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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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LICENSING SUPPORT SYSTEM

ADVISORY REVIEW PANEL

(LSSARP)

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FRIDAY

MAY 12, 1995

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The Review Panel met in Conference Room 3B45 at
the Nuclear Regulatory Commission, Two White Flint North,
11545 Rockville Pike, Rockville, Maryland, at 1:00 p.m.,
John C. Hoyle, Chairman, presiding.

PANEL MEMBERS:

- JOHN C. HOYLE Chairman
- ARNOLD LEVIN LSS Administrator, NRC
- CHIP CAMERON NRC
- KIRK BALCOM
- DENNIS BECHTEL
- PETER CUMMINGS
- STEVE FRISHMAN
- CHRISTOPHER HENKEL
- BRAD METTAM

1 PANEL MEMBERS (Continued):

2 LLOYD MITCHELL

3 CLAUDIA NEWBURY

4 JAS SILBERG

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1 P-R-O-C-E-E-D-I-N-G-S

2 1:05 p.m.

3 CHAIRMAN HOYLE: This is a meeting of the
4 Licensing Support System Advisory Review Panel. It's a
5 federal advisory committee panel, and we meet under the
6 conditions and the provisions of the Federal Advisory
7 Committee Act.

8 If there are members of the public who wish to
9 make statements, I'd appreciate if they would hold them
10 until the end of the meeting, but you are certainly invited
11 to make statements at that time.

12 Before proceeding with the agenda, I would like
13 to have the members of the panel reintroduce themselves.
14 This is sort of a procedure that we have for our meetings.
15 So, I'll start with Claudia.

16 MS. NEWBURY: My name is Claudia Newbury. I
17 work for the U.S. Department of Energy.

18 MR. MITCHELL: Lloyd Mitchell, Oneida Tribe of
19 Wisconsin. I work with the National Congress of American
20 Indians.

21 MR. METTAM: Brad Mettam, with Inyo County,
22 California.

23 MR. CUMMINGS: Pete Cummings with the City of
24 Las Vegas, Nevada.

25 MR. BECHTEL: Dennis Bechtel, Clark County,

1 Nevada.

2 MR. FRISHMAN: Steve Frishman, State of Nevada.

3 MR. BALCOM: Kirk Balcom, State of Nevada.

4 MR. HENKEL: Chris Henkel, Nuclear Energy
5 Institute.

6 MR. CAMERON: Chip Cameron, Office of General
7 Counsel, Nuclear Regulatory Commission.

8 MR. LEVIN: Moe Levin, NRC.

9 CHAIRMAN HOYLE: Okay, and I'm John Hoyle from
10 NRC, without a mic.

11 Our agenda today is a planned agenda, it's
12 relatively brief. I think I've heard some things at the
13 meeting with DOE this morning that may add an item or two,
14 but I particularly want to hear today from the Technical
15 Working Group on the Level 1 requirements, and ask the
16 panel to act on those recommendations, though, we haven't
17 seen them to deliberate on them ourselves.

18 I would like to see if we can reach final
19 approval of the Header Working Group recommendations.

20 We'll hear from Moe about the activity within
21 the NRC on LSS.

22 One other item, I'm ready to give Mr. Levin,
23 the LSS Administrator, a memorandum from the panel which
24 recommends the manner in which the technical language in
25 the LSS rule can be understood. I got comments from the

1 panel members. Brad gave me a couple of what I would call
2 editorial changes which I've made, and there is a copy of
3 it in your blue folder. So, Moe, I'm giving you the
4 original at this time.

5 Unless there are comments, initial comments by
6 members of the panel, at this time I would like to move
7 ahead to the Technical Working Group recommendations on
8 Level 1 requirements for LSS design. Sponsor? There's
9 room up here, Roger, why don't you come on up.

10 MR. HARDWICK: Okay. Thank you.

11 My name is Roger Hardwick with Clark County,
12 Nevada, and I'm also the Chairman of the Technical Working
13 Group. Before I get started on the presentation of the
14 Technical Working Group I would just like to take a minute
15 to let the panel know how much work has gone into this and
16 the commitment and dedication of these 14 people now on the
17 Technical Working Group, it has just been absolutely
18 amazing. It's been successful and it's been all because of
19 the participant commitments that they are making.

20 There's three areas I'd like to talk about.
21 One is the Level 1 Function Requirement Statement, the
22 other is the Technical Working Group has come up with
23 several questions that they thought they wanted to present
24 to the panel to get an opinion on, or to get a call on, and
25 then also talk a little bit about the next steps for the

1 Technical Working Group.

2 We met this morning, the Technical Work Group
3 met this morning, at 8:00 here in this building, to go
4 through one final iteration. There are 29 Level 1
5 functional requirements that have been agreed to up to this
6 point, and everybody has had several weeks to review them
7 and we met this morning to go through them one more time
8 and made a few editing changes, no content changes, but did
9 make some editing changes, and that's the reason I don't
10 have a copy of the 29 requirements because we just finished
11 it this morning at about 10:00, but I will commit to having
12 those requirements to the panel on Monday when I get back
13 to my office.

14 But, the consensus of the Technical Working
15 Group is that these 29 Level 1 requirements are
16 encompassing and are complete, relative to defining Level 1
17 requirements, and the Technical Working Group recommends
18 that the panel accept those requirements as Level 1
19 requirements.

20 Any comments from the Technical Working Group,
21 that any of the members of the working group would like to
22 add, relative to enhancing my statements on the Level 1
23 functional requirements.

24 I think the effort that has gone into the Level
25 1 functional requirements has been phenomenal, and the

1 homework that everybody has done here has just -- we're
2 much farther ahead than I thought we'd ever be.

3 Any of the panel members have any questions on
4 the Level 1 requirements? No? Okay, good.

5 MR. BECHTEL: Could you maybe just go through
6 some of the -- maybe discuss some of the requirements?

7 MR. HARDWICK: Okay.

8 MS. NEWBURY: Or, at least the changes since
9 the last time the panel met?

10 MR. HARDWICK: Okay, yes, that would be good.
11 I kind of hesitate to go through the changes, because I
12 haven't given everybody a copy of the document that we
13 changed today.

14 The document we were working from was a pre-
15 decisional draft dated 5/11/95, and that outlined 29
16 requirements. In the first requirement, LSS1001, it has to
17 do with LSS software components shall be integrated using
18 modern design techniques and well-documented interfaces
19 which allow components to be integrated into the system
20 without seriously impacting other components. The big
21 change there was that we took out any references to
22 software, because in our discussions it's much more than
23 just software, it's systems, it's hardware, it's processes
24 and procedures. So, the text, the content of the text
25 pretty much stayed the same, we just took out the

1 references to software, to remove some specificity from
2 that.

3 And, the rest of them, going all the way down
4 to LSS1005, there was no problems, and these are pretty
5 much the basis -- the basis of these was the original
6 functional requirements document that TRW prepared and
7 submitted that we reviewed at the last ARP meeting. That
8 was the genesis of these, and the changes are not that
9 significant from there.

10 LSS1005, we had talked about the capability of
11 recognized characters from digital images, and the main
12 question here and the main controversy was the fact that we
13 were concerned that what best achievable is for optical
14 character recognition acceptance. The decision here was
15 that we -- this is not a Level 1 functional requirement, to
16 be defined at Level 1, but we wanted to make note of it so
17 that when we go to the Level 2 functional requirements it
18 doesn't get lost, that we, in fact, do go through and
19 determine some levels of accuracy and some minimum
20 acceptable standards for those.

21 And, with the other one we talked about, and
22 that's one of the questions that we had for the panel
23 today, was the two search and retrieval modes. Oh, no,
24 wait a minute, we decided that wasn't going to be a
25 question, didn't we? The next major thing was the system

1 definition, and we came up with a system definition, and
2 I'm not sure that I have even the comprehensive, but in my
3 notes I have the comprehensive, but let me just take a
4 second and read what we've come up with as a system
5 definition. This not be exact word for word what's going
6 to be issued when I go through my notes and type it up.
7 The system definition is the totality of hardware,
8 software, communications, data and processes and procedures
9 dedicated to writing document intake, searching, retrieving
10 and delivery to the users of the headers, text and images,
11 as detailed in the mission statements found in 10 CFR 2(j).
12 And, I think we had consensus among the group that that
13 would be an acceptable systems definition.

