
11 document. Such issues need to be resolved before the  
12 document is filed. And again, our Help Desk can help  
13 you work through installing Preflight as an add-on to  
14 your Adobe and that kind of thing.

15 So, once you've filed your document,  
16 within one to three days after filing, the document is  
17 added to the Electronic Hearing Docket specific to the  
18 relevant procedure. The EHD is a database that houses  
19 a visual representation of the docket for a particular  
20 proceeding and a link to all the filings in that  
21 proceeding. The EHD can be accessed at that URL  
22 there, [adams.nrc.gov/ehd](http://adams.nrc.gov/ehd). As you can see from the  
23 URL, EHD is a subset of ADAMS.

24 Currently, high-level waste adjudicatory  
25 documents, such as pleadings, motions, orders,

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1 transcripts, privileged logs, and admitted exhibits,  
2 are housed in EDH. Documentary or discovery  
3 materials, as defined by 10 CFR Part 2, Subpart J, are  
4 housed in the ADAMS LSN Library. So, only the stuff  
5 that's admitted to the proceeding is in EDH.  
6 Everything else in the ADAMS LSN Library. These  
7 discovery materials are used to develop adjudicatory  
8 material and admitted exhibits.

9 So, to access the EHD, you go to the home  
10 page again, nrc.gov. And then, you go to the "NRC  
11 Library," and you can see "Electronic Hearing Docket"  
12 down there at the bottom. You just click on that  
13 link, and then, you'll get a page that says  
14 "Adjudications". That was the same page we were at  
15 before. "Electronic Hearing Docket" then comes up.  
16 And then, you can click on "Access the Electronic  
17 Hearing Docket". And once you're there, you see web-  
18 based ADAMS. So, anybody that's done a search of web-  
19 based public ADAMS has seen this interface before.

20 Once inside there, you can navigate to the  
21 desired proceeding and its folders. Here we've  
22 navigated to the high-level waste proceeding, CAB-04,  
23 motions and pleadings.

24 On the right, you can see the packages and  
25 files contained in that folder. Publicly available

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1 documents are visible to, and can be opened by, anyone  
2 accessing the folder. For non-public files such as  
3 files subject to a protective order, everyone can see  
4 the title of the documents, but only those on the  
5 proceedings service list who have executed a non-  
6 disclosure agreement can open, view, download, or  
7 print them.

8 So, detailed guidance for using these  
9 applications and obtaining digital certificates is  
10 available on the NRC public website. The NRC operates  
11 a Help Desk to assist users with the applications and  
12 digital certificates. Just call 866-672-7640, Monday  
13 through Friday, from 9:00 a.m. to 6:00 p.m., Eastern  
14 time, and our Help Desk staff can work you through  
15 those issues.

16 If you have further questions, I've got my  
17 contact and Brian's contact information here on the  
18 slide.

19 And thanks again for attending today.

20 MR. CAMERON: Thanks, Russell. Thank you  
21 very much, and thanks for that offer for people to  
22 talk to either you or Brian.

23 And we have one final presentation and,  
24 then, we're going to go out to all of you. This is  
25 Andy Welkie who's going to talk to us.

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1 MR. WELKIE: Good morning. As Chip  
2 mentioned, my name is Andy Welkie. I'm an IT  
3 Specialist with the Atomic Safety and Licensing Board  
4 Panel.

5 And one of my roles with the panel is I am  
6 the exhibit processor or the exhibit stamper. So,  
7 during evidentiary hearings, I am the one who puts the  
8 electronic stamp on all the official exhibits.

9 So, to give a little bit of background  
10 information on exhibit submission, and again, I'm an  
11 IT guy; I am not a lawyer; I'm not a paralegal. So,  
12 if I screw up these next couple of bullets, please  
13 forgive me.

14 So, exhibits are documents or objects that  
15 are offered as evidence to support written or oral  
16 testimony, just to set that basis. And so, these  
17 little 10 CFR definitions or these section quotes I'm  
18 probably going to screw up. So, 10 CFR Section  
19 2.1001, under Definitions, describes the LSN, as  
20 Margie also mentioned, "a combined system that makes  
21 documentary material electronically available to  
22 parties".

23 It also goes on and says that the  
24 Electronic Docket, as Russ mentioned, is "the  
25 information system that receives, distributes, stores,

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1 and retrieves the Commission's adjudicatory docket  
2 materials; i.e., the EIE and the EHD systems".

3 10 CFR Section 2.1013 talks about the use  
4 of the Electronic Docket during the proceeding, and  
5 little (b) says that, "Absent good cause, all exhibits  
6 that are tendered during the hearing must have been  
7 made available to the parties in electronic form  
8 before the commencement of that portion of the hearing  
9 where the exhibit will be offered."

10 And then, 10 CFR Section 2.304, little  
11 (g), talks about prefiled written testimony exhibits  
12 and says that, "Written testimony of each individual  
13 witness or witness panel and each individual exhibit  
14 shall be submitted as an individual electronic file."  
15 Simply, that rule is in there, I'm assuming, so that  
16 we can stamp each document electronically individually  
17 as opposed to "Exhibit 6 consists of 30 exhibits."

18 So, one of the things when developing the  
19 paper -- and quite frankly, this gap I feel existed  
20 back in 2011 and even before that -- is there is a gap  
21 between getting a document that's in the LSN and  
22 taking it directly into the Electronic Hearing Docket.  
23 So, there's an assumption that a high percentage of  
24 the evidentiary material or the exhibits that are  
25 going to be submitted in this proceeding are already

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1 in the LSN. Again, there was not process back then,  
2 and, quite frankly, if we went through with the  
3 existing functional requirements, there would be no  
4 way in a new system that you could take a document  
5 directly out of the LSN and submit to the Electronic  
6 Hearing Docket.

7 So, if you submit a document through the  
8 Electronic Hearing Docket, or through the Electronic  
9 Information Exchange, when you submit that document,  
10 the only thing you really enter, as Russ showed in his  
11 slide deck is you have to put in the exhibit title.  
12 So, all the information, the document's author, the  
13 addressee affiliation, the author affiliation, all  
14 that information would have to be re-entered, and  
15 that's typically done by the NRC's Document Processing  
16 staff.

17 So, for a document to get into ADAMS as  
18 official agency records, there are certain  
19 bibliographic information or properties that have to  
20 be entered. So, all that information is already in  
21 the header that's in the LSN. But, if you download it  
22 and resubmit it through EIE, that information as to be  
23 re-entered by somebody, and it would be the Document  
24 Processing Center. There's also potential significant  
25 participant labor effort to take those documents out

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1 of the LSN, log into the Electronic Information  
2 Exchange, and refile those documents.

3 So, I'll just run through the process of  
4 how you would take a document out of the LSN and file  
5 it as an exhibit if the proceeding had continued in  
6 2011. You do your search in the LSN. You find your  
7 document or documents. You, then, have to download  
8 that document, and you would either have to decide to  
9 use the entire document as your exhibit or take parts  
10 of that document as an exhibit, because I believe  
11 there is also a blurb in 10 CFA Part 2 that says you  
12 should only submit the part of the document that you  
13 really need to use and not the entire thing.

14 You would, then, have to place an exhibit  
15 number on each document. You, then, have to log into  
16 the EIE, fill out information about the exhibit, and  
17 really that is just the title. Then, you would have  
18 to submit that exhibit. And currently, there is a  
19 100-megabyte aggregate file size limitation. So, if  
20 you have a document that's 100 megabytes, you can file  
21 it as a single document. If you have two documents  
22 that are 50 MB in total size, you can file two  
23 documents. But, if you get something that's bigger  
24 than that 100-megabyte aggregate file size, you have  
25 to either break that document apart or do multiple

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1 submissions.

2           You, then, receive a confirmation, a  
3 confirmation email, that it was submitted  
4 successfully. And then, in current practice for our  
5 existing proceedings, the Board typically asks the  
6 parties to file an exhibit list. And so, you would  
7 have to take the title of that document, add it to the  
8 exhibit list, and include your exhibit number on that  
9 list as well.

10           So, the red box is kind of the place where  
11 we really see the gap. And again, a new system or a  
12 reconstituted system, I think we could probably  
13 address that gap.

14           So, this would be the potential gap  
15 closure process. You would still have to find your  
16 document in whatever reconstituted or replacement  
17 system was put in place. But, then, the idea would be  
18 that, as opposed to having to download that document,  
19 an exhibit cart could be created. So, you could check  
20 a box next to each document or you could have a little  
21 button that says "Add This Document To My Cart".

22           So, then, for each document that gets  
23 added to the cart, you would go in and have a checkbox  
24 to say "Use the Full Document" or "Use Part of the  
25 Document". And then, you would provide an exhibit

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1 number. So, you would type that in, because you're  
2 still going to have to provide that. And then, you  
3 would just submit the exhibit cart. And so, whatever  
4 documents you added to the cart, it would, basically,  
5 pull those documents out of the LSN, pull the header  
6 information that's already in the LSN, and ship all  
7 that information over to the Electronic Hearing  
8 Docket.

9 And then, you receive confirmation that  
10 the documents that were in your cart were submitted.  
11 And then, you could, then, download that exhibit cart  
12 list, as opposed to having to recreate yourself. So,  
13 we could create a downloadable spreadsheet or -- I'm  
14 looking at K.G. -- we could do something that would  
15 basically let you not have to retype all that  
16 information again.

17 And again, so that is the place that this  
18 potential gap closure process could fill. There are  
19 some limitations. So, it would only be available for  
20 public documents that are contained in a reconstituted  
21 or replacement LSN system, because header-only  
22 documents, again, are either going to be non-public  
23 documents, you know, a representation in the LSN as a  
24 non-public document, or it's a physical exhibit. So,  
25 obviously, you can't file a physical exhibit through

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1 EIE. So, you would not be able to do that through  
2 this enhanced exhibit processing system. And again,  
3 any non-LSN documents, things like prefiled testimony  
4 or other non-discovered material that's not in the LSN  
5 would have to be filed through the normal process.

6 And there are some options that it is  
7 applicable, and there are two that it is not  
8 applicable to. So, it would be possible for option 2,  
9 using the existing public ADAMS LSN Library. It would  
10 be something that could be added to option 3, move to  
11 the cloud; alternative 1 or alternative 2(a), or it  
12 would be applicable to option 4, rebuilding the  
13 original LSN.

14 For option 1, traditional discovery, as  
15 it's currently in the options paper, it would not be  
16 available, but you could make an enhancement,  
17 theoretically, to the existing system to be able to  
18 add that capability, although you would only be able  
19 to transfer existing documents, not anything new.

20 And then, option 3, move to the cloud,  
21 alternative 2(b), K.G. will talk about this, but in  
22 that instance that option and that alternative, the  
23 NRC really doesn't have the collection, nor does it  
24 maintain the index. So, in the ones where it is  
25 possible, as a possible capability, the NRC either

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1 holds the document collection or it holds the index  
2 into those collections.

3 That's all I have to say on exhibit  
4 submission. And I will turn that back over to Chip  
5 now.

6 MR. CAMERON: Thank you very much, Andy.

7 So, we're going to go for questions, see  
8 if there are any comments. What I would like to do is  
9 we're going to follow our usual process, but I would  
10 like to change it up a little bit and go to the people  
11 on GoToMeeting first. So, we're going to see if  
12 anybody on GoToMeeting has their name tent up.

13 But I really want to introduce Loreen  
14 Pitchford.

15 Some of you out there on GoToMeeting have  
16 your cameras turned off and you can keep them turned  
17 off if you want, but if you want to ask a question or  
18 make a comment, you're going to have to send a chat  
19 message into us because we won't be able to see your  
20 name tent, obviously.

21 Can we get Loreen up there?

22 MS. PITCHFORD: Yes. Hi, Chip. I'm here.

23 MR. CAMERON: Hey, thanks, Loreen. Thank  
24 you very much.

25 And Loreen helps a lot of the counties

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1 out.

2 Do we have any chat messages or anybody  
3 who has their name tent up out there on GoToMeeting?

4 Oh, good. Okay. We have Darrell Lacy  
5 from Nye County.

6 Darrell, go ahead.

7 MR. LACY: I just wanted to say, as far as  
8 from our perspective, the work we've looked at, the  
9 LSN ADAMS process works well. The only real questions  
10 we have are the new documents and how we get those  
11 identified. If the NRC is comfortable with managing  
12 that process, then that's so much better for the rest  
13 of us. And we, of course, have to put up a new server  
14 and manage it ourselves. It's time and funding and  
15 money, but we would prefer not to do it if we don't  
16 have to. So, we appreciate what the NRC is doing  
17 here. We think you put together a very difficult  
18 process, and the insertions that we've done are  
19 actually much easier than what we used to be able to  
20 do on the old LSN. So, thank you.

21 MR. CAMERON: Okay. Thanks, Darrell.

22 And I should point out that we're going to  
23 have a discussion of these specific options and, also,  
24 asking people what they like. So, I want people to  
25 remember what Darrell said about option 2.

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1           And, Darrell, we'll come back to you  
2 during option 2 and at the end of the day tomorrow to  
3 hear anything more that you have to say on that. So,  
4 thank you.

5           And Darrell gave his rationale for that,  
6 too. So, we shouldn't forget that.

7           Anybody else have their name tent up or  
8 have chat message out there on GoToMeeting?

9           Judge Bollwerk's reminding me in a way  
10 that there were a number of presentations, including  
11 Russ Chazell and Andy Welkie's presentation, which  
12 were fairly detailed presentation. So, if you have  
13 any questions about any of the presentations,  
14 including those, out there in GoToMeeting land, please  
15 ask them. I don't think we'll be able to get into a  
16 detailed discussion on either Russ or Andy's  
17 presentation, but if there are questions, let's get  
18 them out there and we'll try to answer them.

19           Okay. I don't see anybody else on  
20 GoToMeeting, but I think we should see if anybody's  
21 calling in who is an ARP member.

22           And Brandon is our operator, but we don't  
23 have any calls. Okay.

24           Let's go to the table here and go to Judy  
25 Treichel.

1 Judy?

2 MS. TREICHEL: I had a comment on one of  
3 Margie's slides or during her presentation where she  
4 mentioned that reconstituted or replacement LSN needs  
5 to maintain an operation through the hearings and  
6 receive and possess hearings. It's sort of my  
7 thought, from, lo, these many years of following this,  
8 that whatever winds up on the LSN is probably going to  
9 be sort of like the owner's manual for this thing, if  
10 there's a repository, because you've got confirmatory  
11 testing that would go on for years and years and  
12 years. And this is really the repository for  
13 everything that's known or been studied about the  
14 thing. And I think that whatever winds up being the  
15 LSN is going to have to last on and on and on.

16 In addition, you also were talking about  
17 the ADAMS LSN and the fact that there were 500 hits  
18 per month, and that seems really small. I don't know  
19 how many hits you could think that you were getting  
20 per day, but, as far as making that a gauge for what  
21 would happen during discovery or during a hearing,  
22 that would be irrelevant. So, I just wanted to  
23 mention that.

24 Thanks.

25 MR. CAMERON: Okay. Thanks. Thanks,

1 Judy.

2 Margie, do you have anything that you want  
3 to add?

4 MS. JANNEY: The point I was trying to  
5 make about there are actually 500 people on there,  
6 when we're not even having a proceeding yet. So,  
7 there is still interest right now, and I can only  
8 imagine it's going to be exponentially larger interest  
9 in being able to access the LSN, however it exists, at  
10 a time when the high-level waste proceeding may  
11 continue.

12 MR. CAMERON: Okay. Thank you. Thank you  
13 both.

14 Rod?

15 MR. McCULLUM: Yes. First of all, we want  
16 to echo the sentiments of Nye County on the  
17 simplicities of option 2, but I know we'll get to that  
18 this afternoon.

19 What I really want to do is I want to hark  
20 back to slide 39 in our package here in Margie  
21 Janney's presentation. And you don't have to call it  
22 up.

23 MR. CAMERON: Okay.

24 MR. McCULLUM: I didn't have reading  
25 glasses the last time this group met.

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1 (Laughter.)

2 The first bullet in Margie's slide is,  
3 "Options will require modifications to, or exemptions  
4 from, 10 CFR Part 2, Subpart J." This was something  
5 she stated as an underlying assumption.

