

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

IN THE MATTER OF : DOCKET NO. 030-30485-EA
:
INDIANA REGIONAL CANCER CENTER :
INDIANA, PENNSYLVANIA :
:
(Byproduct Material : EA No. 93-284
License No. 37-28179-01) :

VERIFIED STATEMENT OF
WILLIAM J. LUPINACCI, III

1. My name is William J. Lupinacci, III. I am a Vice President with Davison Associates, Inc., a firm providing comprehensive computer support services located in Silver Spring, Maryland.

2. I have reviewed and understand NRC Staff's Response and Objections to Licensee's Request for Production of Documents and things dated April 25, 1994 and NRC Staff's Motion for Protective Order.

3. I am familiar with the computer hardware, software, and systems referenced in NRC Staff's Response and Objections to Licensee's Request for Production of Documents and Things dated April 25, 1994 and NRC Staff's Motion for Protective Order filed in this matter.

4. In the second paragraph of page 4 of NRC Staff's Response and Objections to Licensee's Request for Production of Documents and Things dated April 25, 1994 and NRC Staff's Motion for Protective Order, the claim is made that "[d]ata is stored on

tape for ten (10) working days only." If this is true, it means that no NRC word processing document or E-mail message deleted from NRC computers more than 10 working days ago could ever be reconstructed or retrieved for any purpose whatsoever. The NRC description implies the NRC does not archive any word processing documents or E-mail messages on their office automation systems.

5. That the NRC can produce E-mail messages from 1993 for examination in the public document room, as indicated by Items 4 and 5 in Appendix B, NRC Response to FOIA Request designated FOIA 94-71, or documents withheld in their entirety, as indicated by Items 9, 10, and 11 of Appendix D to the NRC Response to FOIA Request designated FOIA 94-71, indicates that the NRC archives E-mail messages within its office automation systems and that such E-mail messages are retrievable.

6. WordPerfect Office contains sophisticated search and retrieval capabilities which allow each individual E-mail user to search and retrieve messages that were sent, received, from the mail box of each respective user.

7. With regard to the assertion in the second paragraph of page 4 of NRC Staff's Response and Objections to Licensee's Request for Production of Documents and things dated April 25, 1994 and NRC Staff's Motion for Protective Order, software is available which permits the search of contents of all files on entire computer disks so as to locate a character string

specified by the searcher. Utilizing such software, a searcher could specify an appropriate character string and the software would list every file on every computer disk directory containing such character string. With such software, the NRC, or other searcher, could, for example, list every file in every computer disk directory that contained the string of characters "Oncology Services."

8. An example of the software described in the previous paragraph is the find-file utility contained in Symantic Corporation's product called The Norton Utilities. The Norton Utilities can search for character strings and return file names on Microsoft DOS Version 3.3 (or later) and Novell Netware 3.11 (or later) file servers.

9. With regard to the assertion in the third paragraph of page 4 of NRC Staff's Response and Objections to Licensee's Request for Production of Documents and Things dated April 25, 1994 and NRC Staff's Motion for Protective Order that "[t]he NRC does not have software which will de-encrypt these WordPerfect E-mail messages," in the absence of encryption software which integrates with NRC WordPerfect software, that Oncology Services Corporation could utilize the same version of WordPerfect Office used by the NRC, load NRC supplied copies of the appropriate directory name utilized by the NRC for the subject documents, and its sub-directories and hidden files, which contain the

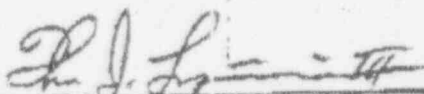
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"encrypted" E-mail files, and read them without difficulty.

I declare under penalty of perjury set forth in the Pennsylvania Crimes Code, 18 Pa.C.S. §4904 that the foregoing is true and correct to my best knowledge, information, and belief.

Executed this 9th day of June, 1994.


WILLIAM J. LUPINACCI, III

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USNRC

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

IN THE MATTER OF : DOCKET NO. 030-30485-EA
:
INDIANA REGIONAL CANCER CENTER :
INDIANA, PENNSYLVANIA :
:
(Byproduct Material : EA No. 93-284
License No. 37-28179-01) :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Licensee's Response To The Nrc Staff's Response And Objections And Motion For Protective Order And Licensee's Motion To Compel Production was furnished to the following by telefax and U.S. Mail, postage prepaid on this 9th day of June, 1994:

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