14 MR. BALCOM: Actually, I might as well raise it
15 here. I raised the question this morning that it could be
16 seen from this statement that the technical repository, the
17 place where the raw data will reside, which is, perhaps, a
18 separate facility, might not be included in this statement,
19 and the question to the ARP is going to be, is it part of
20 the LSS?

21 The headers and the pointers to that separate
22 collection of tangible data of core samples, field notes
23 and so on, is all going to be part of the LSS, but in terms
24 of actually physically getting to those tangible pieces of
25 the system that are not documentary, is that part of the

1 LSS? And, I just raise that, you know, for your
2 consideration this morning, because if it is, there may be
3 some design considerations that DOE is doing.

4 CHAIRMAN HOYLE: What do you see the advantages
5 or disadvantages of it being part of the LSS or not?

6 MR. BALCOM: Well, it's a separate facility to
7 be managed, so I guess, you know, the LSSA also would be
8 wanting to know how that impacts on the actual operation of
9 the LSS at some point.

10 The advantages, it seems to me that there could
11 be some control over the timeliness of actually getting
12 data, which seems like it's been a problem in the past, at
13 least from the standpoint of Nevada's request for
14 materials. Granted, this goes way back several years, you
15 know, five or six years now, and I know NRC, prior to their
16 organizational changes, was looking in depth at the
17 protocols for getting at this material, and, you know, I
18 just want to raise this again and see where the ARP stands
19 on it, and where the interests of the community is on it,
20 and is it going to come up and bite us at some point?

21 MS. NEWBURY: Let's see if I understand
22 properly. You are considering the Sample Management
23 Facility as part of the LSS?

24 MR. BALCOM: No -- is that what it's called
25 now, is the Sample Management --

1 MS. NEWBURY: It's always been called the
2 Sample Management Facility.

3 MR. BALCOM: All right.

4 When NRC was looking at some of the protocols
5 for getting at documentary material, and actually even
6 doing document intake several years ago, I guess maybe four
7 years ago now, I think the word they used then was
8 technical repository or something like that, and the sample
9 data --

10 MS. NEWBURY: You are not talking about the
11 data that's generated from the sample, which would be in
12 the LSS, you are talking about the sample itself?

13 MR. BALCOM: Well, no, actually the data
14 generated, would the header be there or would the actual
15 data generated be in the LSS?

16 MS. NEWBURY: In most cases, the data that's
17 generated from the sample would be in the system, because
18 it would be, you know, electronic paper data.

19 MR. BALCOM: How about somebody's field notes?

20 MS. NEWBURY: Field notes would be in the
21 system, because they are part of our record system.

22 MR. BALCOM: And, there would be --

23 MS. NEWBURY: From notebooks.

24 MR. BALCOM: -- an image of each page?

25 MS. NEWBURY: It's how we understand that's how

1 the records are kept, yes.

2 MR. CAMERON: I think that years ago we did
3 address -- the technical data, of course, is addressed in
4 the rule, and that includes the material that can only be
5 imaged that are parts of the package, and it also includes
6 headers for the material, such as core samples, that would
7 not be "in" the LSS.

8 And, we thought that it would be sufficient to
9 establish a protocol with the Department in its
10 responsibility to manage that core sample facility, so that
11 people would have reasonable access to that.

12 We saw a lot of problems with that being
13 designated as a part of the LSS.

14 MR. BALCOM: I guess what I'm getting at is
15 simply wanting to clarify exactly where we stand on that,
16 and maybe having it be a part of the LSS is not the right
17 language, but do you still see the protocols as being, you
18 know, part of the LSSA's function?

19 MR. CAMERON: Well, I think --

20 MR. BALCOM: And, the reasonable time issue is
21 certainly one of the big issues for the State of Nevada.

22 MR. CAMERON: I don't want to speak for Moe,
23 but I think that we would think that it would be very
24 important to take the lead in working out a development of
25 a protocol, of course, with the input from the panel that

1 would establish some sort of reasonable access, because
2 otherwise, you know, what good is it, you have to have
3 access to it.

4 MS. NEWBURY: Chip, there's already an
5 agreement in place between DOE and NRC, and DOE and Nye
6 County. I'm not sure that we have any agreements with the
7 state, in terms of getting samples from the Sample
8 Management Facility, if that's what this will turn into an
9 issue of. And, I really think we ought to wait for Nye
10 County to be here, because they are the other big player,
11 they are the ones who are collecting samples.

12 MR. BALCOM: I think one thing that would help
13 Nevada is to maybe see that protocol. I mean, I don't know
14 where the state --

15 MS. NEWBURY: It's part of the site -- not the
16 site specific agreement, it's one of those that are the
17 standard protocols, formal interaction protocols.

18 MR. LEVIN: I suggest that maybe this is
19 something we can discuss at the meeting in June, and so we
20 can be prepared now that you've surfaced it, so we'll have
21 all the information.

22 MR. BALCOM: Okay, good.

23 MS. NEWBURY: But, that's not part of these
24 functional requirements.

25 MR. BALCOM: No, since system design is -- I

1 didn't want to narrowly -- so narrowly define it that it
2 excluded some things we were discussing four or five years
3 ago. I feel comfortable with it now.

4 MR. LEVIN: The reason for the system
5 definition was kind of like in procurement space. When we
6 talk about the system, if we put together any kind of
7 documents or anything, we were looking for a definition of
8 what do we mean by the system. We were trying to put some
9 bounds around it, and that was the discussion that
10 generated this topic, this issue.

11 MR. HARDWICK: To continue on, that was the
12 major changes that we had made this morning, and then we
13 had a discussion as to it would not be appropriate for the
14 Technical Working Group to ask the panel to approve these
15 functional requirements if we didn't have the functional
16 requirements to pass out to them and review prior to that.

17 So, one of the suggestions was, and this is a
18 suggestion that we, as the Technical Working Group, would
19 put to the panel, is that we will commit to have the edited
20 version of these functional requirements to the panel on
21 Monday, I will fax them to everybody on the panel on
22 Monday, and if we -- one of the ways we could do it is
23 that, if there was no response within 48 hours we would
24 assume that the panel agreed to it. And, if there was
25 changes, we would probably have to -- we really wanted to

1 be able to get closure on these functional, Level 1
2 functional requirements, however, we didn't feel right
3 asking the panel to do it when we haven't handed them out a
4 copy of the latest and greatest version.

5 So, we are open for suggestions as to how we
6 should proceed with this.

7 MR. LEVIN: Let me make a comment on that. We
8 have to get these nailed down and come to closure on this
9 very quickly, because it's very important because this is
10 just the high-level functional requirements, and that's
11 leading to the Level 2 requirements which are the detailed
12 requirements which really will define what the system looks
13 like and allows DOE to go out and do the procurement
14 actions and everything. And that, they are already
15 underway with developing the Level 2. They have a schedule
16 to meet, and we need a quick turnaround on this. So, I
17 just want to express how important it is to look at it and
18 get back to us quickly.

19 MR. METTAM: I appreciate Roger is saying that
20 he'd like us to have a chance to look at them, because I
21 was starting to get nervous when I was hearing you folks
22 say, well, we are going to approve those today, and Roger
23 is saying, well, I don't have them for you to -- you know,
24 I think that 48 hours may not be enough time. You know, we
25 are talking about --

1 MR. HARDWICK: It was just a number we picked
2 out of the air.

3 MR. METTAM: -- but, at the same time, perhaps,
4 some time, you know, within --

5 MR. HARDWICK: Maybe that process isn't even
6 right.

7 MR. METTAM: -- the next five working days, you
8 know, which would give us from Monday to Friday morning, or
9 something like that.