6 And without taking a position on whether  
7 or not that assumption is correct -- and we're not  
8 taking a position at that time -- I think that is a  
9 very key assumption going forward, particularly in  
10 light of Marty Malsch's presentation, as he pointed  
11 out some potential concerns with what might or might  
12 not be a rulemaking process. And I also want to be  
13 respectful of what Bob mentioned, that all of the  
14 participants, NEI included, have limited resources at  
15 this time.

16 So, I guess my recommendation for this  
17 afternoon and tomorrow, and for the immediate  
18 deliberations of this panel, is let's focus on the  
19 options and not on the question of whether or not it  
20 requires rulemaking. If we could up with an option  
21 that works, the best option, then, you know, it's  
22 either going to be easy or hard to do what we have to  
23 do in 10 CFR Part 2, Subpart J, space. And I think  
24 the participants will have a lot to say with whether  
25 it becomes easy or it becomes hard.

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1           But, given that this is right now a  
2           limited-funded proceeding, I think the time of this  
3           group would be spent -- let's focus on the options  
4           and, then, let the rulemaking, potential rulemaking  
5           implications follow on as something that gets  
6           discussed when maybe there's more resources on the  
7           table, if Congress has acted.

8           MR. CAMERON:   Okay.   The point is that  
9           you're not expressing an opinion on whether rulemaking  
10          or some other method should be used, but at this point  
11          it's too premature --

12          MR. McCULLUM:   I'm asking to set that  
13          question aside.   Yes, it's a premature question at  
14          this point.

15          MR. CAMERON:   Yes.

16          MR. McCULLUM:   Let's just get the best  
17          option.   And once we get the best option, then there  
18          will be an opportunity to figure out, because, you  
19          know, this has to be done in accordance with the  
20          Commission's rules and requirements and administrative  
21          procedures, and all that.   But let's put that aside  
22          for this discussion and really focus on the options,  
23          is what I'm saying.

24          MR. CAMERON:   Okay.   Thanks, Rod.

25          And, Bob?

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1 MR. HALSTEAD: Well, I have two other  
2 comments, but I have to respond to Rod on this. We  
3 don't think you can separate the issue of evaluating  
4 the options and the requirement for rulemaking. And  
5 I'll just leave that at that.

6 In response to two of the slides, there  
7 were just a couple of comments I wanted to make. I  
8 guess it was in Margie's presentation on the document  
9 sizing responses. This is a big task for us in Nevada  
10 to define our document sizing input into your  
11 consideration. So, we weren't trying to be  
12 uncooperative. We just really have an enormous  
13 challenge in answering that question for you.

14 And then, it seems to me on Andy Welkie's  
15 presentation, on slide 69, the exhibit submission gap,  
16 that is potentially a very, very significant resource  
17 issue, presumably, mostly a resource issue for the  
18 Commission staff in carrying out that work. And I  
19 appreciated the fact that that issue was highlighted.

20 MR. CAMERON: Okay. Good. Good.

21 We'll come back if there's any further  
22 comments, but now we're going to go to see if there's  
23 any public comments.

24 Any member of the public in the room that  
25 wants to come up to the microphone and say anything?

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1 (No response.)

2 Okay. Let's go to GoToWebinar. Do we  
3 have anybody on GoToWebinar from the public who wants  
4 to say something?

5 MR. KLEVORICK: Phil Klevorick, Clark  
6 County.

7 MR. CAMERON: Oh. Hey, Phil, how you  
8 doing?

9 Phil is a member of the ARP, for  
10 everybody. I think everybody knows that.

11 But go ahead, Phil.

12 MR. KLEVORICK: Thank you. I apologize  
13 for not having a web cam because I know you guys want  
14 to see my beautiful face this morning.

15 (Laughter.)

16 I have a comment that goes back to, I  
17 believe it was Marty who made a comment about Clark  
18 County not supplying any information regarding our  
19 projected number of documents going forward. And the  
20 reason why I didn't submit any of that stuff is  
21 because it's very difficult to estimate what our work  
22 will be if we ever get reconstituted with funding.  
23 Because, at the end of the day, I don't want to be  
24 giving out any false expectations. I don't think it's  
25 going to make a big difference, even a very little

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1 difference, to the number of documents that,  
2 obviously, were proposed of 3,000 to 5,000 documents.  
3 I mean, we would certainly be less than 1 percent of  
4 any of those documents. So, that's the reason why I  
5 didn't feel it was necessary to update with a newer  
6 version of any new documents that may be coming  
7 forward.

8 And, of course, some of that would be  
9 required for any new contentions that Clark County may  
10 propose. But all of that is well in advance of where  
11 we are currently because, certainly, we don't have any  
12 ability to update any of our current contentions on  
13 any research or studies. So, I just wanted to make  
14 sure that everybody is aware that that's why I didn't  
15 submit it.

16 MR. CAMERON: Okay. Thank you. Thanks,  
17 Phil.

18 And I guess I should ask the NRC staff,  
19 with relation to that question, is that -- as I  
20 understand it, the NRC staff wanted to get some  
21 estimates of volume in terms of anticipating any  
22 sizing of the system. But it's not like there's going  
23 to be any legal implications of anyone not providing  
24 an estimate or anybody's estimate being ultimately  
25 incorrect. Is that true?

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1 MS. JANNEY: I would like to point out,  
2 Chip, that it was the LSN staff who that question is  
3 important to, as opposed to the NRC staff.

4 MR. CAMERON: Good.

5 MS. JANNEY: Yes, when one builds an IT  
6 system, if you think your database is going to be a  
7 thousand documents and you get a hundred thousand  
8 documents, that's a different size system, and you  
9 have to put more effort and more cost and more time  
10 into it. So, we were trying to get a rough estimate,  
11 and we did the exact same thing when we originally  
12 build the LSN, so we would have approximate sizing  
13 capabilities or requirements in order to know how many  
14 servers we would need and just all the software that  
15 would be involved, because it is a difference in cost  
16 and time estimates. We're just trying to provide a  
17 rough estimate.

18 And I appreciate the efforts and  
19 understand the efforts, especially if there is no  
20 funding available to provide a response. So, thank  
21 you to everyone who at least read my email.

22 MR. CAMERON: Okay. Thanks, Margie.

23 And I should have said the NRC LSN staff,  
24 because we have Jessica and Carrie here, and others,  
25 from the NRC licensing staff.

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1 MR. KLEVORICK: Chip, if I may? It's Phil  
2 Klevorick again.

3 MR. CAMERON: Okay, Phil.

4 MR. KLEVORICK: Yes, I don't think my tens  
5 of documents is going to make a big difference to  
6 anybody's calculation and how robust the system is or  
7 how accurate the system is going to be. So, I don't  
8 think that that would have made much of a difference.  
9 So, I just want to make sure that's on the record.

10 But there was one thing that was brought  
11 up by, I believe it was Rod and maybe Bob a few  
12 minutes ago. And I don't want it to be lost because  
13 I'm not sure at what point this is going to be part of  
14 the conversation. But, certainly, the timing of all  
15 of this is going to materialize, and whether it's six  
16 months or two years from now, some people are  
17 significantly going to be disadvantaged by the timing  
18 of any reconstructing of the process. And I want  
19 people to appreciate who may not understand the  
20 difficulties of AULGs or smaller operations, the  
21 tribals, or whomever, to get their processes going  
22 again. So, I just want to make sure that we're going  
23 to have some kind of a discussion on that later on, if  
24 we can.

25 MR. CAMERON: Okay. Thanks, Phil. I'm

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1 going to put that, I'll put that in the corral.

2 MR. KLEVORICK: Thank you.

3 MR. CAMERON: Okay. You're welcome.

4 And I should remind the public that are on  
5 through GoToWebinar that, if you do want to say  
6 something, use the "Raise Hand" feature of  
7 GoToWebinar.

8 And I don't think we see any raised hands,  
9 but I should ask, while we're waiting, Brandon,  
10 Brandon, are you with us?

11 OPERATOR: Yes, I'm here.

12 MR. CAMERON: Is there anybody on the  
13 phone lines from the public who wants to say anything  
14 at this point?

15 OPERATOR: I'm currently showing no  
16 questions at this time.

17 I would like to remind participants that,  
18 if you would like to ask a question or leave a  
19 comment, to please press \*1.

20 (Pause.)

21 All right. Currently, showing no  
22 questions or comments on the phone line.

23 MR. CAMERON: Okay. Thanks, Brandon.

24 And just one last check. Anybody, any of  
25 the ARP members on GoToMeeting have anything to say at

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1 this point before we break for lunch?

2 (No response.)

3 Anybody raised hands on GoToWebinar?

4 (No response.)

5 I just want to keep practicing this.

6 (Laughter.)

7 But we managed to get back right on time,  
8 even though we finished early.

9 So, 12:45, and we're going to go to two  
10 o'clock. Okay? Two o'clock. We'll be back.

11 Don't forget that, if you want to watch  
12 the video loops of training, they will be shown here  
13 continuously.

14 So, thank you all.

15 (Whereupon, the foregoing matter went off  
16 the record for lunch at 12:43 p.m. and went back on  
17 the record at 2:00 p.m.)

18 MR. CAMERON: Good afternoon, everybody,  
19 and welcome back to the afternoon session of the first  
20 day of the Licensing Support Advisory Review Panel.  
21 And just to remind everybody, we have members of the  
22 panel here at the table in Rockville, Maryland, we  
23 have members of the panel joining us virtually through  
24 GoToMeeting, and we also have members of the public  
25 primarily on through GoToWebinar joining us virtually.

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1           And now we're going to start to explore  
2           the first of four options that the NRC LSN staff put  
3           together for Advisory Review Panel consideration.  
4           Option 1 is traditional discovery, and we have Judge  
5           Paul Bollwerk from the NRC Atomic Safety and Licensing  
6           Board Panel here to talk to us about traditional  
7           discovery.

8           MR. BOLLWERK: All right. Good afternoon,  
9           everyone. Again, I'm Paul Bollwerk. I'm a legal  
10          judge with the Atomic Safety and Licensing Board  
11          Panel. And I have the unenviable task of trying to  
12          keep everybody awake right after lunch, but I'll do  
13          the best I can, especially when we're talking about a  
14          discovery database or how to conduct discovery. We'll  
15          move along and see how it goes.

16          So, basically, in restarting the Yucca  
17          Mountain adjudication, a principal concern will be  
18          ensuring that the participants have suitable access to  
19          discovery material, both old and new. This option  
20          explores the possibility, given the existence of the  
21          LSN library and taking into account the estimated  
22          volume of new documentary material that likely will  
23          need to be exchanged among the participants, whether  
24          it is necessary to create another LSN-like electronic  
25          system to hold the entirety of the participants'

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1 documentary material.

2 Under this option, to ensure that all  
3 participant documentary material is appropriately made  
4 available to other adjudication participants, a  
5 combination of methods would be used. Specifically,  
6 current and future investment in making the existing  
7 LSN collection available to the adjudication  
8 participants and the public via the LSN library would  
9 be combined for the purpose of making new discovery  
10 materials available with traditional methods for  
11 document discovery already available under the  
12 agency's rules of practice. Discovery regarding new  
13 documentary materials would be implemented by whatever  
14 directives might be put in place by the Commission or  
15 a construction authorization board, presumably after  
16 consultation with the participants.

17 Before getting into the details regarding  
18 this option, so that everyone will have a common  
19 understanding of what is being proposed, I'd like to  
20 provide a brief background explanation of what's  
21 involved in an NRC hearing practice in conducting  
22 discovery with respect to document disclosure. Under  
23 10 Code of Federal Regulations, Section 2.336 of the  
24 agency's rules of practice, which is entitled "General  
25 Discovery," initially, after the admission of

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1 contentions, and periodically thereafter, the parties  
2 are required to provide a copy or a description by  
3 category and location of all relevant documents and  
4 data compilations. This generally is implemented by  
5 filing document lists in the electronic hearing docket  
6 that identify the documents with document distribution  
7 governed by participant-established protocols.

8 In the case of the NRC staff, this  
9 generally means a list of documents with the ADAMS  
10 accession number for each document which allows the  
11 other participants in the proceeding to access any of  
12 the documents from the agency's website via ADAMS.  
13 For the participants, distribution may involve sending  
14 electronic copies by email or hard copies by snail  
15 mail or providing physical access to a document  
16 repository.

17 With respect to the assumptions that  
18 underlie this particular option, first, hearing  
19 participants will have a small volume of new  
20 documentary material. In this assumption, there are  
21 several terms that I'd like to discuss in further  
22 detail. The first is discovery or documentary  
23 material, which I'll use those words interchangeably.  
24 Under Section 2.1001's definition of documentary  
25 material, disclosures include: A) any material, party

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1 or interested governmental participant intends to rely  
2 on or cite in support of its position in the  
3 proceeding; B) any information known to a party that  
4 is relevant to but does not support that party's  
5 position; and C) any study or report prepared by a  
6 party or interested governmental participant that is  
7 relevant to the license application and the issues set  
8 forth in the topical guidelines in NRC Regulatory  
9 Guide 3.69, which I should mention is still in effect.  
10 And for those of you that may not be familiar with it,  
11 NRC Reg Guide 3.69, it's basically a list of issues  
12 relative to the high-level waste repository that were  
13 put together a number of years ago so that parties  
14 will know, essentially, what sorts of things could  
15 come up and what sorts of documents they needed to be  
16 concerned about putting into the LSN before the actual  
17 contentions were filed in the case. This option, as  
18 well as the others discussed today, assume that this  
19 definition of what is relevant information will not  
20 change.

21 The second term I'd like to talk a little  
22 bit about is the term "hearing participants."  
23 Consistent with Section 2.1001's definition of  
24 documentary material, as it indicates whose material  
25 is covered by that definition, for the purpose of

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1 inclusion in the LSN, there are three participant  
2 types: potential parties, parties, and interested  
3 governmental participants. Seemingly, two of the  
4 three participant types identified in that definition  
5 would be involved in the Yucca Mountain adjudicatory  
6 discovery process going forward if it were to be  
7 re-instituted: A) those admitted as parties to the  
8 adjudication under 10 CFR Section 2.309, such as, for  
9 instance, the Department of Energy, the NRC staff, the  
10 State of Nevada, the Nuclear Energy Institute, and Nye  
11 and Clark Counties in Nevada; and B) those admitted to  
12 the adjudication as interested governmental  
13 participants under Section 2.315(c), such as Eureka  
14 and Lincoln Counties in Nevada.

15           Regarding the third participant type  
16 designated in Section 2.1001, that is the potential  
17 party, given the 2009 issuance of the first  
18 pre-hearing order, as defined in Section 2.1021(d) of  
19 Subpart J, there apparently are no more potential  
20 parties as defined under Section 2.1001 who need to  
21 provide documentary material to the LSN or, for the  
22 purpose of the litigation, need to have access to such  
23 material as a participant in the proceeding. I would  
24 also note, however, that this does not necessarily  
25 preclude the admission of new parties to the

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1 adjudication, which would be governed by the agency's  
2 rules of practice and any directives that might be  
3 issued by the Commission or construction authorization  
4 board regarding the admission of new parties.

5           The third term I'd like to look at for a  
6 second is a question of small volume. Based on the  
7 sizing information received from six of the eight  
8 adjudication parties with the greatest number of  
9 documents in the LSN or the most admitted contentions,  
10 based on that information that we've been provided up  
11 to this point, a high-end estimate of new documentary  
12 material, as you saw from Margie Janney's slides, is  
13 approximately 5,000 documents. To be conservative in  
14 its estimate as DOE and the State of Nevada were,  
15 these are not necessarily upper boundaries for their  
16 potential document submissions. Thus, we could say,  
17 being conservative ourselves, maybe we need to  
18 estimate 10,000 or 15,000 documents, basically double  
19 or triple the number of documents. I should note  
20 that's not an unreasonable estimate. I should note,  
21 however, that this would be the sizing range for  
22 discovery material that has been identified and  
23 exchanged in recent large agency licensing  
24 proceedings, such as the Indian Point license renewal  
25 or several of the COL, or combined operating

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1 licensing, proceedings in which there was no  
2 centralized database.

3 The second assumption is that material now  
4 in the LSN library is slated to remain publicly  
5 available for the foreseeable future. Operations and  
6 maintenance costs for the library are included in  
7 future agency budget plans, as the library is a  
8 component of the larger ADAMS environment and contains  
9 federal records. Moreover, to the degree that  
10 upgrades or fixes to the LSN library are identified as  
11 needed to ensure its usability as a discovery  
12 litigation database, those enhancements could be made  
13 with respect to this option, as well.

