

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

Before Administrative Judges:

B. Paul Cotter, Jr., Chairman
Glenn O. Bright
Dr. Jerry Harbour

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USNRC

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OFFICE OF SECRETARY
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SERVED MAY -1 1987

In the Matter of:

PACIFIC GAS AND ELECTRIC COMPANY

(Diablo Canyon Nuclear Power Plant,
Units 1 and 2)

Docket Nos. 50-275-OLA
and 50-323-OLA

(ASLBP No. 86-523-03-LA)

April 30, 1987

MEMORANDUM AND ORDER

(Proposed Order Requiring the Filing of Documents
on Diskettes Suitable for Electronic Storage and Retrieval)

I. INTRODUCTION

The Atomic Safety and Licensing Board seeks to expedite this proceeding for the benefit of all parties pursuant to the directions of the Commission in its Statement of Policy on Conduct of Licensing Proceedings, 13 NRC 452 (CLI-81-8, 1981). That guidance encouraged adjudicatory boards to "expedite the hearing process" and "produce a record which leads to high quality decisions" by using the management methods set out in 10 C.F.R. Part 2, which includes the power of the boards to regulate the course of the hearing and the conduct of the parties under 10 C.F.R. 2.718 (1981). Id., at 453. The guidelines in the policy statement are not exclusive, "but rather are to be considered

illustrative of the actions that can be taken by individual boards."

Id.

The requirements and procedures described in this proposed order are not intended to replace the standard filing requirements in Nuclear Regulatory Commission proceedings. The parties will file hard copy as usual in conformance with 10 C.F.R. 2.708 (1987) adjusted for any limited modifications that may be necessary for formatting on a diskette. While the procedures and requirements for electronic filing prescribed herein are in addition to the normal method of filing, they are intended to benefit the parties, not burden them. The purpose of creating a computer searchable record is to increase the speed and facility of the parties and the Board in finding specific documents and references in (and otherwise dealing with) the record of this proceeding. This proposed order is part of a larger effort by the Atomic Safety and Licensing Board Panel to standardize such filings and procedures for all cases wherever, and to the extent, feasible.

To those ends the Board proposes an order here to capture, in computer readable form, a significant portion of the record for decision in this proceeding. Specifically, the Board seeks to capture on computer readable diskettes three categories of record materials, namely: (a) prefiled testimony; (b) proposed findings of fact and conclusions of law; and (c) the transcript of the hearing. Electronic

capture will create a computer searchable record to assist the parties and the Board in the following ways:

1. Make available to the Board and the parties a full text, electronically searchable record;
2. Aid and expedite (a) the presentation of evidence; and (b) the conduct of cross-examination during the hearing through the availability of a fully indexed and virtually instantaneous electronic search system available at the hearing on a portable computer;
3. Aid and expedite the preparation of findings, conclusions and the Initial Decision by replacing the slow and time consuming method of manual indexing and record search with a virtually instantaneous electronic full text index system; and
4. Insure the completeness and reliability of the parties' filings and the Board's issuances, particularly the Initial Decision, by making available the eidetic memory of a computerized, full text search system.

The full benefit of the foregoing effects will be only partially realized in the instant proceeding because the exhibits and other portions of the record up to this point have not been captured for computer search. The parties are encouraged to make available in the

electronic form described below whatever exhibits they may already have captured in that medium. Counsel are directed to list any such documents in their responses to this proposed order. In any event, substantial benefit will accrue to the Board, the parties, and the proceeding from the time saved in finding record references and producing findings, conclusions, and an initial decision because the vast majority of the record on which the Board's decision will be rendered can still be captured electronically.

II. RESOURCES

The Board is equipped with IBM personal computers (IBM PC-XTs with 640 kilobytes of memory, a 360 Kb disk drive, and a 20 megabyte hard disk). Each computer has a Hayes modem (1200 baud), is operated by PC-DOS 3.1, and uses the IBM Displaywrite 3 word processing program. The Board also has available to it a Compaq 386 personal computer (with 130 Mb of memory and a 40 Mb backup tape drive) and a laser printer.