10 That also means that someone has got to commit
11 to notify those people on the panel who are not present
12 that this is occurring, so that, you know, we don't have
13 people out of the loop.

14 MR. HARDWICK: Yes.

15 MR. METTAM: Especially if we are going to do a
16 no answer is assent kind of an arrangement.

17 MR. HARDWICK: We just brought it up as a
18 question as to how the panel would like us to proceed on
19 this. I think we've expressed how important it is, and
20 we'll do whatever is recommended.

21 MR. BECHTEL: But, would it be better to
22 distribute it to John?

23 CHAIRMAN HOYLE: I'm not sure that would be the
24 fastest in this case, if he's going to be able to fax it,
25 but I certainly need to be involved. I would like contact

1 with every member myself, even though it's sort of a
2 negative consent kind of thing, I would prefer a warm
3 feeling that you have seen it, it's been in your hands, and
4 you are not going to object to it.

5 I would ask Claudia to be sure that I know that
6 John participated in it today, didn't he?

7 MS. NEWBURY: Yes, John was here this morning.
8 He had to leave, his daughter is graduating from UNLV
9 tonight.

10 CHAIRMAN HOYLE: Oh, okay.

11 And, he is -- DOE is in agreement from John's
12 standpoint?

13 MS. NEWBURY: Yes, we are in agreement with
14 them as they stand now.

15 CHAIRMAN HOYLE: And, remind us of the work
16 time. Brad has suggested Friday, suppose I get in touch
17 with you later in the day on Friday.

18 MS. NEWBURY: Okay. I don't know which day of
19 the week the 23rd is. As you saw in the briefing this
20 morning, that is our cutoff date for completion of the
21 Level 1 requirements.

22 CHAIRMAN HOYLE: The 23rd is a Tuesday.

23 MS. NEWBURY: So, next Friday would be fine.

24 MR. HARDWICK: Is that an acceptable process
25 then, that I'll distribute them on Monday?

1 CHAIRMAN HOYLE: Yes. I was going to call for
2 anymore discussion of that. The suggestion is that,
3 provided you get it out on Monday, the panel members would
4 have the rest of the week to look at it, and give -- well,
5 there can be a negative consent as far as I'm concerned,
6 but I think I will make contact with the members as best I
7 can to see if, in fact, they have no comments or no
8 objection.

9 This will be, what, several pages?

10 MR. HARDWICK: Four pages.

11 CHAIRMAN HOYLE: Four pages, okay.

12 MR. CAMERON: And, a cover memo, especially to
13 those who are not present, that explains the process?

14 MR. HARDWICK: Yes, I'll do it.

15 MR. CAMERON: And, John, could you -- we'll
16 make that also part of the public record, so that people
17 who have not had access to this material will know what we
18 are talking about.

19 Roger, was there anything that was
20 particularly, I think we've been used to living with
21 functional requirements for a long time now, was there
22 anything controversial or unique that's worth singling out?
23 I think that Kirk already talked about one thing that was
24 worth discussing, the access protocol. Is there anything
25 else that you think rises to --

1 MR. HARDWICK: Well, if you let me go through -
2 - we've come up with three questions also, and, perhaps, --
3 and the questions are a direct result of us working on
4 these Level 1 functional requirements, and there have been
5 some discussions that we've had also relative to level of
6 accuracy for optical character readers, and those types of
7 concerns that are not really Level 1 functional
8 requirements, but are something we want to make note of so
9 that we don't lose it as we get into Level 2, because
10 that's where that's going to have to be addressed.

11 So, if I can, and I'm not closing on the
12 functional requirements, but let me just go through the
13 questions that we had come up, and they were a direct
14 result of working on these Level 1 functional requirements.

15 The very first question has to do with
16 privileged data, and I had several iterations of the
17 question, but, perhaps, the most coherent iteration of the
18 question was from Preston Junkin, and if I could ask
19 Preston to, perhaps, explain the question, because he
20 really, if there's any questions about it, and Preston is
21 on our Technical Working Group, so could you do that?

22 MR. JUNKIN: Can you hear me from here?

23 CHAIRMAN HOYLE: Speak loudly.

24 MR. JUNKIN: Okay. The question, the basic
25 question regards the protective order filed with reference

1 to the rule, and the question really is whether that
2 protective order filed is physically part of the LSS or
3 not. Let me give you just a little background.

4 The rule states that regarding privileged
5 material, that the LSS shall include documentary material
6 which is not privileged under Section 1006. It says that
7 privileged material will be placed into a protective order
8 file, that's stated in 1006.B. It also says that a
9 bibliographic header will be submitted for this material.
10 So, all of this would imply that the material is in a
11 physically separate file without regard to the media, it
12 doesn't comment of that, of course, but that's it distinct
13 from the LSS, except if there's a header pointing to that
14 location.

15 There's only sentence in here that's a little
16 trouble, which appears to contradict that, and we are
17 looking for some clarification, and that's in 2.1013D, it
18 states that on-line access to the Licensing Support System
19 -- it says, on-line access to the Licensing Support System,
20 including a protective order filed if authorized by the
21 Presiding Officer, shall be provided. One can infer from
22 that that the protective order file is in the LSS. Our
23 question is this, is the intent of rule satisfied if the
24 LSS, (a) contains the headers of privileged documents, (b)
25 the headers include the location of the document in a

1 protective order file, and, (c) the protective order file
2 is not part of the LSS. For example, it might be a file
3 cabinet, or procedurally protected, or it could be on a
4 stand-alone computer, but it's not part of the LSS.

5 The reason we care is that, if that kind of
6 privileged data is in the LSS, it has definite implications
7 on the level of software security that has to be built into
8 the system, because people providing that information will
9 need to be assured that their data is going to be
10 protected, and this is a system that the public has access
11 to. So, it could raise lots of concerns.

12 MR. METTAM: Could you do a few examples of
13 what types of information would be in there?

14 MR. JUNKIN: Proprietary data, basically, it's
15 qualified, and I'm not an attorney so, perhaps, they can
16 speak better --

17 MR. METTAM: In general terms.

18 MR. JUNKIN: -- if a person makes a claim that
19 information is proprietary or financial in nature, and
20 shouldn't be made available for the public, a ruling can be
21 made that it's absolutely qualified, in which case it
22 doesn't go anywhere -- I'm sorry, that it's absolute
23 privileged data, in which case it doesn't go anywhere, or
24 that it's qualified privileged data. If it's qualified, it
25 goes into the protective order file. So, that means it's

1 relevant enough to the proceedings that some people need
2 access to it, but it's on a very controlled basis because
3 it does tend to be proprietary, financial kind of data.

4 MR. HARDWICK: Or Privacy Act type data.

5 MR. JUNKIN: Right.

6 MR. HARDWICK: Those types of things. There's
7 a whole series of categories here.

8 MR. HENKEL: Could one example be the losing
9 bids for the multi-purpose canister, something like that?

10 MR. PRESTON: I couldn't answer that.

11 MR. METTAM: That's what I'm trying to get at,
12 is a feel for what types of things we are talking about.

13 MR. HARDWICK: Company proprietary information
14 also on bid rates and, you know, those types of things that
15 the company -- and qualifications, perhaps, for some of the
16 technical experts. There's a whole series of things.

17 MR. CAMERON: Right. If you look in 10 CFR
18 2.790 of the Commission's regulations, there's a number of
19 privileges that are traditional privileges that any type of
20 adjudication, basically, although there's other things that
21 are set forth there, and it might be -- it traditionally is
22 included, like pre-decisional documents, proprietary,
23 confidential, financial, there's attorney/client, things
24 like that, work product.