14 So let's put that altogether and then have  
15 a general description of the options. So under this  
16 option, how would adjudication participants access  
17 documentary material? The existing 3.692 million  
18 pre-adjudication suspension materials could be  
19 obtained from the public LSN library. New material  
20 generated after the 2011 adjudication suspension would  
21 be obtained via the Part 2 discovery process as  
22 implemented by the Commission, construction  
23 authorization board directives presumably issued in  
24 consultation with the parties. The distribution of  
25 new materials could include electronic access to or

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1 physical or electronic transfer of materials on a  
2 periodic basis, as reflected in periodic e-filing  
3 submitted document listings that would be available to  
4 the adjudication participants and the public, as is  
5 the case in the existing discovery. Public access to  
6 new materials would depend on the method of document  
7 transfer used between particular participants, such as  
8 the availability on disclosing participants with  
9 public websites of EHD-listed material.

10 With respect to the cost and time estimate  
11 for this particular option, as this option should not  
12 require the agency to create or significantly modify  
13 any existing IT system, it is deemed not to involve  
14 any significant cost or implementation time beyond  
15 what is required to put the discovery system in place  
16 via a commission or construction authorization board  
17 directive.

18 With respect to an implementation risk  
19 score factor, by way of background, the implementation  
20 risk score assigned to the different options were  
21 calculated based on the impact and the likelihood of  
22 occurrence of risks associated with a number of  
23 different factors, including acquisition, technical  
24 complexity, technical obsolescence, IT policy,  
25 technical expertise, and standardization. The scoring

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1 process is explained in more detail in the options  
2 paper. With regard to Option 1, an implementation  
3 risk factor score was not assigned because this option  
4 should not require the agency to create or  
5 significantly modify any existing IT system.

6 With respect to the pros and cons for this  
7 option, the pros being the advantages and the cons  
8 being the disadvantages, the major advantages are  
9 potential for prompt implementation and no or low  
10 cost. With respect to the disadvantages, possible  
11 problems with public access to participant material,  
12 particularly those not readily accessible from a  
13 participant website. Participants would be  
14 responsible for distribution of their documentary  
15 materials to other proceeding participants in accord  
16 with discovery rules and a Commission or CAB  
17 directive, although the use of periodic lists  
18 submitted via e-filing could alleviate this issue to  
19 some degree. No centralized search and retrieval  
20 mechanism for new documentary materials or integrated  
21 search for existing and new materials. Another con is  
22 the lack of a centralized document numbering system  
23 for documentary material. And also no established  
24 process for modification or deletion of existing  
25 headers or documents currently in the LSN library.

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1           We've also prepared a rank summary for  
2 each of the options. This chart reflects a summary of  
3 the estimates for each of the options as compared to  
4 the other options for cost, time, implementation,  
5 risk, and the pros and cons to arrive at a raw score  
6 ranking. None of the ranking factors have been  
7 weighed, so they all are basically treated the same  
8 way.

9           In this chart, in general, the lower  
10 numbers are the least costly, can be implemented the  
11 fastest, have the least risks associated with  
12 implementing the solution, and have more pros and  
13 cons. For Option 1, as you can see, it is ranked  
14 highest for cost, time, and implementation risk but  
15 highest for cons over pros, as those are described in  
16 the previous slide.

17           I should make one other comment, as well.  
18 We had discussion this morning about sizing.  
19 Obviously, one of the main things that drives this  
20 option is the size of the database that we're talking  
21 about. As I mentioned before, if we're talking 10,000  
22 to 15,000 documents, that's something we deal with in  
23 discovery already. Again, this is new material. If  
24 we're not talking about that size, then that becomes  
25 more important.

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1           Having lived through having to resize the  
2 LSN several times after the database had been  
3 established and had to re-size it twice, actually,  
4 because the Department of Energy found they had more  
5 documents that needed to be put in, that is not  
6 something we want to do if we can avoid it. So  
7 notwithstanding the fact that I understand the  
8 concerns you had about being able to provide us with  
9 accurate information, given funding and other issues,  
10 it is very important for this option and the others  
11 that we're talking about today that we have accurate  
12 sizing information to the degree we can get that. And  
13 it really was an important factor in setting up the  
14 original LSN.

15           And with that, I will turn to Chip.

16           MR. CAMERON: Okay. Thank you very much,  
17 Paul. Okay. We're going to go to those of you in the  
18 room for discussion of Option 1, your thoughts on  
19 that, perhaps a rationale for why you like it or don't  
20 like it. And then we'll go to your colleagues on  
21 GoToMeeting.

22           So once again, anybody want to put their  
23 name tent up to tackle this one? And let's go, we'll  
24 go to Bob and then, Marty, we'll come over to you.

25           MR. HALSTEAD: Oh, I'm sorry. I didn't

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1 see that. Just a clarification on what Paul was  
2 saying, that the way that the traditional discovery  
3 has been presented is that there would continue to be  
4 NRC maintenance of the public LSN system. So the  
5 traditional discovery would be for the new documents.  
6 Did I misunderstand that?

7 MR. CAMERON: No, that's correct.  
8 Correct.

9 MR. HALSTEAD: Okay. I think that's an  
10 important distinction in that I think there are a lot  
11 of people who, frankly, are willing to say, well, my  
12 goodness, you know, we're moving forward technically  
13 why, you know, why would we even consider seriously  
14 traditional discovery. I think, particularly if you  
15 have a number of documents, I think, you know, Paul  
16 has properly focused that. Thank you.

17 MR. CAMERON: Okay. Thanks, Bob. Marty,  
18 do you want to say something? And if you do, put it  
19 on the mike.

20 MR. MALSCH: I just wanted to clarify my  
21 understanding would that using traditional discovery,  
22 the documents that would be disclosable would be the  
23 same as would be disclosable under an LSN or LSN  
24 replacement. So, for example, there's a waiver of  
25 privilege for circulated drafts. There would still be

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1 a waiver of that privilege under traditional  
2 discovery. I mean, if you just took the reg and  
3 applied it, that waiver wouldn't so clearly apply.

4 Also, I'm assuming that discovery  
5 traditional would be available to participants that  
6 were not parties. Again, that's true under Subpart J.  
7 It's not usually true under traditional discovery as  
8 such. So I'm assuming that, if there was traditional  
9 discovery, it would be extended to participants who  
10 are not parties.

11 MR. CAMERON: So what's you're suggesting  
12 is that if this option was selected, there would have  
13 to be some necessary realignment, so to speak, between  
14 Subpart J and traditional discovery techniques to not  
15 take away some of the advantages in Subpart J?

16 MR. MALSCH: That's correct.

17 MR. CAMERON: Okay, all right. Do you  
18 want to add anything, Paul? You don't have to. I'm  
19 just . . .

20 MR. BOLLWERK: Do you want us to wait  
21 until the end?

22 MR. CAMERON: No, no -- yes, wait until  
23 the end. That's good. That's good. Anybody else at  
24 the table? Anybody else before we go out there?  
25 Okay. GoToMeeting.

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1 MR. LACY: This is Darrell Lacy.

2 MR. CAMERON: Hi, Darrell.

3 MR. LACY: I don't think we're a big fan  
4 of going back to traditional discovery. It's already  
5 got the LSN information on there, so Option 2 is our  
6 preference.

7 MR. CAMERON: Okay. Basically, you're  
8 saying what you said before about Option 2 and that  
9 you're not a big fan of traditional discovery. Okay.

10 MR. LACY: We've been using electronic  
11 discovery for years on this, and we think that's the  
12 proper approach.

13 MR. CAMERON: Okay. Thanks, Darrell. And  
14 before we come back to the table, let's see if there's  
15 anybody else out there on GoToMeeting. Okay. And we  
16 probably don't need to check the phones, correct?  
17 Okay. So we're coming back to the table to bring up  
18 any other issues you want to about Option 1,  
19 traditional discovery but anything to address  
20 Darrell's comment, Bob's original comment, what Marty  
21 threw in for us. Let's go to Anne first.

22 MS. COTTINGHAM: Thanks, Chip. NEI just  
23 wants to concur with the remarks of Nye County that we  
24 do not think Option 1 is the way to go.

25 MR. CAMERON: Okay. So you agree with Nye

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1 County on that one?

2 MS. COTTINGHAM: Yes.

3 MR. CAMERON: All right. Thanks, Anne.

4 Bob?

5 MR. HALSTEAD: I want you to go to your  
6 board with your marker and write that the existing  
7 electronically-searchable LSN collection would be  
8 retained, again, because I think that's an important  
9 distinction to make. We're talking about 3.6 million  
10 documents and the possibility that so far you've heard  
11 that maybe 5, 10, 15, or 25,000 documents would be  
12 added. So I think it's important that people not just  
13 throw this out, that the traditional discovery  
14 supplemented by continuation of the existing system,  
15 I'd like to see you recognize that on the flow sheet.

16 MR. CAMERON: And this is sort of an  
17 application?

18 MR. HALSTEAD: Yes. I don't think that  
19 carries it for those of us who live, eat, sleep, and  
20 breathe this. Yes, we know that, but there are many  
21 people, I think, who don't understand what the current  
22 system is. I think there are many people, you know,  
23 in our case, we've spent a lot of time doing  
24 electronic document searches. We probably have, I  
25 would say just our team that's here today, I believe

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1 we have about five decade persons' worth of searches  
2 just between Marty and Laurie and myself. And I think  
3 people who haven't used either the previous system or  
4 the existing system may not understand that, for all  
5 the faults we've documented with it and that they're  
6 certainly going to be discussed with the  
7 publicly-available portion now, that there is an  
8 interestingly strong base, I think, there.

9 MR. CAMERON: Okay. Does Option 1 only  
10 for new documents, plus LSN ADAMS for the existing 3  
11 million plus; is that --

12 MR. HALSTEAD: Yes.

13 MR. CAMERON: Okay. All right. Thanks,  
14 Bob. Anybody -- Jessica?

15 MS. BIELECKI: Just a clarification  
16 question or something to keep in mind. While the 3.69  
17 million documents will be available through ADAMS, any  
18 of the new documents will not be available, right,  
19 Judge Bollwerk? You were saying those would not be  
20 publicly available, so they would not be easily  
21 searchable.

22 MR. CAMERON: Yes, you better --

23 MR. BOLLWERK: Right. So let me be a  
24 little more specific about it when I talk. For  
25 instance, when the staff now files its list in the

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1 EHD, each document is listed with an ADAMS, ML  
2 accession number, excuse me. So, in theory, someone  
3 can go to the ADAMS system and look at that document  
4 anytime they want to. They can download it, they can  
5 do whatever they want with it.

6 One of the ways, obviously, that this  
7 could be implemented would be for the other parties,  
8 particularly the parties that are going to have major  
9 document collections such as the Department of Energy  
10 or the State of Nevada. If you were willing to post  
11 those documents on your website and every month or  
12 whenever the periodic lists were put together, list  
13 your accession numbers on those lists, and that  
14 document database was available, then, in theory,  
15 everyone could go and look at them. The public would  
16 still have access to them.

17 The question becomes, certainly for public  
18 participation, other than anybody that hasn't listed  
19 them that way, how do you get those documents and in  
20 fear that they would not be publicly available, as,  
21 frankly, most discovery material in a regular case is  
22 not. Did I answer your question?

23 MR. HALSTEAD: Thank you for that  
24 clarification. That helps me very much. Thank you.

25 MR. BOLLWERK: I think Marty made the

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1 point that, you were talking about interested  
2 governmental participants. There's normally a  
3 question, you're right, about their availability to  
4 get discovery. I don't think this option envisions  
5 any change in those definitions within the rules, no.

6 MR. CAMERON: Okay. So there's sort of an  
7 asterisk here is that new documents could be made  
8 available, they will be made available in the NRC.

9 MR. BOLLWERK: Again, that's standard  
10 practice with the way the NRC staff does it, and we  
11 see different things from other parties. But, yes,  
12 that's the standard way the NRC staff does it. And,  
13 again, how the documents are distributed among the  
14 different parties is a matter that generally is  
15 negotiated by the parties as part of the initial  
16 discovery process. They decide who can do what and  
17 how the best way for them to exchange the documents  
18 among themselves and work it out. And then,  
19 generally, the licensing board will issue an order  
20 that memorializes all that and everybody goes off and  
21 does their thing.

22 MR. CAMERON: Okay, good. Anybody on  
23 GoToMeeting that wants to talk about Option 1? No one  
24 has their tent card up? Okay. Well, let's see. I  
25 have to ask any member of the public? Tommy may be

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1 the only one. Okay. No one in the room. Is anybody  
2 on GoToWebinar from the public who wants to talk?  
3 And, Brandon, are you still with us? Is Tara? Tara?

4 OPERATOR (TARA): Yes, I'm still here.

5 MR. CAMERON: Can you see if there's  
6 anybody on the public phone that wants to say anything  
7 to us?

8 OPERATOR (TARA): Of course. If you would  
9 like to ask a question, please press \*1 on your phone  
10 and record your name clearly. One moment, please. I  
11 show no questions at this time.

12 MR. CAMERON: Okay. Thank you, Tara.  
13 Well, we're ready to move on to Option 2, and this  
14 should be an interesting discussion. And we're going  
15 to have K.G. Golshan do a presentation. And then what  
16 we're going to do is Laurie Borski from the State of  
17 Nevada team is going to share the results of her  
18 considerable research on the existing LSN ADAMS  
19 library.

20 And at that point, I think we're due for  
21 a break. Before we go to the break, though, K.G. and  
22 some of his colleagues, Tom Wellock who's here at the  
23 table, they're just going to give a few slides in  
24 terms of their impressions of Laurie's research. Then  
25 we'll take a break, and then we'll come back and we'll

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1 start our discussion. K.G.?

2 MR. GOLSHAN: Okay. I'm going to try to  
3 use the clicker here. Good afternoon, ladies and  
4 gentlemen. My name is K.G. Golshan from the Office of  
5 Chief Information Officer. Thank you for this  
6 opportunity, and I'm going to just take a few minutes  
7 of your time for the Option 2 today and, hopefully,  
8 Option 3 tomorrow.

9 We are responsible, our group is  
10 responsible for implementing the final Commission  
11 decision regarding the Licensing Support Network.  
12 Now, before I start the discussion, I want to bring in  
13 a couple of points into perspective. As my colleagues  
14 have mentioned in earlier presentations, the current  
15 LSN library, as a result of Commission order to make  
16 3.6, close to 3.7 million documents that was used by  
17 staff to prepare the SER and the EIS publicly  
18 available. I don't think it was ever intended to be  
19 the, at its current form, to be intended to be the  
20 litigation database. That was not.

21 This platform, as Watson, IBM Watson, we  
22 installed it out of the box, exactly out of the box  
23 with, you know, the original configuration on a bare  
24 minimum infrastructure due to budgetary constraints,  
25 which everybody is aware of. So with that in mind,

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1 let us start the conversation.

2 This option, as I said, leverages the  
3 current platform, the current investment of NRC, has  
4 two alternatives as far as for intaking the new  
5 documents and also requests for modifying the existing  
6 collection. Before we proceed, two assumptions that  
7 I want everybody to keep in mind is that, for the  
8 first alternative which is leveraging the Electronic  
9 Information Exchange as the mean for bringing new  
10 submissions or the requests for modifications of the  
11 collection, in order to justify that investment, we  
12 are assuming that the average number or the total  
13 number of header document actions per month will be  
14 about a thousand for the duration of the proceeding.  
15 So that is an assumption. Otherwise, really a cost  
16 benefit analysis that whether we spent money for this  
17 option, for this alternative, whether it would be  
18 worthwhile. The other assumption is that the NRC  
19 would be responsible for the federal record-keeping of  
20 the existing documents and any new documents that are  
21 submitted to NRC for, you know, to publish, to be  
22 published to LSN.

23 So two alternatives, as I mentioned, this  
24 option leverages the Watson technology that's already  
25 in place. Watson is one of the leaders, I make that

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1 statement because we've done our research, is one of  
2 the leaders in the market. Using Watson, parties can  
3 perform simple or advanced searches on bibliographical  
4 information and the content of the documents in the  
5 public LSN library.

6 Two alternatives for adding, deleting, and  
7 modifying documents and headers. The first  
8 alternative uses the existing Electronic Information  
9 Exchange, as Russ, my colleague, talked about. And  
10 the second option is a manual submission. We say  
11 semi-manual because the process of publishing and  
12 capturing these for record-keeping and publishing it  
13 to the public LSN, those processes will remain  
14 automatic.