In addition, the Board has available two full text indexing programs, ZyINDEX (which can handle 16,000 files) and Bluefish (which can handle 15 million files). The Board will compile a central data base of all computer readable filings received in this proceeding and index it using Bluefish. Bluefish is a powerful program that can find and list every occurrence of a given word or phrase in 15,000 pages of text within two seconds.

The parties have stated that they have IBM equipment. Counsel for the Sierra Club has an IBM PC which uses "Word Perfect" software for word processing. Applicant has access to a range of IBM equipment, and the NRC Staff has IBM PCs configured with the IBM 5520 Administrative System.

III. PROCEDURES

A. Testing

To test the efficacy of the procedure described below, each party is directed to mail to the Board, on or before May 12, 1987, a diskette containing textual material in pure ASCII form and in the following format:

PAGE SIZE	8.5 X 11 inches
PAGE LENGTH	66 lines
PAGE NUMBERS	embedded in the text at line 63 (centered)
PITCH	10 (PC) 12 (5520)
FOOTNOTES	starting on new page at the end of the document
SPACING	double or single
TAB SETTINGS	every fifth column (starting from left margin)
MARGINS	2 and 80 (PC) 12 and 90 (5520)

ENTIRE PARAGRAPH INDENTATION - use Required Tab function.

All word processing programs have a function that converts formatted material to ASCII. The Board will use the submittal to test the capture, indexing, duplication, and return functions described below.

Counsel or their representatives should call Jack Whetstine, Chief, ASLBP Information Processing Section, with any technical or procedural questions they have concerning this proposed order (Telephone: 301/492-7858).

B Filings

Each party will accompany its prefiled testimony and proposed findings of fact and conclusions of law with a computer readable diskette copy of the text ("hard copy") in pure ASCII form, following the format prescribed in paragraph A, above. If prefiled testimony includes drawings, that material is not to be captured in computer readable form. It would enhance the electronic value of such prefiled testimony if all such material came at the end.

Upon receipt, diskettes will be recorded by the Board in a single repository which will serve as the central data base for the computerized portion of the record in this proceeding. The diskette will be fully indexed using Bluefish. After all materials filed have been recorded and indexed, the Board will make copies of the complete data base and return one copy to each of the parties for their use.

If any party wishes to receive the data base fully indexed with either Bluefish or ZyINDEX, they should so request at the time they

file. The Board will return the data base indexed in accordance with any such request.

The Board estimates that the total number of pages of prefiled testimony and findings of fact and conclusions of law will be 900, with an approximately equal number of pages received from each of the parties. In commenting on this proposed order, counsel are directed to confirm the Board's estimate or to state their own estimate of the total number of pages they intend to file if their estimate is significantly different.

The parties are advised that Bluefish creates "inverted files" in indexing each word of text and that these files occupy approximately twice as much space on a computer disk as does the text itself. Accordingly, each party should submit a sufficient number of disks with its filing to hold a complete copy of the fully indexed data base of prehearing filings that the Board will return.

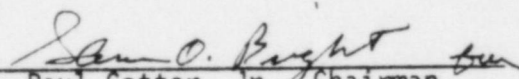
Subject to availability, the Board intends to bring the prehearing, fully indexed data base to the hearing on a portable Compaq computer for use during the hearing. The indexed feature of the data base should enable the Board and the parties to substantially reduce the time needed to search for references during the course of direct and cross-examination.

Finally, the Board has arranged to have the hearing itself recorded on computer readable tape so that it can be added to the proceeding database. This recording is in addition to the normal hard copy transcript requirement and copies are obtainable by the parties under normal Commission rules.

IV. CONCLUSION

The Board reiterates its desire to effect a system of mutual benefit to all at a minimum of effort and encourages the parties to seek affirmative solutions to any obstacles this proposed order may present them. Accordingly, the parties are directed to submit their comments on this proposed order so that they are received by the Board on or before May 15, 1987.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


B. Paul Cotter, Jr., Chairman
ADMINISTRATIVE JUDGE

Issued at Bethesda, Maryland,
this 30th day of April, 1987.