25 The rule says that access would be given to the

1 file. In other words, privileged documents initially
2 aren't submitted to the LSS for entry and then put into a
3 confidential part of the LSS. If a party claims a
4 privilege for a document, and the Board rules that either
5 the privilege doesn't apply here, okay, which means the
6 document comes in like a regular document to the LSS, or if
7 the Board said the privilege applies, but it's necessary
8 for a decision in the case, then you get to the protective
9 order file. The rule says that if the Board authorizes
10 that there's going to be a protective order file in the
11 LSS, it could be, I think that we might have left this to a
12 future decision when we negotiated the rule. In other
13 words, does the Board want to keep this all hard copy, or
14 does it want to set up a separate file in the LSS, and part
15 of that consideration of leaving it for the future, you
16 know, revolves around exactly the issues that you are
17 raising about cost, security, those types of things. So, I
18 think that that's something that we need to work out and
19 talk to the representative of the Atomic Safety and
20 Licensing Board Panel, Paul Bollwerk is with us in the back
21 of the room, and I think he should be involved in that
22 discussion.

23 In fact, Paul, if you have anything that you
24 think might be useful to contribute on this issue, please
25 pitch in.

1 MR. BOLLWERK: This is all I can say, up to
2 this point we've had some electronic filings come in that
3 we've been using in different proceedings, but we really
4 haven't dealt, I don't think, with proprietary information.
5 I think we've kept them out of the system.

6 Now, you know, if things are coming along --

7 MR. CAMERON: When you say the system, don't
8 give people the impression, there are some electronic
9 hearing dockets already that the Licensing Board has been
10 using.

11 MR. BOLLWERK: They tend to be for a particular
12 hearing, we get documents, generally, when we have a large
13 licensee document, they will bring them in electronically
14 so we can use them in the hearing.

15 As I say, security is coming along, questions
16 about public key private, key security, key passwords, all
17 those sorts of things, we haven't really made a decision
18 about how we are going to handle those, so it's sort of an
19 open question, I guess, is the answer. And, as you say,
20 it's something to be looked at. When we get electronic
21 filings, generally, there's no reflection that they need to
22 be dealt with by security.

23 MR. HARDWICK: One of the reasons we raise it
24 is the operational aspects could be very significant, if we
25 decide that we are going to have this privileged data or

1 these files on electronic format in an LSS, and I guess the
2 gist of the Technical Work Group question is, is it the
3 opinion of the panel that the rule would be satisfied if
4 we, in fact, have headers of privileged documents, and the
5 headers will include the location, physical location of the
6 documents, not necessarily in the LSS, and that the
7 physical location has protected procedures, protected in
8 some fashion.

9 And, basically, what the answer to that would
10 be, if the panel says that, yes, the rule is satisfied,
11 then that means we can go forward without having to include
12 the privileged data in the LSS.

13 MR. CAMERON: I think that, obviously, the
14 panel is going to have to talk about the pros and cons. I
15 guess my opinion would be that if the panel decided that it
16 was best to only have hard copy protective file, and, of
17 course, this is something that we would have input from the
18 Licensing Board Panel on, I think that the rule would be
19 satisfied.

20 I think the question is, as a policy matter, is
21 it -- if you do a cost benefit analysis on it is it better
22 to have an electronic protective file or a hard copy file?

23 MR. HARDWICK: But, that really doesn't matter
24 to us, because if it's electronically protected or a hard
25 copy file, we are worried about whether it's included in

1 LSS. It could be an electronic file not included in LSS,
2 and so the interpretation we were looking for was whether
3 it should be included in the LSS, I guess.

4 MR. METTAM: Roger, let me repeat your question
5 and see if I've got an understanding of it. The issue is
6 whether or not you need an additional level of security
7 built into the system, so that the documents could then be
8 accessed or not?

9 MR. HARDWICK: No, no, the question is, is
10 whether -- the rule already says that we will have headers
11 and locations of privileged documents in the LSS, that will
12 be there, so that there will be a traceability of
13 privileged documents.

14 The question is, where do the privileged
15 documents reside? Because they are sensitive documents,
16 and I'm not sure that they could ever be classified, but
17 they are sensitive or they are Privacy Act type documents,
18 if those documents reside in LSS that could have
19 significant design impacts on the entire design of the LSS
20 and operational aspects.

21 And so, the Technical Working Group is asking
22 the question that, is the rule satisfied if we just have
23 the headers that point to a physical location where the
24 privileged data is, and not necessarily the LSS. Is that
25 clear, or am I still just stumbling?

1 MR. METTAM: When you say the LSS, are you
2 talking about the electronic component of the LSS or the
3 entire system, which includes the physical plant, because
4 I'm not sure it's a Level 1 functional requirement to
5 answer that question now, unless it involves sort of the
6 software design, you know, issue.

7 MR. HARDWICK: Yes, it does.

8 MR. METTAM: And, that's the question I was at,
9 is it the software security component that's needed
10 answered?

11 MR. HARDWICK: Yes.

12 MR. BALCOM: In other words, can you store the
13 materials in a different place than all the other documents
14 for the LSS? If the answer is yes, we don't have to build
15 another level of security.

16 MR. METTAM: Well, but that issue is easily
17 handled. I mean, whether you keep the file cabinet under
18 the LSSA's physical control, or in another building,
19 doesn't seem to be a Level 1 issue. The issue is really,
20 you know, are you only going to have a header, or is there
21 going to be some kind of electronic access?

22 MR. BALCOM: Well, let's say that we have to
23 image, we have to keep an electronic image of a protected
24 document, does the electronic image reside on the computer,
25 as part of the LSS electronic system, or is it okay to put

1 it next door on a mini-computer or in hard copy? And, if
2 it has to be on the LSS, along with all the other images,
3 it has to be segregated somehow, and that's the software
4 design consideration.

5 MR. METTAM: Right, okay.

6 MR. BALCOM: You know, and financially or
7 economically, it would not make sense to include it. So,
8 what we are looking for is, would everybody be happy with
9 our having it in a room under, you know, your protection or
10 under somebody's protection, the actual physical document
11 or the image of the document, not the header.

12 MR. CAMERON: I would imagine it would be under
13 the control of either the Licensing Hearing Board or the
14 Pre-License Application Hearing Board.

15 MR. HENKEL: Question, can the software
16 security items be added at a later date?

17 MR. HARDWICK: Yes, they could be.

18 MR. HENKEL: If you have enough money.

19 MR. HARDWICK: If you have enough money, but I
20 think it would be --

21 MR. HENKEL: Well, that's my point.

22 MR. HARDWICK: -- it would be probably a
23 significant cost increase to add it at a later date.

24 MR. HENKEL: As opposed to doing it up front?

25 MR. HARDWICK: Yes, and the reason that we are

1 bringing it up as an issue right now is because we really
2 want to -- it's a Level 1 function requirement, if it's
3 going to be a requirement.

4 Preston?

5 MR. JUNKIN: Let me mention, too, that the rule
6 is, except for that one sentence, the rule is pretty clear.
7 Let me read you 2.1010C. Upon a final determination that
8 the material is relevant and not privileged, exempt from
9 disclosure or otherwise exempt from entry into the
10 Licensing Support System, and then it goes on, except for
11 that one sentence that refers to an on-line access, it
12 seems the rule is pretty clear that the header is all
13 that's in there. And, again, we are simply trying to get
14 assurance that it's okay to -- the functional requirements
15 will differ if there's privileged data in the system. You
16 simply have to have more protection than you would
17 otherwise, because it's a publicly accessible system, and
18 it's proprietary data.

19 MR. CAMERON: I think that's the issue that we
20 need to discuss with some assistance from the Licensing
21 Board, and do it -- I guess the point is, do it soon.

22 MR. BOLLWERK: As John is aware, there is
23 actually a project here in the Commission going on to put
24 together an electronic hearing docket for the entire
25 adjudicatory system of the agency, and one of the questions

1 we are going to have to deal with is just this question in
2 terms of every procedure that the agency has to handle.
3 So, it may well be that some of the wisdom we get from that
4 system is something that you all will be able to use.

5 I don't know how you feel about that, John,
6 but, you know, that's one of the things we'll have to deal
7 with on this.

8 CHAIRMAN HOYLE: Right, it's really a question
9 of timing, I guess. We are not ready to deal with that
10 issue within the agency, because we are still several
11 months away from that.

12 MS. NEWBURY: Can I ask a couple questions?

13 CHAIRMAN HOYLE: Sure.

14 MS. NEWBURY: On-line access to whatever this
15 proprietary information is doesn't necessarily have to be
16 through the LSS, right?