15 Neither of these alternatives require any  
16 substantive changes, except, of course, meeting the  
17 requirements, as Mr. Halstead mentioned about some of  
18 the basic requirements that we have to revisit and  
19 these functional enhancements that has to be made to  
20 the current platform to bring it up to par and usable  
21 for the participants. In both cases, logs of changes  
22 will automatically be generated on a nightly basis and  
23 it will be published in the public LSN library home  
24 page.

25 The key difference between the

1 alternatives. The alternative one leverages the EIE,  
2 which you, by now, are aware of what it is, and it  
3 provides three ways for users to submit new documents  
4 or request to change or delete documents and header  
5 information. One is that one at a time the  
6 bibliographical information are typed into form and  
7 you attach the PDF document, of course, if the PDF  
8 document is publicly available. The second way is the  
9 interface allows the upload of a list of multiple XML  
10 files which represent the bibliographical information  
11 and then the corresponding PDF documents which are  
12 attached in the form of a list. And the third is  
13 using a bulk load, which is a collection of the  
14 documents and the bibliographical information are  
15 loaded. And, of course, LSN accession numbers are  
16 assigned as these documents are loaded. The same  
17 three ways would be available for making changes or  
18 requesting changes or deletion of the documents from  
19 the existing collections.

20 EIE provides an advantage since it has  
21 been used by the participants previously and it is a  
22 stable and a reliable system, as well as it provides  
23 the security controls and the secure transmission of  
24 the documents which are managed through digital  
25 certificates.

1           Now, the second alternative for the  
2 intake, removal, and modification utilizes this  
3 semi-manual process. In this alternative, parties  
4 would be required to make their submissions to an  
5 authorized NRC individual on an electronic media, like  
6 CD or a DVD. Now, as before, a daily log of all these  
7 transactions are generated and posted to the LSN home  
8 page.

9           This slide shows the time and the cost.  
10 The cost and time all is incurred by NRC for  
11 activities such as contracting action, design,  
12 solution design and development, and implementation,  
13 deployment, and testing, and, of course, functional  
14 enhancement that may be required to this platform to  
15 make it the litigation database.

16           Now, the gray boxes there, it basically  
17 shows how the time and cost of these two alternatives  
18 rank among other alternatives and options described in  
19 the option paper. Option 2, alternative one, ranks  
20 four for both cost and time; and Option 2, alternative  
21 two, ranks three for both time and cost.

22           The risk factors, as Judge Bollwerk  
23 mentioned, are calculated based on the impact and the  
24 likelihood of occurrence of these risk factors shown  
25 in the blue bar. And the ranges of these risks are 6

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1 to 54, and the 6 being the lowest risk and 54  
2 presenting the highest risk solution. And the risk,  
3 you know, the risk factors have been collectively  
4 argued and decided, and this is what we have come up  
5 with, 15 for both alternative one and alternative two.

6 Now, this slide shows pros and cons common  
7 to both alternatives. The pros are it's a relatively  
8 quicker implementation. It utilizes a centralized and  
9 a single repository, leverages an investment that NRC  
10 has already made, continues with the standardization  
11 of the LSN accession numbering scheme, and the search  
12 platform, it's a robust, it's a leading search  
13 platform, and then automated audit capabilities is  
14 also available. The cons is additional cost  
15 associated with federal record-keeping, although NRC  
16 will maintain the collections but additional steps are  
17 required by the participants to make their additions  
18 and deletions to their collections. And  
19 modifications.

20 And the unique pros and cons to the  
21 alternatives, for alternative one, since it's all  
22 electronic and it's automated, it allows for a quick  
23 processing of large volumes of the documents. The  
24 cons for the alternative one is the aggregate size of  
25 the submissions, both headers and the documents, could

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1 not exceed 100 megabytes, although I have to bring to  
2 everybody's attention that number is currently under  
3 review and that number will be increased. I'm not in  
4 a position to tell you what that number is at this  
5 juncture, but that number will be increased. If I  
6 have to guess, I'd say it will be at least twice as  
7 much of this.

8 The alternative two semi-manual process,  
9 there's no submission size restrictions there. And  
10 then, of course, since it is partially manual, for  
11 larger volumes of submissions there may be a  
12 processing delay.

13 This slide, it's an overall ranking of  
14 these two alternatives in relationship with the other  
15 alternatives and options. So, you know, again, each  
16 of the rankings are there for these two alternatives  
17 in the green rows for cost, time, risk, pros and cons,  
18 and the total.

19 So with that, I will defer to Chip to see  
20 whether we could answer any questions and any  
21 concerns. Thank you very much for your time.

22 MR. CAMERON: Thank you, K.G. And we're  
23 going to have Laurie Borski from the State of Nevada  
24 legal team. You can come up here if you want, Laurie.  
25 And she's going to go through the results of her

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1 research on what's known as ADAMS LSN, and then we're  
2 going to have Tom or K.G. will come up and just say a  
3 few -- yes, yes, yes.

4 We're supposed to take a break at 3:30.  
5 I don't know where we'll be at the end of that, but  
6 what I don't want you to lose sight of is that  
7 Laurie's research is focused on the existing LSN  
8 ADAMS. I don't want you all -- and we'll discuss that  
9 as much as we want, but I don't want you to lose site  
10 of the two so-called leveraging alternatives that are  
11 associated with Option 2. Certainly existing LSN  
12 ADAMS is the foundation and important. But when we go  
13 to discussion, if you want to talk about the  
14 leveraging alternatives, let's do that, too. Laurie?

15 MS. BORSKI: Thank you. Good afternoon.  
16 My name is Laurie Borski. I'm a paralegal. I work  
17 with Egan Fitzpatrick Malsch & Lawrence, and they are  
18 special deputy attorney generals for the State of  
19 Nevada, hence my involvement and work for the State of  
20 Nevada.

21 Just by way of background, generally, I  
22 have over 30 years, it doesn't seem possible,  
23 litigation and trial experience as a paralegal. And  
24 I have used many litigation support systems, some  
25 early on in their stages and some later on. I have

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1       been responsible for large databases of documents,  
2       whether they be in paper form, even foreign language  
3       forms, and the digital.    So I've gone from Bates  
4       numbering by hand-stamping to using early versions of  
5       Compulit   and   Summation   and   Concordance,   which  
6       basically searched by an index that was prepared by  
7       the user.    So they were very much garbage-in  
8       garbage-out type of deals.   And then my favorite was  
9       Liquid Litigation Management, which was a database  
10      that PDF documents in OCR format, and you could search  
11      for any word in any documents.   So it didn't matter  
12      that you had the equivalent of 100 boxes of documents.  
13      You could find anything very fast.

14                So I was asked to analyze the public ADAMS  
15      LSN library, which I'll call ADAMS LSN just for short.  
16      That's the knowledge base I brought into it.

17                So my concerns have been, as experienced,  
18      and I know that this is something that changes a lot,  
19      but some problems have been resolved, for example, but  
20      too many significant error messages were being  
21      received by me for a database that was so advanced in  
22      development.   I could not, for example, ask to display  
23      a hundred documents at a time without getting an error  
24      message.

25                The LSND R D-2.1 said sites must be

1 provisioned to be able to satisfy not less than 500  
2 web page requests per minute. That was on the old  
3 LSN. And my question was does the ADAMS LSN have the  
4 same capability? And Margie was talking about 500  
5 hits, about when you have a lot of people involved in  
6 an active proceeding, it's going to go up  
7 exponentially. So I just don't know. I'm not a  
8 techie type person, so I just don't know. But it's  
9 possible there could be 200 people on ADAMS at the  
10 same time, not only the parties in a proceeding but  
11 the judges, their staff, the NRC litigation staff  
12 people and their staff, and then the public,  
13 interested member of the public, and all the  
14 participants and their staff.

15 So in my experience, attorneys usually  
16 don't work alone. They have support staff work with  
17 them. And so it would not be uncommon for a  
18 participant to have attorneys and staff members all on  
19 the same system all at the same time doing different  
20 things.

21 Nevada asked several different people on  
22 our team to conduct specific test searches on ADAMS  
23 LSN and the same problems became evident to all  
24 searchers at the same time. So it wasn't just me, it  
25 wasn't just somebody else.

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1           Quotation marks, I found, must be freshly  
2 typed because if they're copied from another document  
3 they're disregarded. The ADAMS LSN feels very clunky  
4 to the end user compared to other NRC and .gov  
5 websites and litigation databases. NRC has spoiled me  
6 a lot with the old system, the EIE and the EHD and the  
7 DDMS, so that's kind of a standard to which you're  
8 being held now, I'm afraid.

9           The document preview windows don't always  
10 close. They don't always have a button to allow you  
11 to close. And so I've had to actually exit the  
12 program and then get back in. The computer problems  
13 experienced during the second ADAMS LSN webinar with  
14 freezing were reflective of user experience.

15           NRC documents occasionally download with  
16 a default number that is not the LSN number and it's  
17 not an ML number, but it's something totally  
18 different. And sometimes it has a letter prefix and  
19 sometimes it does not. So for me, I would have to  
20 download the document and name all three names in  
21 there so I could find it in the future.

22           Speed. Slow speed was an issue with the  
23 LSN and not with web-based ADAMS so much and not with  
24 the other ADAMS sites that I use for the 10 CFRs and  
25 whatnot. LSNDR D-2.2 says sites must be provisioned

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1 to deliver a web page or image page, on average, in  
2 not more than five seconds to a web browser located on  
3 the same LAN segment. This was the old LSN, but I  
4 wasn't getting five seconds on the new one. Most of  
5 my basic searches took and still do one to four  
6 minutes to return a result. It took greater than two  
7 minutes to narrow the results. It was almost as if  
8 the system was conducting a whole new search instead  
9 of searching within the results. The default setting  
10 was used for number of entries displayed, so that was  
11 not an issue here.

12 Searches were generally fastest if I had  
13 an LSN number. Unfortunately, that's not always a  
14 luxury.

15 My searches are more basic and broad to  
16 discover what is on the LSN rather than trying to find  
17 a particular document that I know is there or may be  
18 there. One of my discoveries was that there's no  
19 one-click printing of search results, and this is a  
20 major database software error. One-click printing of  
21 search results was available on the old LSNnet.gov.  
22 I was told by the LSN IT that they would explore it as  
23 a future option, and I totally understand budgetary  
24 and procurement issues that necessitate that response.

25 Printouts are used for many purposes. In

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1 my instance, I have one attorney that likes to see  
2 what's there so he can ask me to download or print  
3 certain of those documents that he thinks are most  
4 relevant. Other times, printouts are used to show as  
5 an exhibit or evidence of what is or is not on the  
6 LSN. So they would be exhibits during a licensing  
7 proceeding.

8 Users cannot cancel a request in progress.  
9 And here, again, web-based ADAMS has spoiled me for  
10 this, but this applied to search requests, page  
11 scrolling, and refining searches. And this is an  
12 issue because of the slow speed and the time it was  
13 taking to conduct these searches and advanced  
14 searches. The web-based ADAMS cancellation works, and  
15 it works well. I've tried it many, many times.

16 Scrolling through pages of search results.  
17 This was interesting. It took more than ten minutes  
18 for one of our team members to scroll through 1124  
19 search results at a hundred results a page. He was  
20 able to get it to display a hundred results, but then  
21 it took that long to get to the final one.

22 Scrolling through large search results  
23 stops for me at document number 3,000. That's all it  
24 would show. It did not matter if I was displaying 25  
25 or 50 or 100 results per page, I could never get more

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1 than 3,000. And all too often, a chance to scroll  
2 results were ending in a repeated error message for  
3 me, which meant I had to get out of the system and get  
4 back into the system.

5 There's no ability to page jump through  
6 search results by typing in a desired page number to  
7 view. I would just have to rely on it coming up and  
8 it would tell me there are, it was showing 10 to 25 or  
9 10 to 20, and click to 20 and then I'd just go from  
10 there. And so I had to go through five or ten pages  
11 at a time. It takes a lot of time.

12 Documents previewed. On the old LSN, you  
13 could click on the document title and it would  
14 actually bring up the document so you could see what  
15 it was, what it looked like, because that was  
16 important sometimes. The preview does not exist in  
17 the option to view the PDF in the action drop-down,  
18 and, on our team, the ability to preview a PDF has  
19 differed by user but not necessarily the internet  
20 browser used. At one time, I thought, oh, okay, with  
21 Chrome, you can actually preview the document, but  
22 with Mozilla Firefox you cannot. Well, I have now  
23 proven that wrong, so I'm not sure. It could be a  
24 setting on my browser or it could be the system.

25 The file view of the document is text only

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1 and is not reliable enough to use to confirm a  
2 document search, especially if you're looking for a  
3 document that may have an image on one of the pages.

4           Next, we move to the actual landscape of  
5 the LSN search. The facet chart has the same  
6 information as the facet tree. It's located on the  
7 right-hand side of your screen. Its function seems to  
8 be that it merely visualizes the search results that  
9 are shown in the facet tree on the left side of the  
10 screen. It doesn't allow scrolling down to see the  
11 entire listing for a given property. For example, if  
12 I ask it for a display of document types and there are  
13 more than, like, seven of them, and I want to keep  
14 going down to see where the end is but I can't because  
15 there's no scroll bar.

16           The facet charts are not even mentioned in  
17 the LSN quick guide. The LSN user guide says the  
18 facet chart allows you to visualize how many documents  
19 are available as meeting a certain criterion, but the  
20 facet tree on the left-hand side gives you the actual  
21 number of types of documents for whatever property you  
22 choose. The facet chart takes up too much real estate  
23 on the screen without providing any benefit, in my  
24 opinion. And it often lags behind a current search,  
25 displaying the results from my previous search if the

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1 new search returns zero hits. So I don't use it.

2 The facet tree. The more facet displays  
3 for greater than 15 facet results, and there's a  
4 smaller screen and it does take some getting used to.  
5 Sometimes, the slider does not operate, so you cannot  
6 scroll over to see more than a certain number. And  
7 the LSN numbers and the participant accession numbers  
8 listed in the facet tree are not in the same order as  
9 those displayed in the list of document search results  
10 by default.

11 The time series at the bottom has the same  
12 information as the facet tree. It merely visualizes  
13 search results shown in the facet tree and takes up  
14 too much real estate on the screen without providing  
15 any benefit, in my opinion, so I don't use it.

16 The advanced search feature takes up most  
17 of the screen and does not retreat from the screen  
18 once enter is pressed, as in most search software.  
19 Users must manually click on hide advanced after every  
20 search or modification in order to see more than one  
21 line of search results, especially if you have your  
22 time bars at the bottom still showing.

23 When changing the field query property,  
24 the previous search term should disappear, as it does  
25 on web-based ADAMS but, instead, must be manually

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1 deleted each time.

2 Document dates. This was fun. Some of  
3 these problems I know have been addressed and  
4 resolved. The user should be aware that the original  
5 LSN database, as much as we loved it, contained many  
6 document date errors and those were all propagated to  
7 the ADAMS LSN because NRC did not change the documents  
8 they were given by anyone. And so just users should  
9 just be aware of that.

10 An advanced search for documents dated  
11 between January 1, 1900 through December 31, 1901,  
12 which would be the default date for a partially-dated  
13 document or undated document, returned 35,322  
14 documents dated between 1899 and 1902. Eleven of the  
15 documents were dated December 31, 1899. I think that  
16 may be one of the things that's been solved now.

17 Over 3,000 were dated 12/31/1900. I was  
18 not able to go past that because of that little  
19 scrolling problem. And a search for documents dated  
20 12/31/1900, and there are some, returns zero  
21 documents, so you cannot find the document if you know  
22 it's dated 12/30/1900, and that's all you have to go  
23 by.

24 I've given some numbers that displays  
25 having a date of 1900 in the header but then on the

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1 time search bar it shows 1901. Three documents I've  
2 also put in here, but when you search for dates  
3 between 1902, just in 1902, two of them are dated in  
4 1901 and one is dated 1902.

5 Related records I had a problem with, and  
6 I highlighted the actual numbers of the ones that I  
7 could not find. I might get a document that had eight  
8 related records. I could get to seven of those  
9 records but not to one of them. So if all I have is  
10 the participant accession number and I can't find the  
11 document, is it on the LSN? Is it not on the LSN?  
12 What am I doing wrong? There's got to be a way to  
13 solve this problem.