17 MR. HARDWICK: No.

18 MS. NEWBURY: You could have a separate on-line
19 system, and as long as you have the headers in the LSS that
20 point to the electronic access you are covered by the rule.

21 MR. HARDWICK: Yes.

22 MS. NEWBURY: All right, so I don't see any
23 advantages, unless there are some that you haven't
24 discussed, to trying to put this proprietary information
25 into the LSS per se. Am I right?

1 MR. HARDWICK: You are right, and if I might
2 just add one last thing here, is that it's the opinion, and
3 if anybody on the Technical Working Group disagrees with
4 me, but it's the opinion of the working group that the
5 headers is all that's necessary and the data being in a
6 procedurally protected or some other off-site storage, or
7 another room storage, that's the preferred answer.

8 I mean, that's the way the Technical Working
9 Group has leaned, relative to a solution, but it's not our
10 place in life to make those decisions, and we wanted to
11 make sure that the panel was aware of the potential impacts
12 both ways.

13 But, our interpretation of the rule is exactly
14 as you stated it, Claudia, that, you know, all that's
15 required is the headers.

16 MS. NEWBURY: Right, and the electronic access
17 that's mentioned in the rule does not necessarily have to
18 be part of the LSS.

19 MR. HARDWICK: No.

20 MR. CAMERON: And, you don't necessarily -- the
21 rule doesn't require that there be electronic access to
22 privileged documents that are under a protective order,
23 okay?

24 MS. NEWBURY: So, is this really a non-issue?

25 MR. METTAM: I think what Roger was trying to

1 get is to get that resolution. I would say that, at least
2 my personal opinion is, if we leave unresolved the issue of
3 where do those documents physically reside, you know, if we
4 are not trying to decide whether the LSSA is going to have
5 control of those documents, I think the header is all you
6 need.

7 MR. HARDWICK: And, that's the opinion of the
8 Technical Working Group also, and to get it down to, just
9 like a one-sentence question, does privileged data -- is
10 privileged data in or out on the LSS?

11 MR. HENKEL: I'd like to say I agree with what
12 Claudia and Brad said, and it would seem to me that a
13 public system and security are almost an oxymoron, and that
14 you are creating a nightmare that will be a never-ending
15 nightmare down the road.

16 MR. HARDWICK: Exactly, and that was kind of
17 our technical view of it, too.

18 MR. METTAM: And, whatever you do, some hacker
19 will make his way through it, or her way through it.

20 MR. HARDWICK: Sure.

21 So, I'm not sure if it even is an issue. It
22 was brought up, it was recommended the group bring it up,
23 because, you know, this was -- this same discussion has
24 gone on in the group in great detail, and I think we came
25 to the same consensus, that the rule clearly states header

1 is all that's required, and deal with the privileged data.

2 And, Chip is right, on-line access of that
3 privileged data is not a requirement.

4 CHAIRMAN HOYLE: I think the sense of the panel
5 is that we agree with the working group.

6 MR. HARDWICK: Good. Okay, and thanks a lot,
7 Preston.

8 If there's no more discussion on that question,
9 we'll go on to what we had for the -- I think there was two
10 additional questions we had. Remote access, the other
11 question has to do with remote access, and the background
12 on it was that the remote access implies the accessors have
13 full functionality available as an option to them, and the
14 question of the Technical Working Group to the panel is,
15 does this include access to pleadings and transcripts?

16 And, let me just repeat the background again
17 now. The remote access implies that people who want to
18 access the system have full functionality available as an
19 option. Does full functionality include access to
20 pleadings and transcripts?

21 MR. BALCOM: You are talking about non-
22 participants and non-potential parties?

23 MR. HARDWICK: Yes.

24 MR. BALCOM: You are talking about the public?

25 MR. HARDWICK: Yes.

1 MR. CAMERON: This is after the Notice of
2 Hearing.

3 MR. HARDWICK: Right.

4 MR. CAMERON: What restrictions are placed on a
5 member of the public who accesses the system? Is there any
6 material that's out of bounds?

7 MR. HARDWICK: Yes, that's a real good way to
8 put it, because that really covers more than just pleadings
9 and transcripts, but you are right, that's exactly what we
10 are asking.

11 MR. HENKEL: What is the concern with limiting
12 the access?

13 MR. BALCOM: I'm not sure it's a concern as
14 much as it's simply important to clarify some of these so
15 the Technical Working Group doesn't make assumptions on
16 behalf of, say, the lawyers, you know, who may have a
17 different sense of the history, and so what we are doing is
18 pinning down some clarification, like can the public have
19 access to all depositions, for example, that are on the
20 LSS, transcripts from depositions.

21 MR. CAMERON: Subject to clarification by, not
22 only Paul Bollwerk, but Bill Olmstead in the back, I think
23 that the transcripts of the hearing, motions, all of this
24 is public record anyway, so that there shouldn't be any
25 restriction after the Notice of Hearing on access to that

1 type of material.

2 And, I would ask Paul or Bill if they wanted to
3 say anything else on that. Is that correct, essentially?

4 MR. BOLLWERK: Paul Bollwerk from the Licensing
5 Board Panel, I mean, generally, discovery material is
6 public record information, but people can't come in for
7 protective orders, there is things that is not necessarily
8 considered --

9 MR. CAMERON: Subject to the protective order.

10 MR. BOLLWERK: -- subject to the protective
11 order, I mean there are certain instances where the press
12 is wanting discovery material, the courts have said no, for
13 whatever reason, you know, given what the case was going
14 on. So, it's not a blanket that it's all public, we could
15 have protected, but as a general rule.

16 CHAIRMAN HOYLE: Yes, sir.

17 MR. FISHER: Michael Fisher, TRW. I think
18 we've gotten off target with respect to what the question
19 was with respect to remote access. It is with respect to
20 potential parties, parties and potential parties, et
21 cetera, not the public. Going to 21007C, access to the
22 Licensing Support System for potential parties, intra-
23 governmental participants, and parties will be provided in
24 the following manner: (1) full text search capability
25 through dial-up access from remote locations at the request

1 and the expense . . . , and then it goes on to talk about
2 images. I believe that's what we were referring to this
3 morning with regards to remote access by the parties, et
4 cetera, was that remote access also supposed to be to the
5 official record materials.

6 MR. HARDWICK: Yes, I recall the conversation,
7 yes, I misstated the question.

8 MR. METTAM: I have an answer for it if it's
9 raised that way. The answer is yes, remote access has got
10 to be fully functional, so if you can reach it in another
11 way, the remote accessors have to be able to reach it as
12 well.

13 CHAIRMAN HOYLE: Bill, do you want to add
14 anything?

15 MR. OLMSTEAD: Well, Paul just mentioned the
16 electronic documents --

17 CHAIRMAN HOYLE: We can't hear you.

18 MR. OLMSTEAD: -- the problem is service. If
19 you are a participant in the proceeding, how are you going
20 to get service of documents and pleadings if you don't have
21 access? In other words, if I file a pleading, I have to
22 file it, not only with the Board, but with all the parties.
23 So, you've got to provide the service to the parties
24 electronically. So, the answer should be anything the
25 party has to have that they can get through the mail they

1 need to have access to.

2 The way the Licensing Board is really running
3 now, I think it's with a third party provider dial-up
4 access.

5 MR. HARDWICK: The answer to the question is
6 yes. Thank you.

7 Then, we have one last question, and that was,
8 in Section 2.1013(c)(4)(i), what is meant by address and
9 return receipt acknowledgement? And, if I can ask for
10 somebody from the Technical Working Group to explain that a
11 little bit further, as to -- Kirk, do you want to give it a
12 shot?

13 MR. BALCOM: Yes. I think this is the
14 terminology address in terms of service of process again.
15 Is it an electronic address? I mean, this is another thing
16 we need a little clarification on. Is this someone's
17 physical address at, you know, NRC, White Flint, Building
18 Two North, room such and such, or, you know, help us a
19 little bit on how you see that progressing over the next
20 few years, because it may have some design considerations.