14 I searched for a document title on a  
15 presentation, and I thought that if I had a partial  
16 title that it would search. But that was not the  
17 results I was getting. So I now understand there may  
18 be an issue with document in grayscale as being read  
19 by the OCR.

20 I had a long title of a document, so I  
21 went ahead and searched on the whole document title  
22 and got zero results. So then I broke it down to the  
23 second half of the title and got zero results. And  
24 the third search was on the front portion of the  
25 title, and I got 58 results, including 13 direct hits.

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1 So it's hard to know if you can, if you're looking for  
2 a document as not being returned in a search by the  
3 participant accession number and that's the only  
4 information you have, how are you supposed to find the  
5 document?

6 There's also a difference between  
7 participant accession numbers and document numbers,  
8 and apparently a document number, it displays in the  
9 properties but it might be a copy of the same document  
10 that has a different participant accession number on  
11 it but they're related.

12 A basic search of a known paper yielded  
13 seven results, three of which were the correct NRC  
14 documents but the other four had no words highlighted  
15 in the blurb. And so I'm not sure how they were  
16 relevant, and I didn't want to take the time to  
17 download and search them.

18 In the olden days, before the licensing  
19 proceeding was suspended, we had an issue with a  
20 document that was titled "TDMS\_Master\_32807," and one  
21 of our beefs was that you cannot find this because on  
22 the LSN this was a title that was given to the  
23 document. It's not the proper title for the document.  
24 And so I tried to search for it again on this ADAMS  
25 LSN and found that it is now part of a longer title,

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1 so I'm assuming that that got changed during the OCR  
2 process somehow and NRC inherited this as it is.

3 Let's see. I did an advanced search by a  
4 participant accession number and got one hit and then  
5 tried for another, and this time I got two hits and it  
6 took four minutes plus to perform. The advanced  
7 search by exact phrase returned two hits took over  
8 four minutes to perform. So if you're trying to find  
9 all versions of a document to include those with  
10 marginalia, is there a more efficient way to perform  
11 this search? I usually assume that whatever goes  
12 wrong is something that I'm not doing right, so I try  
13 to approach it from that point of view.

14 I've asked if there would be a help desk  
15 for the LSN in a restarted proceeding that was similar  
16 to the help desk we had in the other proceeding before  
17 it was suspended. I'm afraid you guys have just  
18 spoiled me rotten on this one. That help desk was so  
19 awesome, so I hope to see it again. Otherwise, if the  
20 licensing proceeding is restarted and, say, we are in  
21 Las Vegas in a licensing hear, then at 1:00 local time  
22 there would be no one to help with IT issues. And so  
23 I think we can all know that computers can hear us  
24 think and talk sometimes, and so that's when problems  
25 would likely occur.

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1 Right now, LSN errors are reported by  
2 going to the PDR library and then she forwards them on  
3 to an LSN IT person. Responses are usually not the  
4 same day, and if additional information is requested  
5 from the user there's no feedback unless the user  
6 specifically follows up on it.

7 And I've had several help desk  
8 experiences. Most of them are experiencing a delay in  
9 getting back to me. I wait for a week. If I haven't  
10 heard something, then I contact PDR again and say have  
11 you heard anything on this from LSN IT? Like when I  
12 discovered that you couldn't print document results or  
13 search results, I asked about it. And so I followed  
14 up in a week, and they said it would be explored as a  
15 future option. Okay, fine. So then a week later a  
16 cut-and-paste workaround was offered to the public via  
17 LSN FAQs, and then only on the following day after  
18 publication to the world was I given an email with the  
19 same information. And the workaround is not  
20 satisfactory.

21 When I experience an error message, I  
22 report them because I believe that makes the system  
23 better because you don't know what's wrong if I don't  
24 tell you. And my report usually includes a what did  
25 I do wrong, and so I would appreciate something that

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1 says you didn't do anything wrong, it's just the  
2 system, because I know that to err is human but to  
3 really screw things up it takes a computer.

4 So I just, that's the end of my remarks.

5 MR. CAMERON: Thank you. I was going to  
6 make a joke and say is that all you found, but I  
7 won't. But thank you, thank you, Laurie. That was  
8 very thorough, and we thought it would be helpful to  
9 hear from the NRC LSN staff just a few thoughts on  
10 Laurie's findings. Tom, do you want to come up here  
11 or do you want to stay? K.G., you're going to do it?  
12 Okay. Okay, K.G.

13 MR. GOLSHAN: So first of all, I mean  
14 that, Laurie. I'm very, very grateful that you spent  
15 the time and you're sharing your experiences with us.  
16 And I want to kind of give you our side. Hopefully,  
17 you understand, you know, the limitations on our side.

18 As I said during my presentation, the  
19 intention of this public, the public library was never  
20 to be the, in its current form, was never intended to  
21 be the litigation database. And we never intended to  
22 really compare it with the old LSN, although I have no  
23 experience with the old LSN. It was not there. So  
24 it's been installed out of the box with the original  
25 configuration on a bare minimum configuration, like,

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1 you know, literally one server, as you and I discussed  
2 about it. So some of the slowness and all of that  
3 that you experienced is because it really doesn't have  
4 much power because we really didn't anticipate that  
5 many people hitting it at one time since the  
6 litigation is not going on.

7 But let's go through the error messages.  
8 The 3,000 results, you are absolutely right. That was  
9 a configuration, the buffer size that Watson was  
10 shipped with. We have upped the limit, so that  
11 problem has gone away.

12 The other thing which was the original  
13 configuration was that, and my friend, Tom, is going  
14 to go into detailed explanation of it, was that the  
15 product was shipped configured for time zone  
16 sensitivity. In other words, it adjusted the dates  
17 based on the time zone of the place where you  
18 conducted the search. So we turned off that feature,  
19 so that should be in production and so you should not  
20 see that time zone anomaly there.

21 So increased computing power and site  
22 traffic and the speed, I agree with you. In its  
23 current state, if you put in 200 people and perform a  
24 complicated search, the system is not configured to  
25 handle the load. You're absolutely correct on that.

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1           The scrolling part, that we are going to  
2 address. And I said that these are the concerns that  
3 we may address, and the reason that we may, we put the  
4 word "may" there is because, you know, spending money  
5 on this option to enhance it, to meet certain  
6 requirements, if this option is not going to be the  
7 selected option, you know, there's a cost benefit  
8 analysis there.

9           But the scrolling function, you know, I  
10 wanted to bring it to your attention, all the panes  
11 that are within the Watson UI are collapsible. So if  
12 you don't like the dynamic facet chart, you could  
13 easily collapse it and it will kind of get out of your  
14 way. You find no use for it, and the facet tree will  
15 serve you better, you could keep that pane. And also  
16 the time series pane, it's the same way. So all of  
17 these panes are expandable or collapsible, so you  
18 could actually modify them to meet you.

19           And then page numbering, those things we  
20 could easily add. Those are the features, as Mr.  
21 Halstead brought it up which I totally agree with,  
22 those features or requirements, we could enhance the  
23 platform to be meeting those requirements if this  
24 option, of course, is selected.

25           And then the other thing is that we really

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1 haven't spent any much time to really study the  
2 efficiencies of the indexes and try to enhance the  
3 indexes, which actually makes your searching  
4 experience more robust. At that time, we didn't have  
5 the luxury, nor the budget, to really spend time to  
6 enhance these indexes and all of that.

7 So thank you very much, and I'm glad that  
8 you brought up these points and I'm glad that my  
9 colleagues all heard it, so we'll be better prepared  
10 if this option is selected. Thank you so much.

11 Yes, we are going to go -- oh, yes, I have  
12 one. The help desk. Also, we don't have really a  
13 help desk because there is no litigation going on,  
14 there's no proceedings. There's no help desk. And we  
15 have accounted budget-wise for a help desk that  
16 hopefully will be just as robust as the help desk that  
17 you had in the previous LSN. Right now, the PDR staff  
18 have to coordinate their responses and all of that.  
19 That may take a while, which you have experienced.

20 MR. CAMERON: Okay. Now we have Tom, Tom  
21 Wellock.

22 MR. WELLOCK: All right. Hello. K.G.  
23 kind of covered the larger changes that can be made to  
24 this system to deal with some of the issues of speed  
25 and capacity that Laurie identified in her searches.

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1 I'm going to talk about a few of the more detailed  
2 issues here that she brought up and, hopefully, can  
3 get into ways that we could possibly work around these  
4 things or perhaps some modifications, enhancements, to  
5 the existing system that could deal with them.

6 One of the things that she had mentioned  
7 in one of her slides was the issue of a close button,  
8 being able to see it and being able to close out a  
9 certain document. Rekha will, when she gives her  
10 presentation later today about working with the  
11 system, she will actually address that issue, so we  
12 can talk about it then.

13 Given the size of some of these documents,  
14 certainly you want to avoid a download if you don't  
15 have to, especially if you simply want to find out if  
16 a document is relevant. And as she pointed out, there  
17 was one situation where you found three documents that  
18 were relevant, but if you look at the little  
19 descriptor below each of the documents you don't get  
20 any hits, you don't see anything, so you don't know  
21 whether this document is particularly relevant to what  
22 you're doing.

23 Rather than download it, one of the things  
24 that you can consider doing is looking at it in the  
25 preview mode in the text. This is not ideal because

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1 this really depends on the accuracy of the OCR  
2 capability. But if you're simply trying to find  
3 whether a document is relevant, if you open it up, it  
4 opens up the document in text. And there's an advance  
5 button. Again, Rekha can show this in her  
6 demonstration later. There's an advance button that  
7 will take you to the very first text search that you  
8 do. So rather than having to download lots of  
9 documents, you can at least do a quick search to see  
10 if this is a relevant document that is useful to you.  
11 That at least avoids this, you know, that is actually  
12 quite fast and can be done quickly and without too  
13 much pain.

14 One of the other things that were brought  
15 up is the fact that document numbers and PDF names  
16 were chosen by the participants. There isn't a  
17 consistency with NRC documents. For some of the  
18 counties, for example, actually identified their PDFs  
19 by the title rather than document number. So those  
20 are issues that exist with this system regardless of  
21 the option you choose, and so, if those kinds of  
22 things need to be worked out, that is something that  
23 is going to have to be agreed upon and have to be  
24 changed over time. But like I said, regardless of the  
25 option we choose, that would have to be addressed.

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1           Regarding the facet tree, facet chart, and  
2 time series, I'm not a fan of all of them either. My  
3 favorite, I think, is the time series chart. I find  
4 that when I do a search I instinctively look down at  
5 the time series chart, and I look for a pattern in the  
6 times, and that helps me choose what I want to look  
7 for. If you don't like them, you can minimize them.  
8 And, again, when Rekha does her demonstration later,  
9 she'll show you how to minimize those and keep them  
10 out of the way that will actually maximize the amount  
11 that you can look at results. Since a lot of this  
12 involves pulling out windows, especially for the  
13 advanced search, having more real estate on the  
14 screen, of course, is quite important.

15           And, finally, one of the other things I  
16 wanted to mention was advanced searches. Field query  
17 terms, as you pointed out, if you switch between  
18 properties in the field query menu, there's a little  
19 pull-down window that you can select the different  
20 properties and do a search. It doesn't wipe out the  
21 screen. I like that because, very often, if I have,  
22 for example, an addressee affiliation, I then want to  
23 go and flip and look under information source or  
24 author affiliation, all those things I might want to  
25 do. And if I simply tab between them and it doesn't,

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1 I don't have to type it back in. I'm wondering  
2 whether a useful way around this is to simply add a  
3 button next to that box that would allow you to just  
4 clear the screen if that's what you want to do, and if  
5 you want to leave the text it would allow you to do  
6 that.

7 Okay. Specific concerns. K.G. said that  
8 I was going to explain the date and time zone issue.  
9 If a document was entered into the system for January  
10 1st, 1901, it was usually given the time of 12 a.m.  
11 So if you did a search in Texas for that document, it  
12 would pull it up. It pulls up this January 1st, 1901  
13 document, but it will display to you one hour earlier,  
14 December 31st, 1900. So all of the issues that you  
15 identified under your dates on your two slides dealing  
16 with dates, that can be fixed by turning off that  
17 function, as K.G. mentioned, and we're working on  
18 doing that. So that will resolve this date  
19 discrepancy issue. We wouldn't have known that, given  
20 that we do our searches in Maryland. We never  
21 recognized this.

22 Also, titles. Some of the other issues  
23 that were raised dealt with the issue of titles and  
24 not being able to find something that was by doing a  
25 basic search. The titles box was not being searched

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1 initially, and so we have turned that back on. And so  
2 now, instead of the six hits that you find, you will  
3 now find seven. And so that issue has been resolved,  
4 too. So the text of the document and the title are  
5 now all being searched, and so that resolves that  
6 issue.

7 I only picked this up because of that  
8 issue about the OCR not reading grayscale. I can  
9 explain it in more detail later.

10 Finally, I did want to talk about related  
11 records. The one thing you can do for related records  
12 is to, instead of doing title searches, is go to basic  
13 search and look. One of the things that you looked  
14 for was an attachment and all you had was a title, and  
15 you couldn't find it. I did find a document that was  
16 actually the final version of that enclosure that you  
17 had mentioned by doing it that way. But if you're  
18 really interested in trying to find that original  
19 version that was dated as you wanted it, that's not  
20 going to help you. You want those original  
21 participant accession numbers, and that has to be  
22 done, this is not just related to record, there's  
23 other records where attachments or enclosures,  
24 particularly to emails, were not all added to the LSN  
25 database, and so they were not transferred over to the

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1 LSN library when we took possession of them.

2           So for those participant accession  
3 numbers, the solution is to go back to the participant  
4 and find out why those records were not added into the  
5 system. I can't speculate as to why they weren't all  
6 added. But those documents that are not there, this  
7 has been identified previously, those numbers are not  
8 in the current system and you have to go back to the  
9 participant to determine why they're not in the  
10 library.

11           So just in closing, I just want to make  
12 three points. A number of these document issues I'm  
13 talking about here are not really related to the  
14 discussion we're having today, which is to choose an  
15 option. They're going to be an issue regardless of  
16 what direction we choose.

17           Finally, secondly, a number of these  
18 changes had already been made, such as the title  
19 issue, some of the dates. These are issues that we'd  
20 solve. And some of these can be dealt with by adding  
21 additional resources if there's actually a proceeding  
22 and we move forward.

23           So whichever option we select, keep in  
24 mind that we're going to have to do some customizing  
25 along the way. And so these kinds of changes are

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1 normal, and so it's certainly a good thing that we are  
2 exploring how this system works now because it can  
3 only help us down the road, whichever option is  
4 selected.

5 And I'll turn it back over to K.G. Excuse  
6 me, to --

7 MR. CAMERON: Thank you. And thanks, K.G.  
8 and Tom. Laurie, do you have any general reaction to  
9 what you heard from K.G. and Tom? I thought I'd give  
10 you an opportunity to say anything you wanted to say.

11 MS. BORSKI: I very much appreciate the  
12 opportunity to share the knowledge that I was able to  
13 acquire on this. We had a discussion this morning,  
14 some might say ex parte, but they explained these  
15 items to me, so I very much appreciate their taking  
16 time to look at the issues, take them seriously, and  
17 then resolve what they can and put in line to be  
18 resolved the rest. I think it will only help in the  
19 long run.

20 MR. CAMERON: Okay. Good. Thank you.  
21 And we're slated to take a break at 3:30. We're  
22 almost there, so we'll do that. Before we do, I just  
23 want to, we're going to come back and have a  
24 discussion of Option 2 and everything that you heard.  
25 As I said before, though, what we've just heard is

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1 very important because it relates to the foundation,  
2 as I call it, of Option 2. Let's get some comment  
3 also, if anybody has it, on the two leveraging  
4 alternatives that K.G. talked about.

5 And just one clarification. K.G.  
6 mentioned that all of this with the search capability,  
7 etcetera, etcetera, of ADAMS LSN was important for  
8 Option 2. Isn't it also important for these things to  
9 be fixed in terms of Option 1? Okay? Because Option  
10 1 is going to be the new docs, you still have the  
11 foundation, the system. So it's a broader issue than  
12 just Option 2.

13 And with that, let's take a break and  
14 let's come back at, let's come back when we were going  
15 to, at 3:45, and then we're going to have a discussion  
16 of Option 2. Thank you.

17 (Whereupon, the foregoing matter went off  
18 the record at 3:20 p.m. and went back on  
19 the record at 3:44 p.m.)

20 MR. CAMERON: Okay, thank you very much.  
21 This is the last discussion item of the day, and of  
22 course it's an important one. And I just would remind  
23 you that Rekha is going to do an orientation for us at  
24 5:15 or maybe 5:00, whatever. And that you're going  
25 to be able to interact with her during that

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1 orientation, but if you want to fill out a green card  
2 and put a question on there, that may be helpful. But  
3 you don't have to do that.

4 We're going to hear, we're going to go a  
5 discussion around the table, and then we're going to  
6 go to participants on through GoToMeeting. And I know  
7 that Loreen Pitchford has a question, and when we go  
8 to the ARP participants on GoToMeeting, I'm going to  
9 perhaps ask her to clarify it after I read it. We  
10 have a typed version of it, but Loreen will be, maybe  
11 she'll be able to want to express that orally to us.

12 In general for those of you who are on  
13 through GoToMeeting, if you want to hold up your name  
14 tents so that you can be noticed to ask a question or  
15 make a comment, please turn your camera back on. A  
16 lot of people don't have their cameras on. Or you  
17 can, under GoToMeeting, you can hit the chat, you can  
18 do a chat and type something in, it's up to you.

19 And I'm just checking, Phil, are you with  
20 us still, Phil Klevorick?

21 MR. KLEVORICK: Of course I am.

22 MR. CAMERON: Thank you, Phil. I just had  
23 to, I'll be asking you that throughout the meeting.

24 MR. KLEVORICK: You have to make sure I'm  
25 awake, that's good, thank you.

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1 MR. CAMERON: Okay, thanks, Phil. Okay.  
2 You've heard K.G. about leveraging the options, we've  
3 heard from Laurie about some of the concerns about  
4 using LSN ADAMS searching it. And we've heard from  
5 the NRC LSN staff on what they might, what they might  
6 have done, explanations, whatever. So I just open it  
7 up to the table for any discussion on what you've  
8 already heard. Judy.

9 MS. TREICHEL: Okay. Fasten your  
10 seatbelt.

11 MR. CAMERON: So are we getting ready for  
12 what?

13 MS. TREICHEL: Yeah, I'm ready to unload  
14 here. I don't know when this turned into us versus  
15 them, but we've got four options, and no one of them  
16 should be any more important than the other. And  
17 nobody should feel the right to defend this one.

18 And with the vigorous defense that you did  
19 for this one, I want to reiterate again that NRC does  
20 not want to be stuck with this thing if this is what  
21 you end up with. And if they're the sort of problems  
22 that they have right now, the public and possibly  
23 other parties are going to see this as being NRC not  
24 playing fair.

25 But the idea that you're throwing Option

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1 2 out there, that we're supposed to be talking about  
2 in terms of hearings, but yet they Option 2 that was  
3 put up was never expected to be the litigation  
4 database, makes this whole discussion sort of crazy.

5 Because if the thing is being overloaded  
6 now, or if you're saying that it might be, people are  
7 used to Google, and Google gets a billion hits an  
8 hour. And we're talking about this thing maybe having  
9 a little problem if there's 200 hits at the same time  
10 or close together.

11 But, well, number one, I want to go  
12 totally on record that I'm opposed to having  
13 simultaneous hearings happening, or more than one  
14 hearing at a time. But there's a lot of talk about  
15 multiple hearings. That would really tax the system,  
16 and the current system couldn't do it. And I'm not  
17 sure that with the possible work that you're planning  
18 to do on this thing if you're successful in getting  
19 your own option in there, that you'd be able to do  
20 that.

21 So the one thing I liked hearing was when  
22 K.G. said that one of the reasons Option 2 hadn't been  
23 totally fixed is maybe it won't have to be. And I  
24 would hope that to be the case. But these are, I  
25 haven't heard the presentations for Option 3 and

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1 Option 4, but it doesn't appear, from what we've been  
2 doing today and over the last couple of months, that  
3 you're going to fight as hard for those as you have  
4 been for this one.

5 So I would just say that it's, it appears  
6 that this is not being a level playing field for these  
7 options. And there may in fact be other options.  
8 When we did this the first time, and we were working  
9 on it in the late 90s, we weren't even sure that this  
10 kind of thing was possible. Google hadn't been born  
11 yet, so nobody had anything to judge it against.

12 But right now, one of the things that you  
13 may have a problem with is making a choice. If you  
14 actually go out there to honestly look at what's  
15 available, there's all kinds of systems. And Laurie  
16 talked about one that she really liked in the  
17 litigation that she was involved in that worked  
18 beautifully.

19 So there's no end of options. And I don't  
20 think that the time to set it up and the money to do  
21 it need to be terribly important features when you're  
22 looking at something that's supposed to stay, stay for  
23 a million years, and costs \$100 billion. So that's  
24 just my take. And I don't want to argue about it, I  
25 just want to put those things out there. That's the

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1 way it hit me in listening to these presentations this  
2 afternoon.

3 MR. CAMERON: Okay, thanks, Judy. And I'm  
4 not going to answer for the NRC staff. I think that  
5 what we saw that perhaps created sort of a distorted  
6 impression when we heard from Laurie, and then we  
7 heard from the NRC staff, talking about the current  
8 NRC LSN ADAMS. Those problems that were identified  
9 are going to have to be fixed for whatever option is  
10 chosen, 1 or 2, and I guess there's applications of  
11 having a good NRC ADAMS for options 3 and 4.

12 So I would just mention that, but I guess  
13 I would ask Judge Bollwerk to perhaps put in  
14 perspective what the NRC LSN staff is, why they put  
15 these options together, what's going to go to the  
16 Commission. And keep in mind that what's going to the  
17 Commission is not just the LSN, NRC LSN staff  
18 summarizing what they heard in these two days.

19 But also you'll have two weeks after Sam  
20 gets the transcript together, and I know he's going to  
21 have it done in a couple of days probably. He's  
22 shaking his head yeah. But no, I think he has a week  
23 on that. But you can get your comments in on  
24 anything, okay. So you're going to have that whole  
25 chance to do it.

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1           But Paul could you, you've heard Judy, and  
2           you know, there's a feeling that the NRC is really  
3           trying to push Option 2 on people. So could you talk  
4           a little bit about that Option, Paul, process.

5           MR. BOLLWERK: And again, in putting the  
6           paper together and the way this developed with the  
7           Commission, given the task we were given, the that  
8           directive we were given, which was the whole long  
9           meeting, we felt we need to put something in front of  
10          the ARP in terms of options.

11          And while you're, folks here have had  
12          experience over the years with dealing with the LSN  
13          and with other databases. And one of the things you  
14          obviously would want to look at is you have a system,  
15          can you leverage it. That's really all this says is,  
16          can you leverage the existing system and use it in a  
17          way that makes sense.

18          But you're right, there are other options  
19          out there. There's the cloud option, and that's got  
20          several variations that we're going to hear about  
21          tomorrow. But the one thing I would point out with  
22          respect to the LSN library is it actually exists.  
23          Laurie can go out and others can go out and use it.  
24          That was not the case with the LSN.

25          I will say we took Dan Graser's word, but

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1 he came up with, and working with the Technical  
2 Working Group, came up with some things. But I don't  
3 believe that Autonomy was ever tested before it was  
4 actually put in place. And it was more or less a good  
5 system. Laurie said she had some problems with it, I  
6 think others did too.

7 So to some degree, you're right, we're  
8 presenting you with something that's working option at  
9 this point. Although it's not perfect, it's got to  
10 have improvements. Also, you're going to get a chance  
11 to use it in a way you didn't have an opportunity to  
12 use the original LSN as you're looking at the options.

13 In terms of what Chip mentioned about what  
14 the, what will happen next, at this point, we're going  
15 to take all the comments that you have to give us. In  
16 the end, it's the responsibility of the chief  
17 administrative judge, as the LSN kind of gives  
18 information to him and he passes it along to the  
19 Commission, to provide whatever input you want him to  
20 provide to them at that point about the process that  
21 we talked about this morning, about these options,  
22 about whether there are other options. About other  
23 approaches.

24 It's our responsibility to sort of lay  
25 that out for the Commission and then let the

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1 Commission decide what it wants to do as a next step.

2 And we've heard some concerns about  
3 monetary expenses. If you, we do a monthly report to  
4 the Congress, and some of you may be aware of it. If  
5 you looked at that carefully on the back page, the  
6 Agency really only has about \$400,000 left in  
7 high-level waste money at this point that isn't spoken  
8 for in other ways. So that's going to be something  
9 that's going to come into the process as well.

10 But the Commission did want us to go out,  
11 talk with the LSN ARP, and get the input that they  
12 could provide us, given the direction they gave us.  
13 And that's sort of what we tried to do here to the  
14 best of our ability.

15 And the next step for us that's important  
16 is to get your comments, whatever they are, and to  
17 pass them along to the Commission so that they know  
18 what your feelings are, individually and collectively,  
19 to the degree that's possible about what we've put in  
20 front of you, and what other things you want to see  
21 done with the process. That's the --

22 MS. TREICHEL: Do you think there's any  
23 possibility of, like the first time we did this,  
24 having a technical working group in which you get  
25 people who really know what they're talking about,

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1 about what all is out there, what all is possible, and  
2 kind of how long it takes, maybe how much it costs.  
3 And be able to have them present to this group and to  
4 you in the Commission this is what you got. And then  
5 we can put in options like we did the first time  
6 around.

7 MR. BOLLWERK: Well, again, that would be  
8 a question for, to some degree, based on the money we  
9 have left, can we do that before we get more money?  
10 Four hundred thousand dollars is not a whole lot of  
11 money.

12 MS. TREICHEL: No, but you don't want to  
13 build this thing before you really get it.

14 MR. BOLLWERK: Oh, no, no, absolutely, we  
15 would not do that. I mean, we're not, there's not, I  
16 think it's pretty clear, I don't think I'm speaking  
17 out of turn here that until more money arrives, the  
18 Commission has basically said that the adjudication in  
19 the form it was envisioned cannot start.

20 Having said that, it's my perception, you  
21 can tell me if I'm wrong, that this database is going  
22 to be very important to restarting that adjudication.  
23 And so it's, one of the reasons talking about next  
24 logical steps, it struck us as important to give the  
25 Commission whatever information we could about this

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1 database and how it should be set up.

2 How the Congress is going to approach  
3 this, I don't know. You see, for instance, HR3053,  
4 this basically says 30 months from the time the bill  
5 is passed. Doesn't say 30 months from the time the  
6 money arrives. So that's something to think about.

7 But you know, we have to take these things  
8 into account as well. We're trying to plan, we're  
9 trying to think about what the best approach is. But  
10 you all have to deal with the database, and so we're  
11 hoping you can give us your input and let us know and  
12 let the Commission know what your thoughts are.

13 MR. CAMERON: Okay, thank you, Paul. And  
14 this, Judy's recommendation about a technical working  
15 group, that will be something that is in the staff's  
16 report to the Commission about the meeting, okay.  
17 Let's go to Laurie and then over to Diane, and then  
18 we'll come back to Bob and Rod. Laurie.

19 MS. BORSKI: Thank you. I just have two  
20 brief comments. First of all, there are a lot of  
21 parties that don't have adequate funding to do their  
22 testing and provide the information such as I  
23 provided. And so I think that is important to hear  
24 from them when the time comes and not make decisions  
25 before they're allowed to, to even get out of the

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1 gate, as it were.

2 MR. CAMERON: Okay.

3 MS. BORSKI: My next is a specific comment  
4 on the Options document at page ten. It talks about  
5 document updates to Option 2, and they're talking  
6 about replacing original documents with newer versions  
7 of the same document.

8 MR. CAMERON: Oh, okay.

9 MS. BORSKI: And that has not happened in  
10 the past, and that cannot happen in the future because  
11 attorneys often use the older documents, document  
12 versions, in discovery. And so why would we change  
13 horses in the middle of the stream, for one thing?  
14 But then why would we replace older versions of  
15 documents with newer versions? They should be added  
16 as brand new documents.

17 MR. CAMERON: Well, I'm going to ask,  
18 we'll see what the NRC's LSN staff has to say about  
19 that. But yeah, obviously there may be something in  
20 the older document that has implications in terms of  
21 a particular contention, so why are you replacing it.  
22 Anybody, K.G., Tom, page ten, that statement on there.  
23 Do we know what that means?

24 MR. GOLSHAN: Yeah, this is just basically  
25 the capability that the group talked and we thought

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1 about building it, and it just does not make sense.  
2 I suppose that we have to change the, you know, change  
3 the requirements and put them in the requirements  
4 whether this function is needed or not.

5 MR. CAMERON: Oh, go ahead, Margie.

6 MS. JANNEY: Hi, sorry. Laurie, can you  
7 point out exactly what paragraph, because --

8 MS. BORSKI: It's the second full  
9 paragraph that starts with, The process for the  
10 modification.

11 MS. JANNEY: And then halfway down when it  
12 says, For a document update.

13 MS. BORSKI: Uh huh.

14 MS. JANNEY: That is talking about adding  
15 a new document for a revision to a document, it is not  
16 talking about replacing a document.

17 MR. CAMERON: Ah.

18 MS. JANNEY: Guideline 14, remember the  
19 old LSN guidelines? Oh, you -- yeah, Guideline 14  
20 actually discusses that.

21 MS. BORSKI: It does, and this seems  
22 contrary, because it says, When copied to the public  
23 ADAMS LSN library, the original document would be  
24 removed and replaced with the updated document. And  
25 so --

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1 MS. JANNEY: It does read that.

2 MS. BORSKI: I took that to mean you would  
3 take the old one out and put the new one in.

4 MS. JANNEY: Yeah.

5 MR. CAMERON: Okay, because that's going  
6 to have to be fixed.

7 MS. JANNEY: Yes, yes, that's contrary to  
8 our intention and our practice.

9 MS. BORSKI: Okay.

10 MR. CAMERON: Thank you, thank you,  
11 Laurie.

12 MS. BORSKI: I thought I was, I thought  
13 maybe I'd read that wrong, but thank you.

14 MS. JANNEY: Sorry I did not catch that.  
15 Thank you, thank you for pointing that out.

16 MR. CAMERON: Diane.

17 MS. CURRAN: I really have a conceptual  
18 question about this whole thing. Just the way I'm  
19 looking at it, I want to see if I can get confirmation  
20 that this is a reasonable way to look at it. It seems  
21 to me that we had this LSN library for the documents  
22 that already exist.

23 And question one is, is this system  
24 adequate to go forward with a hearing and be able to  
25 get access to the documents that are already in this

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1 collection. And there's lots of questions about that  
2 that were raised by Laurie.

3 The second question is what do you do  
4 about documents that come in in the future? Do you do  
5 something to add on to this existing collection, do  
6 you supplement it with something completely different  
7 and you put the two things together?

8 And then the third question is, given that  
9 there's so many problems with the existing collection,  
10 do you just put everything together in a new system?  
11 And I think that's what Judy's referring to, is let's  
12 look at what exists now that could be used for the  
13 entire thing, because there's plenty of problems with  
14 what we've got now.

15 That's how I'm looking at it. It's how it  
16 fits, goes together to me or seems logical. And I  
17 just wondered is that an unreasonable to look at it,  
18 is that how you're thinking about it?

19 MR. CAMERON: And I'm going to ask the NRC  
20 staff. I have an understanding of it, but could we  
21 address Diane's questions? And the first one, can LSN  
22 ADAMS, would that be sufficient to use as a litigation  
23 support system, I think is the question. And I think  
24 we've heard some answers to that. But K.G., do you  
25 want to start, and you --

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1 MS. CURRAN: I'm not exactly looking for  
2 the answer to that question. I'm asking is this what  
3 -- I mean, I really think the purpose of this meeting  
4 should be to figure out what is it that needs to be  
5 addressed. And I frankly find these options and  
6 alternatives a little confusing. And I'm just  
7 wondering are the questions I'm asking, the questions,  
8 are you thinking of it in that way too, or am I  
9 missing the boat in some way?

10 MR. GOLSHAN: Yes, if I may answer, yeah,  
11 I think we're thinking about what you're thinking.  
12 And all the time. So to answer your question whether  
13 the platform in Option 2, again, if I came across to,  
14 you know, show any preference between these options,  
15 that was not my intention. I've always said, we're  
16 the pizza maker, you tell us what to make, we'll make  
17 it for you.