21 MR. CAMERON: We talked about this during the
22 negotiation, and, again, I'm going to let Bill Olmstead
23 elaborate on it, but each party to the hearing would have
24 an electronic mailbox, and all motions, pleadings, would be
25 filed to that electronic mailbox.

1 Now, is the question, can a party use an
2 existing Internet or E-Mail address that they have now, or
3 do you have to build a whole separate system of addresses
4 for this?

5 MR. LEVIN: Let me explain a little here maybe.
6 This had to do with when something is sent from a
7 participant electronically and received at the LSS, there's
8 a receipt acknowledgment, a return acknowledgement. Within
9 that acknowledgement, it's defined that there will be an
10 address. Okay. We don't know whether that address is
11 supposed to be an Internet address, a mail address, a
12 physical location, we don't know what that address is.

13 MR. CAMERON: Well, it's supposed to be an
14 electronic address, the way I understand it, and this is
15 one of the things that, perhaps, can be done a couple of
16 different ways, and it's a question of figuring out what's
17 the most sensible way to do it.

18 I don't think that we have any hard and fast
19 rules or ideas on what that is at this point.

20 MR. BALCOM: How about in terms -- would you
21 include in that in terms of complying with whatever the
22 federal rules are about service, or are you making a
23 distinction that any electronic mail sent back and forth
24 between participants?

25 MR. CAMERON: This provision of the rule

1 focuses on the formal service of pleadings in the
2 adjudicatory hearing. So, it's not -- although if you set
3 up a system for that, there's no reason why it, perhaps,
4 couldn't be used for E-Mail or discussion between the
5 parties. I don't know, but keep in mind that the sole
6 function of this provision is for the formal service of
7 pleadings during the adjudicatory hearings.

8 MR. BALCOM: Right.

9 So, can I imply that there is no need for a
10 hard copy document then?

11 MR. CAMERON: Oh, we're down to whether you
12 have to have a hard copy duplicate. Now, the rule requires
13 that there be a hard copy duplicate of all of this
14 material, and the reason that that was -- at the time, I
15 think people were sort of nervous about relying on a purely
16 electronic docket, but I think the rule still requires
17 there to be a hard copy of that material.

18 Now, whether we are in a different world now,
19 is another, you know, question for discussion.

20 Bill, do you want to chime in?

21 MR. OLMSTEAD: I'm going to leave.

22 There are three elements that are legally
23 required. You have to have a signature. You have to have
24 service of the document, and you have to be able to
25 authenticate the document that was sent with the document

1 that was received. You have to be able to handle the hard
2 copy. All the rule was trying to deal with was
3 verification of service. The hard copy was the -- if there
4 was a contest about what was to be in the document, it was
5 going to be the hard copy that was used in that event,
6 because we didn't, at the time, have any kind of security
7 authentication procedures to ensure by examining the bytes
8 in the document that the document hadn't been tampered
9 with.

10 But, as we all know, there has been a NIST
11 standard that allows us to verify the electronic copy now,
12 but NIST has deferred now to GSA, and GSA doesn't yet have
13 a standard out that we comply by. So, the answer at the
14 moment is, we want to use electronic service to eliminate
15 mail fraud, but if there is a challenge to authenticity
16 there still has to be a hard copy. And so, the return
17 receipt is from the electronic mailbox that indicates the
18 electronic copy has been --

19 Incidentally, a new development, Lexus is now
20 giving every lawyer in the United States an electronic mail
21 address, so I think that the problem of how you address
22 these things will be solved by the time you get to that.

23 MR. BALCOM: So, does that give our designers,
24 the men who are going to write, the people, excuse me, who
25 are going to write the Level 2 requirements, does that give

1 you enough information?

2 MR. JUNKIN: What I heard is that there is no
3 legal requirement for a U.S. mail address. That's all we
4 wanted to know.

5 MR. HARDWICK: Okay, so that answers it. You
6 can proceed.

7 MR. JUNKIN: An E-Mail return receipt is as
8 good.

9 CHAIRMAN HOYLE: Let me ask my own question
10 here, perhaps, my cohorts can answer it. Does the rule
11 call for an image, as well as an electronic version of the
12 document, of all documents?

13 MR. SILBERG: Are you talking about pleadings?

14 CHAIRMAN HOYLE: No, just all documents that go
15 into the LSS.

16 UNIDENTIFIED SPEAKER: It calls for image and
17 text.

18 CHAIRMAN HOYLE: So, where does the image come
19 from if you don't have a hard copy?

20 MS. CARRIGAN: Well, it could have come from
21 the electronic file.

22 CHAIRMAN HOYLE: You should identify yourself.

23 MS. CARRIGAN: I'm Camille Carrigan. I'm with
24 the EMNO. You could create, nowadays they have technical
25 facilities where if I create a document in Word Perfect I

1 can put it through an electronic process and create an
2 image out of it without ever creating a hard copy.

3 MR. CAMERON: But, it's right in the rule
4 actually, is that if you look at -- that's very true, but
5 if you look at 2.1013, I guess, (c)(6), no (c)(5), is that
6 besides -- the electronic service is meant to eliminate the
7 delay in the physical delivery, but the rule says that one
8 signed paper copy of each filing shall be served promptly
9 on the Secretary by regular mail. In other words, your
10 proceeding is going on on the basis of the -- and, your
11 requirements of service are being met by the electronic
12 delivery, but that paper copy of everything is supposed to
13 be served on the Secretary.

14 CHAIRMAN HOYLE: Yes, Stan?

15 MR. NICHOLS: Stan Nichols. Then you'd only
16 need one hard copy, not service of hard copies and
17 electronics to everyone, because the copy that goes to the
18 Secretary would be scanned in, and if anyone wanted to test
19 the authenticity they could bring up the image.

20 MR. CAMERON: You only need to send the hard
21 copy to the Secretary, not to the other parties, but
22 electronic transmission has to go to all the parties.

23 MR. NICHOLS: And, that runs the clock, as far
24 as servicing all the rest.

25 MR. CAMERON: Right, exactly.

1 MR. NICHOLS: So, as far as any challenge to
2 the authenticity, that would be the image of the one copy
3 that went to the Secretary could be called up to serve that
4 purpose.

5 MS. NEWBURY: So, if I'm following this
6 properly, when you are doing the filings you are only
7 filing a text file, you are not filing both an image and a
8 text file.

9 MR. CAMERON: That's right, just a text file.

10 MS. NEWBURY: Okay. So, what we said earlier,
11 that there's an image and text with everything, is only for
12 the stuff pre-licensing, not part of the proceeding. Am I
13 off?

14 MR. CAMERON: Fielden, you may want to clarify
15 that.

16 MR. DICKERSON: Fielden Dickerson. No, that
17 was the thing. A piece of paper is being generated, and
18 that gives rise to the image.

19 MS. NEWBURY: But, when you are filing the --
20 when you are doing the filing, you are not filing both an
21 image and a text.

22 MR. DICKERSON: No, you are just catching up,
23 you are right.

24 MS. NEWBURY: Yes.

25 MR. DICKERSON: But, ultimately, they are going

1 to come together.

2 MS. NEWBURY: Right, but that's not part of
3 what -- the person doing the filing doesn't have to create
4 an image.

5 MR. DICKERSON: That's right.

6 MS. NEWBURY: Okay.

7 MR. OLMSTEAD: If you use an Adobe Acrobat
8 file, you would have both the image and the text in one
9 electronic document, and that would meet the requirements
10 of the rule as it's written.

11 MR. CAMERON: Jay Silberg I know wants to
12 elaborate on the Adobe Acrobat file.

13 MR. SILBERG: I'll hold my tongue.

14 MS. NEWBURY: That did not constitute
15 endorsement of a particular product by the federal
16 government.

17 CHAIRMAN HOYLE: Yes?

18 MR. FISHER: I'd to ask a clarifying question
19 then based on the previous discussion, and that is, the
20 rule differentiates between the documentary material and
21 the official docket or the official record material, the
22 official record file, whatever terminology you want to use
23 there. So, as I understand it then, electronic filing
24 detects from the electronic files -- purpose, but the image
25 of the paper copy that's sent to the Secretary will be the

1 only information on that transmittal that goes into the
2 official record materials, not the electronic filings?

3 MR. CAMERON: There may be exhibits, and the
4 exhibits that are going to be entered into the physical
5 adjudicatory record are going to be in the system full text
6 searchable, as well as having a hard copy of that.

7 Now, the pleadings then, and as I understand
8 the rule, is exactly how you describe it.

9 MR. FRANK: I'm Jim Frank. I believe the
10 question started out being, what kind of an address do we
11 need. I think the answer to that question was clear.

12 MR. CAMERON: Let's quit while we are ahead.

13 CHAIRMAN HOYLE: Roger, any other things?

14 MR. HARDWICK: Okay, thanks.

15 The only other issue that we had as the
16 Technical Working Group was the guidance from the panel as
17 to what the next steps should be for the Technical Working
18 Group. The next logical step from our opinion would be to
19 continue doing the same processes we were doing for Level 2
20 that we did for Level 1, and, quite frankly, generate a lot
21 of enthusiasm. I know everybody is chomping at the bit to
22 get at it. So, we were asking for guidance as to what the
23 panel would like the Technical Working Group to address
24 next and how to proceed.

25 CHAIRMAN HOYLE: Discussion on that point?

1 MR. METTAM: Yes. Does the Technical Working
2 Group have any suggestions?

3 MR. HARDWICK: That we do, in fact, do the same
4 thing for the Level 2 functional requirements that we did
5 for the Level 1 functional requirements, would be our
6 recommendation.

7 MS. NEWBURY: Sounds good.

8 MR. HARDWICK: Okay.

9 MS. NEWBURY: You already are, aren't you?

10 MR. HARDWICK: Well, we've made arrangements
11 to, but we haven't done anything yet. I just made
12 arrangements with John this morning to get a copy and to
13 get it distributed to the group. So, yes, we were assuming
14 and hoping that that would be, in fact, the next step.

15 CHAIRMAN HOYLE: But, the next project for the
16 working group will be the Level 2 requirements.

17 MR. HARDWICK: Yes, and we'll start on that
18 immediately, like the 1st of June, I guess.

19 CHAIRMAN HOYLE: All right.

20 And, Claudia, I guess there are tight time
21 limits on that as well.

22 MS. NEWBURY: Yes, there are, and I think Roger
23 is aware of them.

24 MR. HARDWICK: Yes. We talked about them at
25 the Technical Working Group this morning, and it's going to

1 require some additional commitment on behalf of all the
2 working group, but they've all agreed that it would be an
3 effort they would make, so that, by the time we come to the
4 next ARP meeting in July, we could give a status on where
5 we are on Level 2 functional requirements.

6 CHAIRMAN HOYLE: All right. Thank you very
7 much, Roger.

8 I also --

9 MR. FRISHMAN: Claudia, you are on a schedule
10 to have that done by June 15th, aren't you?

11 MS. NEWBURY: Oh, you've got my schedule there,
12 which I don't have pulled out. Yes, that's right, that's
13 why I said Roger is aware of our tight schedule. What
14 he'll probably be reporting on in July is what they did and
15 gave to us.

16 In our last meeting, I believe we talked about
17 whether or not I actually have to have concurrence from the
18 group before we can proceed.

19 CHAIRMAN HOYLE: Well, I believe that you do.
20 The working group should not be reporting directly to the
21 agency.

22 MS. NEWBURY: Right.

23 CHAIRMAN HOYLE: But, rather, through the full
24 committee. So, you've got to keep that in mind, and we
25 will use the process that we are planning to use next week

1 in order to get the material around.

2 If a panel member requests a meeting on the
3 subject, I think we've got to take that under consideration
4 and see if we can call a quick meeting.

5 MS. NEWBURY: Our requirement for the Level 2
6 by June was so that we could start our make-versus-buy
7 analysis, the A,B,C, but that's an ongoing process. So, if
8 we get comments or concurrence from the ARP later than that
9 June date, that doesn't preclude us from including them. I
10 don't want to get into a long protracted how we are going
11 to develop the Level 2 requirements that gets beyond our
12 make-buy analysis. That kind of defeats the purpose of it.

13 MR. FRISHMAN: Well, that's about a nine-month
14 process that you have, from the looks of it.

15 MS. NEWBURY: That's true, but they have to --
16 that's nine months worth of work.

17 MR. FRISHMAN: But, if you were maybe three
18 weeks to a month out on the front end and had to make -- if
19 there were adjustments, they'd probably not be major
20 anyway, since you've got your Level 1 already. And, would
21 that cause us to be overridden?

22 MS. NEWBURY: Hopefully not, unless the changes
23 are so significant that they would cause perturbations in
24 the whole make-buy analysis, which I would not expect.

25 MR. FRISHMAN: Hard to imagine one that big.

1 MS. NEWBURY: Since the Technical Working Group
2 is already working with us, we have a person on the
3 Technical Working Group, in developing those Level 2
4 requirements, so I don't think that that would be a serious
5 problem. We will make adjustments based on what the
6 Advisory Review Panel says in July.

7 MR. FRISHMAN: That means we can conceivably
8 discuss our working group's recommendations in the July
9 meeting, and we'll still have a meaning for your work.

10 MS. NEWBURY: We'll have meaning in July.

11 CHAIRMAN HOYLE: Okay, good.

12 MR. HARDWICK: One other thing, John, I'd like
13 to just -- and to clarify for my own clarification, is the
14 process that I've committed to is that on Monday morning
15 I'll fax you a copy of these edited requirements, and then
16 after you and I concur I will fax a copy to all of the
17 panel members with a cover letter. Is that the commitment
18 I've made?

19 CHAIRMAN HOYLE: Yes, that's the way I
20 understand it.

21 MR. HARDWICK: Okay, great, and that will be
22 done.

23 CHAIRMAN HOYLE: I'm assuming you have
24 everybody's fax numbers?

25 MR. HARDWICK: Yes, we do. As a matter of

1 fact, I think you just gave them to us.

2 CHAIRMAN HOYLE: All right.

3 I do want to express my thanks to the Technical
4 Working Group, not only for taking on that chore on the
5 Level 1 requirements, but providing the initial drafting
6 assistance on the memorandum I gave to Mr. Levin a few
7 moments ago.

8 Okay, moving along, the next topic I would like
9 to bring up is the header issue. When we met last time,
10 the panel was about ready to approve the Header Working
11 Group's recommendations, and one panel member asked for a
12 little more time to consider it, and so let me ask Lloyd
13 now if you've had time to consider, and can you now concur?

14 MR. MITCHELL: Yes, and I feel comfortable in
15 concurring at this time.

16 CHAIRMAN HOYLE: All right, very good.

17 So, the panel, then, concurs in the
18 recommendations of the Header Working Group as described in
19 last meeting.

20 MR. BALCOM: John, before you move on to the
21 next topic, there was a recommendation or a suggestion this
22 morning that the Header Working Group meet again fairly
23 soon to take up a couple of issues that have to do with
24 defining the data elements for the Level 2 requirements,
25 and that was so-called "unitization" definitions, in other

1 words, what is a document, what does an attachment do to a
2 document and so on, and that there are some additional
3 parameters that go beyond what is in the field definition
4 summary table, part of which are already underway with
5 DOE's Records Management System, and are also being
6 incorporated into Level 2 requirements by those working on
7 the design.

8 And, it sounds like a good idea, it sounds like
9 a fairly short meeting, but it would have to happen fairly
10 quickly. So, I open that up for any comment as to having
11 the Header Working Group meet and look at the data elements
12 and complete some detail design considerations there.

13 MR. MITCHELL: That would be before the July
14 meeting?

15 MR. BALCOM: Right, it would have to be in the
16 next, probably, three weeks, as a matter of fact.

17 CHAIRMAN HOYLE: The outcome of the meeting
18 would be a recommendation to the panel, to the agency?

19 MR. BALCOM: I hope what would happen there
20 would be simply that there would be a consensus on some
21 more finite aspects of, you know -- well, Dan, this was
22 your suggestion, do you want to add anything?