18 So I have no preference as to which  
19 options, you know. So I'm just presenting the options  
20 the way they are. So --

21 MS. CURRAN: But K.G. --

22 MR. GOLSHAN: Number one --

23 MS. CURRAN: Could I just interrupt you  
24 and ask you, when you talk about Option 1 and Option  
25 2, those apply to the prospective, the records to be

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1 put in, gathered in the future, right? It doesn't  
2 relate to what we already have.

3 MR. GOLSHAN: No, no, I think you're  
4 confusing the alternatives with the options. Every  
5 options has alternatives, different alternatives. So,  
6 I know in Option 2, we presented two alternatives for  
7 in-taking new documents. But the platform was being  
8 leveraged, it was the Watson. You know, and I said  
9 over and over that the platform in its current  
10 position was not intended to be the litigation  
11 database.

12 So we are aware that this thing has to be  
13 enhanced with additional functional enhancements to  
14 meet your requirements, so. But let me also elaborate  
15 that I think collectively we have to decide, any of  
16 these options, whether they're viable to be the  
17 litigation database or not. So there's the viability  
18 is one thing, and also the functionality is another  
19 thing, and what other function it has to have.

20 And I know Judy compared that to Google.  
21 Yeah, but Google has a river that cools their server  
22 farms, versus this current platform that we have runs  
23 on a single server. So that's why it doesn't have the  
24 kind of a performance attribute as Google. And  
25 whether it would ever be like Google, I don't know.

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1 But you know we could try, you know, throw money and  
2 efforts and resource at the current platform if it is  
3 selected.

4 But there are other options available too.  
5 So the Option 3 that we're going to talk about  
6 tomorrow, that leaves it wide open for us to examine  
7 other search engines, other ways of basically  
8 collecting and transferring the current collections  
9 there and keeping it up to date. So again, I think we  
10 have to keep an open mind and talk about it.

11 MR. CAMERON: Okay, thanks K.G. And I see  
12 that Paul has his name tent up. Do you want to add  
13 anything to what KG said?

14 To just simply, Diane's questions are  
15 straightforward and fairly simple questions, and if we  
16 could give her a simple answer. I mean the answers  
17 are not always simple, but if we could clear this up,  
18 I think it would be very important to do.

19 MR. BOLLWERK: Correct. And so --

20 MR. CAMERON: Besides what K.G. has  
21 already said.

22 MR. BOLLWERK: So when you look at the LSN  
23 library the way it's configured now, I think what this  
24 meeting has made clear is it is a library, it may work  
25 all right. But as a discovery database, maybe it

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1 doesn't. So there needed to be fixes to it and there  
2 need to be improvements.

3 In terms of the Option 1, again, both of  
4 those, both Option 1 and Option 2 leverage the LSN  
5 libraries. So in some way, shape, or form, they both  
6 depend on that being available in a way that works as  
7 a discovery database.

8 In terms, but again, you're right, but  
9 there may be other options out there. And sort of  
10 Option 3 goes into that. And one of the things we try  
11 to think about is in terms of -- so Options 1 and 2  
12 both deal with the LSN library.

13 Option 3 tends to take it further and try  
14 to think in the world of the cloud, and that's where  
15 lots of people operate now, how is the best way to set  
16 up a system, what would it look like. And we come up  
17 with, we'll talk about it tomorrow, we're getting a  
18 little ahead of ourselves.

19 But there's a cloud where the NRC runs the  
20 database, the index, where the parties would each run  
21 their own indices. There's all kinds of ways to do it  
22 out on the cloud. Those have advantages and  
23 disadvantages, and that's what we need to talk about  
24 tomorrow.

25 The one thing that's a little different,

1       though, when we're talking about out in the cloud is  
2       you don't really know what the search engine's going  
3       to be. So you get into different questions about how  
4       you're going to basically implement it.

5                 For instance, for the LSN, we chose the  
6       Autonomy search engine. But there's lots of different  
7       ways to do it when you get out in the cloud. And so  
8       it does get a little bit more, a little broader. But  
9       again, there are some disadvantages for the parties,  
10      and potentially the folks that didn't like the fact  
11      that the LSN required them to put together a database  
12      and to interconnect and all that, the cloud may still  
13      be an issue for them.

14                So there are some things that are still  
15      there. There's other things, there's other vistas  
16      that are going to be explored, sure. I don't know if  
17      I've answered your question.

18                MR. CAMERON: Does that do it?

19                MS. CURRAN: Helps, thanks.

20                MR. CAMERON: Okay, great, thank you,  
21      Paul. Thanks, K.G.

22                MR. GOLSHAN: Can I add one other thing?

23                MR. CAMERON: Go ahead.

24                MR. GOLSHAN: Just in the 40-odd years  
25      that I've been in this field of, you know, information

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1 technology, I've discovered there is, you know, in  
2 electronic computing, there's not, the word perfect  
3 really doesn't exist. So some people like Google, the  
4 others like Bing. Some like, you know, Yahoo Search  
5 and all of that. Each of them have separate  
6 algorithm. You go to one, you gain something, but you  
7 lose another thing, and vice versa.

8 The same thing is with the search portals  
9 and then the appliances that are out there. Everyone  
10 gives you a certain advantages, but it takes anyway  
11 another advantages that the ones has had.

12 So it's just a matter of coming to  
13 consensus as to what it is, whether it meets your  
14 requirement as far as being a viable portal as a  
15 discovery, you know, as a discovery portal and a  
16 litigation database. And we have to strive to get to  
17 that point.

18 MR. CAMERON: Okay, thanks, K.G. Bob  
19 Halstead and then Rod McCullum. Bob.

20 MR. HALSTEAD: Well, I want to summarize  
21 some things that I think we heard in three areas that  
22 maybe help us move forward. Actually, things we heard  
23 in one area, things that are laid out in the fourth  
24 revision of the options report, and then some things  
25 I guess that we haven't said in this review.

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1           First of all, I think if I were to try to  
2 summarize for Nevada what, you know, all the points  
3 that Laura already made, the points I made on user  
4 needs. If we were to try put this in terms of  
5 functional requirements for the LSN going forward,  
6 they needs to be fair, and to me part of being fair is  
7 being transparent. So it's got to be fair.

8           It's got to be accessible. It's got to be  
9 fast, it's got to be accurate. It's got to be  
10 comprehensive. And while we don't have to be cheap  
11 about it, government programs, even ones that are  
12 supported by user fees that have peculiar  
13 congressional funding mechanisms, it's got to be  
14 cost-effective. And you know, I'm sure we'll come  
15 back to these when we're doing closing points  
16 tomorrow.

17           Now, the way I read the cost numbers and  
18 the calculations that we've made in Nevada about what  
19 would actually be involved in a restart of the  
20 licensing, what we like to refer to repeatedly as the  
21 legally mandated licensing process that we think we're  
22 entitled to and that we think the country wants to do  
23 to make a good decision, say we're talking five years.

24           Now, when I take the cost data that are  
25 prepared in the options document, it looks to me like

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1 to do the initial installation and operate for five  
2 years looks like your most expensive option. You need  
3 to take the high-end choices, which is the original  
4 LSN. And I get somewhere in the twelve to sixteen  
5 million dollar area to build it, rebuild it and  
6 operate it for five years.

7           Whether that's a good idea or not, but  
8 that gives you kind of a high number. And then you  
9 look at your numbers for Option 2 and Option 3.  
10 Again, building it and operating it for five years  
11 with your numbers, you know, you're in the range, you  
12 know, maybe as low as six million, maybe as high as  
13 ten or twelve million.

14           But the point is there are not big dollar  
15 differences here. So you're talking somewhere maybe  
16 a difference over five years in constant year dollars  
17 of eight million at the low end and sixteen million at  
18 the high end.

19           Boy, now my third point is that isn't even  
20 peanut shells compared to what's going to be spent on  
21 five years of licensing. Two NRC chairman have given  
22 the number of \$330 million as their estimate for  
23 licensing costs over a multiple year proceeding,  
24 usually assumed, given the GAO report from last year,  
25 as three to five years.

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1           Let's be generous and say whatever HR3053  
2 might intend, it allows an extra year to be requested.  
3 So you're probably talking about a five-year process.  
4 So it's harder to estimate DOE's costs.

5           But if you go back to the very detailed  
6 total system life cycle cost assessment done in 2008,  
7 which looked at everything through the end of fiscal  
8 year 2006, you take that \$1.66 billion number in 2007  
9 dollars. Subtract about half a billion for what DOE  
10 actually spent in fiscal years '07, '08, and '09. And  
11 if they're anywhere accurate, that gives you a number  
12 that you can bring into current year dollars,  
13 multiplying it by a factor of about 1.2.

14           I can see Rod and all the Public Service  
15 Commission members around the country saying, Well,  
16 he's doing this on the back of an envelope. No, he's  
17 doing on the back of an NRC agenda. But the long and  
18 the short of it is you're probably talking 1.4 to 1.6  
19 billion dollars in DOE costs. So you're talking about  
20 a total cost, when you roll in federal money for the  
21 state, my goodness, there's got to be money for the  
22 counties and the tribes in this, you're talking about  
23 a \$2 billion number.

24           And so hey, the amount of money here,  
25 money should not at all drive the decision that we

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1 make in evaluating either the four option, that are  
2 nicely evaluated in the paper, or maybe other options  
3 that we want to bring in.

4 And I think that's enormously liberating  
5 to look at it that way, even though I know that the  
6 people who are trying to get \$120 million for DOE out  
7 of the current Congress and \$30 million for, this is  
8 the fiscal year 2018 request that was never acted upon  
9 in the Senate.

10 All that said, cost should not drive the  
11 decision on which of these options the Commission  
12 pursues. It ought to be what's fair, what's  
13 accessible, what's fast, what's accurate, what's  
14 comprehensive, and what's cost effective. And what  
15 would give the country the basis of a decision on a  
16 construction authorization at the end of those five  
17 years that would be well supported. So thank you.

18 MR. CAMERON: Thanks, Bob, for that  
19 perspective. And we're going to go to Rod next. And  
20 I would just ask others around the table, others on  
21 through GoToMeeting if you would want to comment on  
22 Bob's statement that cost should not drive the choice,  
23 other attributes should drive the choice.

24 And he put that in perspective in terms of  
25 total life cycle costs for the repository. And Rod,

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1 you can, you know, obviously address that too if you  
2 want, but you may have another way.

3 MR. McCULLUM: Yeah, I'll start there,  
4 because it is an intriguing question Bob has put  
5 before us here, and that wasn't the reason I  
6 originally raised my name tent. I'll get back to that  
7 in second.

8 But you know, representing the electric  
9 utilities that collected this money from real, live  
10 consumers of electricity, the cost does matter. But  
11 I would agree it's important to do it in a  
12 cost-effective way. One should not be penny wise and  
13 pound foolish.

14 I think even more so than the cost, when  
15 you look at the differences between the options, is  
16 the time. While the cost compared to the 330 might  
17 appear small, I guess I might not agree it would take,  
18 that those \$330 million dollar estimates are really  
19 what's it's going to take. And I also, I wouldn't  
20 necessarily agree they're small.

21 But the time differences are significant.  
22 If this process is to resume and if this process is to  
23 reach a conclusion, currently the law requires that,  
24 and Congress may or may not be about to reinforce that  
25 law, and Congress may or may not fund the law, whether

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1 it reinforces it or not. But that's Congress.

2 But nevertheless, if the process is to go  
3 to a conclusion, I would think the -- I know for  
4 industry, and I would think for Nevada as well, living  
5 with uncertainty for a period as long as 52 months  
6 before you could even get to the adjudication, that's  
7 a lot of uncertainty. And you know, money has time  
8 value too.

9 So I think that both the cost and the time  
10 to implement. Because if this is a go, I think both  
11 sides would want to get to an answer sooner rather  
12 than later. And obviously we both want different  
13 answers. But so that's enough for that.

14 We came into this, as we stated in our  
15 letter, in response to the initial Federal Register  
16 notice supporting Option 2, Alternative 1. I don't  
17 think we've heard anything this afternoon that would  
18 cause us to change that position, although we do have  
19 one question. And Laurie, your presentation is the  
20 genesis of this question in part.

21 We thank you for your very thorough  
22 running of the system through its paces. We also  
23 thank NRC for the efforts that they've both already  
24 conducted and as well as promised to conduct to  
25 address those concerns. I think, as Laurie was

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1 running through the concerns, we had somebody here  
2 trying to do some of those things. Apparently, NRC  
3 has already successfully addressed a number of those.

4 One of our reasons for liking this is, you  
5 know, the LSN does not exist in a vacuum. It's funny  
6 what, you know, this thing was ground-breaking when we  
7 first created it, starting around the turn of the  
8 century. But around ten years after that, the federal  
9 court system did put in place an electronic court  
10 filing system that our lawyers are very familiar with.

11 And we see this particular option as being  
12 sufficiently similar to that that it would be equally  
13 workable. Our lawyers have a lot of experience with  
14 that system.

15 And also I should add that, you know,  
16 NRC's efforts to address these issues in the contexts  
17 of Option 2, Alternative 1, I wouldn't agree that  
18 those reflect a bias toward that option because I  
19 think we're seeing that a lot of those concerns would  
20 exist no matter which option you picked. I mean,  
21 obviously, the LSN and ADAMS have to work together.  
22 And if there's something about ADAMS that limits the  
23 LSN, then maybe you do have to go somewhere else.

24 Again, I think we're still thinking that  
25 that can be made workable. We say this with a lot of

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1 familiarity with ADAMS and a lot of familiarity with  
2 comparable systems. The question I have is NRC has  
3 conceded that there's still some additional work to do  
4 to bolster the system, and I think that's been evident  
5 this afternoon.

6 Looking at these cost and time estimates,  
7 and again, I think time is as important as money here,  
8 does NRC envision that it could do the things that  
9 you've committed to do this afternoon without altering  
10 those cost and time estimates? In other words, can  
11 you do those things within the cost and time estimates  
12 you've provided?

13 And I'm referring to Appendix D of the  
14 options paper now. So really that's the question.  
15 Can you address those concerns that have been raised  
16 that you haven't already addressed in those handouts.

17 MR. CAMERON: Okay, thanks, Rod. I don't  
18 know if NRC LSN staff wants to try to provide some, an  
19 answer to that at this point, or treat it as a  
20 question that you want to think about going forward.  
21 Not a rhetorical question, but.

22 MR. McCULLUM: Yeah, if I can make it a  
23 little less rhetorical perhaps. Certainly, when you  
24 update this option paper, and again, I compliment NRC  
25 for being responsive to input it receives as we're on

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1 Revision 4 now. And when you come out with the next  
2 product or the final product, certainly can you at  
3 least commit that you will make sure you factor  
4 addressing those concerns into whatever you're showing  
5 us in terms of the cost time?

6 And I forgot to mentions risks as well.  
7 I think in terms of certainty, the risk profile is  
8 important too.

9 MR. CAMERON: Okay, thank you. All right,  
10 Bob, do you want to say something else before we go?

11 MR. HALSTEAD: Yes, I just want to say a  
12 quick response. I appreciate the way, I appreciate  
13 Rod's measured response to what I said. And I had  
14 looked at the times in Appendix D too. And it is true  
15 that your worst case there is 52 months. But we've  
16 looked at the lead time looking at some options that  
17 we've looked at at the state level.

18 It's no secret to anyone that the parties  
19 are concerned that perhaps we're going to need to  
20 supplement whatever the LSN is with internal search  
21 capabilities. And when I look at these months and  
22 costs, they look pretty reasonable to me. And I think  
23 it's important not to be put off on the time versus  
24 cost by the high-end numbers here of 38, 42, and 52  
25 months.

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1 I think we need some refinement on that.  
2 And I think it's quite possible that cost is not a  
3 significant delineator here. And in fact the lead  
4 times, you know, are in range where, you know, you're  
5 probably talking about somewhere between 12 months and  
6 30 months in reality, in my opinion.

7 But again, there are always things that  
8 aren't going to go as well as you expect when you try  
9 to develop and implement a system. But I really  
10 appreciate the measured way in which Rod has replied  
11 to this, and I'm very encouraged by the kind of  
12 discussions that we've had here this afternoon. Thank  
13 you.

14 MR. CAMERON: That's great, that's great.  
15 Thank you, Bob. We're going to go to the ARP  
16 participants on GoToMeeting and see what they have to  
17 say on these issues. And I'm going to go first to  
18 Loreen Pitchford. And I'm going to try to read what  
19 she sent typed in, and I'm going to give Loreen an  
20 opportunity if she wants to orally address that,  
21 reframe it to do that, okay.

22 And she frames this in terms of  
23 alternative. She is unmuted -- Loreen, do you just  
24 want to talk to us?

25 MS. PITCHFORD: Sure. Actually, I think

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1 that this particular question that I had was cleared  
2 up with Laurie and Margie's earlier conversation. It  
3 was the same thing I was questioning about the  
4 deleting of documents that were currently existing.  
5 And you know, it was on page ten in that paragraph,  
6 and I had noticed the same thing. So I think that was  
7 answered very well.

8 MR. CAMERON: Oh, that's great. So you  
9 noticed the same comment on page ten that Laurie did.  
10 And that's what your question was based on, and we  
11 have an answer to that, which is the language on page  
12 ten has to be revised, basically.

13 MS. PITCHFORD: Yes, correct.

14 MR. CAMERON: All right, well thanks for  
15 noticing that too, Loreen. Do we have anybody else on  
16 GoToMeeting who has their tent up, put a chat into us?

17 MR. LACY: This is Darrell Lacy.

18 MR. CAMERON: Who was that?

19 MR. LACY: Darrell Lacy.

20 MR. CAMERON: Oh, Darrell. Okay, go  
21 ahead, Darrell.

22 MR. LACY: Don't disagree a whole lot with  
23 much of what anybody said. And you know, back to what  
24 Laurie was indicating in regards to some of the  
25 challenges she was dealing with on the first places

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1 she spent more time looking at the process than we  
2 have. Although what we have looked at does not run  
3 into any of those challenges. But we also might look  
4 at kind of keep it simple.

5 And as a smaller player at this, I think  
6 we were looking at somewhere in the neighborhood of  
7 100, 120 current docs that we need to upload as soon  
8 as we get started back and, you know, maybe another  
9 couple of hundred over the period of time is what my  
10 estimate was.

11 I want to keep it simple for some of the  
12 smaller players here, especially the folks that are  
13 smaller than us that don't necessarily justify  
14 full-time people and keeping them trained on how to do  
15 electronic submittals. Having the option of the  
16 manual submittal of additional documents for the  
17 smaller people may definitely be a preference.

18 And just in the vein of keep it simple, if  
19 the problems are running across a current ADAMS  
20 capabilities server that could be easily corrected,  
21 then to me that's definitely the preferred option,  
22 rather than starting with something new. That's  
23 really all I have to say. Thanks.

24 MR. CAMERON: Okay. And Darrell, the  
25 implications of what I hear you saying is that when

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1 the Advisory Review Panel is putting together  
2 recommendations over the next several months and the  
3 NRC LSN staff is informing the Commission, should the  
4 choice of option, should there be, should one  
5 criterion that they consider is what the impact or  
6 implication should be for, as you phrased it, the  
7 smaller players?

8 MR. LACY: Well, some of the electronic  
9 submittals and other things definitely have additional  
10 training requirements and other things for the party  
11 to keep people trained and ready to go. I've used  
12 some of these smaller players, the process may not  
13 have more than ten or twenty documents to worry about  
14 over the next three years.

15 Have to get full-time people in training,  
16 they wanted do that. I think always allowing a  
17 manual submittal as an option for the smaller types  
18 should be an options.

19 MR. CAMERON: Okay, well, thank you,  
20 Darrell, for that perspective. And let's see who else  
21 we have on GoToMeeting. ARP members, anybody, Lisa?

22 MR. KLEVORICK: Phil Klevorick.

23 MR. CAMERON: Hey Phil, go ahead.

24 MR. KLEVORICK: Yeah, thank you. I kind  
25 of look at this as kind of almost like a good news/bad

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1 news situation. The good news situation is for the  
2 situation of the old LSN as it was, was somewhat  
3 cumbersome and difficult to navigate at times, as  
4 already been pointed out many times.

5 And of course the good news is now we can  
6 look at trying to reconstitute the old system into  
7 something that's more workable and manageable based on  
8 newer technologies, Google-like or Yahoo-like, or  
9 whatever you want to call it -like.

10 But at the end of the day, I don't want it  
11 to be lost, but whatever is materialized out of the  
12 discussion and eventually the selection of the  
13 process, it needs to be useful for the general public.  
14 And then not just the attorneys who have experts and  
15 deal with it and some of the players who have a little  
16 bit more knowledge on it than the average person.

17 But the average person needs to be able to  
18 do this with capabilities that would be seen as pretty  
19 logical and reasonable. So I want to make sure that  
20 that gets in there. I'm not into discussing how much  
21 things cost per document dollar or whatever the heck  
22 it is. It's just, that's something to be worked out,  
23 I guess, when you start doing a true comparative  
24 analysis on all the different proposals.

25 And I would probably guess that by the

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1 time some of this discussion is all done in the next  
2 48 hours, that there may be other IT gurus out there  
3 who may come up with another idea of, well, have you  
4 looked at this plan or proposal. So I just want to  
5 make sure that the general public point of view is put  
6 in there no matter what process is chosen.

7 And the other thing I want to do is I want  
8 to support what Darrell was just saying, and Bob  
9 alluded to it way earlier in the meeting, is that the  
10 smaller players in stature doesn't make us any less  
11 important in the whole process.

12 And what I mean by that is simply is just  
13 because we're not going to have a thousand and more  
14 documents to upload and provide into the system, we  
15 need to be treated the same as anybody else who is  
16 within the party. And part of that is understanding  
17 our limitations and our capabilities based on  
18 economics, our employee situation, our logistical  
19 issues, etc.

20 And I know that that's what's put in the  
21 corral by you, by a comment I made earlier.

22 MR. CAMERON: Yes.

23 MR. KLEVORICK: But I do want to make sure  
24 that that gets addressed as part of this whole bigger  
25 discussion. Thank you.

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1 MR. CAMERON: And we will address it. And  
2 there's, I think, that's a great follow-on to what  
3 Darrell said. And I'm sorry, Phil, you still have  
4 some more?

5 MR. KLEVORICK: No, no, I'm good, thank  
6 you.

7 MR. CAMERON: Okay, so I think what you're  
8 suggesting is we heard Bob Halstead list out several  
9 attributes that should be considered for any system.  
10 Fair, transparent.

11 MR. HALSTEAD: Let's call it functional  
12 requirements.

13 MR. CAMERON: Okay, functional  
14 requirements. And he listed a bunch, and not that I'm  
15 saying he would add what you said to it, but some  
16 might say that a functional requirement should be  
17 useful to the general public. And we heard from Judy  
18 on that.

19 MR. HALSTEAD: And that's the fairness  
20 issue.

21 MR. CAMERON: Okay, and all also the  
22 smaller players.

23 MR. HALSTEAD: Right.

24 MR. CAMERON: The fairness issue.

25 MR. HALSTEAD: That encompasses that.

1 MR. CAMERON: Okay.

2 MR. HALSTEAD: I totally agree with you.

3 MR. CAMERON: Okay, so agree with both  
4 Darrell and Phil.

5 MR. HALSTEAD: Darrell and Phil. They  
6 make excellent points.

7 MR. CAMERON: Okay, let's make a note of  
8 that, that's good. Anybody else on GoToMeeting? No,  
9 okay. This is good discussion, and we're going to  
10 come back to the table. But I just want to make sure  
11 what we hear from the public at this point.

12 So we're going to go to webinar. Tommy  
13 Heitman's not going to come up here again, but how  
14 about GoToWebinar public? Anybody? Okay, no one on  
15 GoToWebinar from the public.

16 And our operator's name is, what is it?  
17 Gabrielle. Okay, Gabrielle, are you there?

18 Ox: Yes, I am.

19 MR. CAMERON: Can you see if anybody's on  
20 the phone who wants to make a comment.

21 OPERATOR: I absolutely can. To ask a  
22 question on the phone line, please press star one.  
23 And please stand by one moment for those to come  
24 through. Okay, it looks like we have no questions or  
25 comments from the phone line.

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1 MR. CAMERON: Okay, thanks a lot,  
2 Gabrielle. And let's come back to the table and see  
3 if anybody has anything more to say about costs or  
4 whatever. Rod?

5 MR. McCULLUM: Yeah, I just want to say,  
6 for the record, those functional attributes are okay  
7 with the Nuclear Energy Institute. Those are things  
8 the system should have. I would add we probably  
9 can't, we certainly can't, as has already been  
10 recognized, get to those by going backwards to a  
11 system that is obsolete already, which would be the  
12 old system.

13 I don't think we believe that we need to  
14 create something entirely new, either, to get to those  
15 attributes. So there's definitely some options on the  
16 table there.

17 Taking it back to the glass half full  
18 perspective, the improvement in technology that's  
19 occurred over the last 15 years is a good thing. We  
20 should be able to get to those attributes. And I look  
21 forward to tomorrow's discussions to, you know, see  
22 what else we should consider in that regard.

23 MR. CAMERON: So are you saying that, I  
24 mean, you agree with the attributes we've been talking  
25 about. But you're saying that also that we don't

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1 need, necessarily need, to have something completely  
2 new to fulfill all those attributes.

3 MR. McCULLUM: That's correct.

4 MR. CAMERON: Okay, all right.

5 MR. KLEVORICK: Chip, if I may, this is  
6 Phil Klevorick again.

7 MR. CAMERON: Yeah, go ahead, Phil, then  
8 we're going to come back to Judy and Bob.

9 MR. KLEVORICK: I'm sorry, yeah, sorry  
10 about jumping in. Somebody made a comment earlier  
11 about the platform and searchability and all that  
12 stuff, you know, Firefox or Chrome or whatever the  
13 heck it was. And in all honesty, I think that that's  
14 probably going to be the limiting factors.

15 Because as we know, under the current way  
16 of searching, a lot of things are not interactive.  
17 And I'm not an IT guy, so I may be using the wrong  
18 terms. But I'd be cautious on the platform in which  
19 anything is going to be created so that it is  
20 basically searchable by whatever platform a end user  
21 may have available to it.

22 So if it's the NRC LSN staff, maybe they  
23 could talk a little bit about that tomorrow or later  
24 on today, you know, where the problems may arise, that  
25 kind of thing.

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1 MR. CAMERON: So Phil, just let me make  
2 sure I understand this. Are you saying one of the  
3 attributes, one of the functional requirements that  
4 should be considered is that it should be searchable,  
5 I don't know if that's the right term, by a broad  
6 range of platforms?

7 MR. KLEVORICK: Correct, like whatever  
8 browser a person has available. Because some people  
9 don't, haven't updated their computer, or whatever the  
10 case be. I think it's got to be searchable or be able  
11 to usable under various different types of browsers.

12 MR. CAMERON: Okay, and that may be  
13 considered under the fair, functional requirement.  
14 But thank you for that.

15 MR. KLEVORICK: Okay, thank you.

16 MR. CAMERON: Let's go to Judy first, and  
17 then Bob. Judy.

18 MS. TREICHEL: Well, very quickly, I agree  
19 with that list that you have, and especially including  
20 what Phil just put in. Because there are people in  
21 all sort of parts of the country, whether it's rural  
22 or urban or whatever that have different sorts of  
23 systems, and they should be able to do that.

24 And I guess that's what I was getting at  
25 when I asked that there be a technical working group.

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1 And it doesn't have to last for a year. It can be  
2 very quick now because we know what we're asking  
3 somebody to build something. We're asking them to  
4 guide us to something that's already there.

5 MR. CAMERON: So would you give the  
6 technical working group a list of functional  
7 requirements? And I'm not saying these would be the  
8 functional requirements, although there seems to be  
9 some agreement on that.

10 MS. TREICHEL: Yeah, that's what we did  
11 the last time. It needs to do this, this, this, and  
12 this.

13 MR. CAMERON: Okay, all right. Thanks.  
14 Bob.

15 MR. HALSTEAD: Couple quick close-up  
16 things. First of all, as Marty reminded me, I forgot  
17 that there's this interesting discussion on page 42  
18 that affects the general consideration of options. It  
19 says, The federal government has adopted a cloud-first  
20 policy. It is intended to accelerate the pace at  
21 which government will realize the value of cloud  
22 computing. It continues.

23 So I think there are a couple of points  
24 here. If we have a federal government cloud-first  
25 policy, that not only has some implications for

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1 certainly downgrading, if not eliminating,  
2 reconstitution of the original LSN is an option, I  
3 think frankly it has some serious implications for the  
4 two Option 2 variations. And maybe that's something  
5 we can come back to in our closing discussion  
6 tomorrow, about going forward with options.

7           The second thing I want to say is that it  
8 really is important and cannot be said enough that  
9 both for this LSN Advisory Review Panel and for  
10 participation in the licensing proceeding there are  
11 very special needs on behalf of the Native Community  
12 Action Council and the Timbisha Shoshone Tribe.

13           The National Congress of American Indians  
14 is a member here, and there are many Indian nations  
15 that are going to be affected by various parts of the  
16 proposal. So some thinking must be given to providing  
17 resources to the tribal entities. To more effectively  
18 define what their user needs are, it has to be done in  
19 a timely way so that their needs can be worked into  
20 this whole process.

21           And the same certainly has to be said for  
22 the Nevada counties who are parties. Some will argue  
23 that some counties, like Nye and Clark and Esmeralda  
24 and Lincoln, because of both being host county and  
25 transportation counties, that they have a higher

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1 calling. But I think all the Nevada counties feel  
2 that they are directly affected by this process.

3 And that means they have to have some  
4 resources to help them define their needs as user  
5 participants in the licensing proceeding and are  
6 seated here, or virtually, on the Advisory Review  
7 Panel.

8 And I just, I would be remiss if I did not  
9 come back and say these things again, that we really  
10 need to make sure that all the people who are entitled  
11 to have a voice in defining their used needs have some  
12 resource, provide some resources provided to them to  
13 do that. Thank you.

14 MR. CAMERON: Okay. Thank you, Bob, and  
15 thank you all. And we do have an issue in the corral  
16 that we will address tomorrow, and it deals with  
17 resources, timing, and Phil Klevorick first raised it  
18 in terms of the AULGs. Clark County is one of the  
19 two, and NYE, AULGs. We heard a reference to needs of  
20 tribal governments, and Bob talked about all Nevada  
21 counties.

22 We'll come and have a discussion of that,  
23 and I think that we'll need to spend some time before  
24 tomorrow figuring out where that should be placed and  
25 to try to be more articulate about framing that issue.

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1 But we'll do that. And I should ask my colleague  
2 who's the Chair of the Advisory Committee to, I guess,  
3 close it out, and whatever else you want to say, Andy.

4 CHAIRMAN BATES: I think this has been a  
5 great discussion today. If there's other thoughts  
6 that anybody had at this point, welcome to it.  
7 Tomorrow we're going to go into Options 3 and Options  
8 4, which are more cloud-based, and some of the broader  
9 considerations there. And I'm looking forward to that  
10 discussion.

11 And I hope this has been productive for  
12 everybody. It certainly has been educational and  
13 productive for us, I think. And we appreciate all the  
14 work that people have put into this to get your  
15 thoughts together. Laurie, for her work on the  
16 system.

17 It's been very beneficial to our staff  
18 here to identify issues and problems that the LSN  
19 library has. It also clearly points towards what we  
20 need to look at in the future for any system that we  
21 implement, whether it's one of our options that we've  
22 considered or something else that comes forward over  
23 the next couple days or the months ahead.

24 Laurie mentioned the possibility of you  
25 know, looking at some of the other litigation

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1 databases that are out there, how that would fit in  
2 with a cloud-based system or not. And Judy's comments  
3 with regard to the fairness issue and perception that  
4 the NRC owns the system, all of that I think is an  
5 important consideration going forward.

6 MR. CAMERON: Andrew?

7 CHAIRMAN BATES: I thank you for your  
8 efforts here today, too.

9 MR. CAMERON: Oh, you're welcome. So  
10 we're adjourned now.

11 CHAIRMAN BATES: Yeah, and then as about a  
12 15-minute break, I think. And then around five  
13 o'clock --

14 MR. CAMERON: We can have break-up, do the  
15 -- and Rekha, you're going to come up here, right?  
16 Okay, Rekha will be here. And do you think at like  
17 five after five or ten after five? Well, let's get  
18 everybody set up. And some people are going to be  
19 leaving and everything. So let's take 15 minutes,  
20 five after five. Okay, thank you all.

21 (Whereupon, the above-entitled matter went  
22 off the record at 4:48 p.m.)

23

24

25