23 MR. GRASER: Sure, Dan Graser, NRC. In terms
24 of the actual header fields, I can give you a concrete
25 example. The Department of Energy, for example, might have

1 a title field 500 characters long. The LSS design boils
2 down to a piece of software that will only take 200
3 characters. So, when you go to migrate data from the DOE
4 system into the LSS, you truncate the last 300 characters.

5 Well, obviously, you want to make sure that
6 doesn't happen, so it's really just a point of us trying to
7 provide enough detailed information on the structure of the
8 field itself, so that we are all of a general understanding
9 that when DOE runs the procurement they are going to ask
10 for an LSS system that will carry a title field 500
11 characters long, so that they know that that would be a
12 requirement in that area.

13 And, in terms of unitization, the point that
14 was raised this morning is that, back when the LSS
15 prototype was being run, one of the products of that drill
16 was to develop a document on unitization of documents, and
17 that documentation, in fact, was incorporated very much
18 into the Department of Energy's document processing
19 structures. But, if you go back to the rule, and we were
20 looking at things in terms of participant commitments and
21 the sort of guidance that the LSS administrator should be
22 giving to people early on, and we figure, well, if we are
23 the point where we are starting to get into the specific
24 aspects of how you catalogue the record, and how long the
25 field is going to be, we want to make sure that we are all

1 defining documents relatively consistently, and it is
2 something that the LSS administrator could issue as, you
3 know, a guidance sort of thing to the participants enough
4 in advance so that they incorporate it into the way, for
5 example, DOE starts to reprocess their documents, so that
6 they have that guidance from the get go and can do the
7 document unitization one time and do it right.

8 CHAIRMAN HOYLE: Would the product of your work
9 be fed into the Level 2 requirements that we would be
10 looking at in the July meeting?

11 MR. BALCOM: Yes, it's my understanding is that
12 they would.

13 CHAIRMAN HOYLE: Okay, great.

14 MR. BALCOM: Yes.

15 CHAIRMAN HOYLE: All right. Well then, we will
16 see them in the process of the Level 2 requirements.

17 Is your -- are the two subgroups sufficiently
18 different, or is the make-up of them about the same?

19 MR. BALCOM: Well, I was wondering about that
20 this morning. This is certainly a smaller subgroup, and
21 I'm not sure that it makes sense to get the whole Technical
22 Working Group together just to solve this fairly quick. I
23 think this would go quickly, and it could be done by a
24 smaller number of people. That would be my thoughts about
25 it.

1 CHAIRMAN HOYLE: Okay, please do that.

2 Okay, the next item on the agenda for today is
3 to hear from the LSS Administrator on current LSS activity
4 at NRC. But, before I ask Moe to do that, let me just get
5 a time check. It's 2:15. Many of you are returning West
6 this evening. What time will you need to leave here, 3:00?

7 MS. NEWBURY: I need to go by 3:00.

8 CHAIRMAN HOYLE: You need to leave by 3:00.
9 So, we have 45 minutes remaining. What other topics were
10 going to be brought up by anyone? Were you going to bring
11 up anything?

12 MS. NEWBURY: I have nothing to bring up.

13 CHAIRMAN HOYLE: Okay.

14 Brad?

15 MR. METTAM: I don't know if this is the
16 appropriate time to do it, but I'm going to bring it up
17 anyway. I have yet to hear a good explanation why the
18 Department is not using the electronic file that they used
19 to create a document, at least from this point forward,
20 rather than scanning in and using optical character
21 recognition for those future documents. And, I'd like to
22 either find out why that is, so that I understand it, or
23 find out that I will never understand it and go away
24 disgruntled, but I'd like to resolve it, because it makes
25 no sense to me on the surface. Maybe there's some deeper,

1 more complex reason why it can't be done, but it seems like
2 you could make an image, the image would contain the
3 signature, all that good stuff, because you are not going
4 to capture that with OCR anyway.

5 You could use the electronic file that was used
6 to create the document and not have to worry about
7 scanning, you know, OCR accuracy. Obviously, you still
8 need the OCR technology for all those past documents, but I
9 just wanted to raise that issue.

10 MS. NEWBURY: I'm going to look toward the back
11 of the room. I think the answer is that we are in the
12 process of trying to do that, right, Preston?

13 MR. JUNKIN: Well, we are, for next year we do
14 have -- we are planning for next year, there is a task to
15 continue that analysis, and I will say continue, it's been
16 a hot topic of discussion for some time, but let me give
17 you a couple quick answers to claim why it is not trivial.

18 Number one, what we call native file formats,
19 such as Word Perfect, Word, things that we generate
20 documents in, are not in -- formats, that's why the panel
21 initially went to ASCII for text. Ten years ago, and this
22 system will last longer, you know, quite conceivably could
23 last ten years, ten years ago most of our documents were on
24 Wang 9-1/2" floppies in a Wang format. So, you can't --
25 for long-term archival those are not a good format to use.

1 However, it does make a lot of sense, given
2 that they are in electronic form, to get your nice clean
3 text out of those documents, and we certainly recognize
4 that, and that's what we are going to be analyzing.

5 It turns out it's not necessarily cheaper to
6 take a Word Perfect file, turn it into ASCII, because most
7 documents that they are made up of multiple file formats,
8 graphics and power point, for example, charts in 123 or
9 Excel, they are multiple file documents, and the physical
10 assembly of those images into the proper order to
11 constitute the actual document sometimes can be more
12 difficult. If a single paper copy exists, for example,
13 that's been properly sorted, signed off and it's in the
14 right order, it actually can mean less labor to run it
15 through a scanner, an OCR, then to do that conversion.

16 MR. METTAM: But, is the OCR software faced
17 with the same issues of what I do with the graphic image
18 and what do I do with stuff that's in tabular form?

19 MR. JUNKIN: Yes, it is.

20 MR. METTAM: But, I think, and maybe I'm wrong,
21 but it certainly seems on the face of it to make sense to
22 do it that way, and I guess -- I understand you are saying
23 you are looking at it, and that I suppose is good enough,
24 it's '95 and, you know, another couple years of looking at
25 it and we won't have to worry about it.

1 MR. JUNKIN: I understand. It does make sense,
2 but it's not trivial, and it's not obvious that that's the
3 way to go in many cases.

4 CHAIRMAN HOYLE: Thank you.

5 All right. Now, I'll turn to Moe Levin.

6 MR. LEVIN: Most of the activities I'll report
7 on have come about as a direct result of our NRC/LSS Senior
8 Management Team, and as I reported at the last meeting,
9 this team was formed to provide a mechanism for better
10 coordination of all LSS-related activities within NRC.
11 And, it's already proved to be very, very beneficial of
12 bringing up issues and seeing that they are brought to
13 closure, and I think it's going to make a positive
14 contribution to this whole effort.

15 Now, I'll just go through very briefly some of
16 the activities we've done. We've begun discussions with
17 DOE on creating the LSS Memorandum of Understanding between
18 NRC and DOE, and we've decided on an approach of, rather
19 than tackling all issues in one big MOU, we've decided to
20 break it up into phases of three or four different phases.
21 And, these phases are kind of in step with what we see as
22 the phases of the LSS.

23 The first phase is the design and
24 implementation phase. There will be an MOU that covers all
25 issues related to the design and implementation of the LSS,

1 which is basically DOE's responsibility.

2 The second MOU would cover what we call the
3 transition phase, and this is the phase where the hand-off
4 occurs from DOE's implementation of the system to the
5 LSSA's operation of the system. Included in the second MOU
6 would be all the agreements related to budgeting and
7 funding for the LSS.

8 The third phase and the third MOU would be the
9 operation phase, and this is where the LSS administrator is
10 actually operating the system, it's up, and it's available
11 to people, and all of the responsibilities between the two
12 agencies in this phase would be outlined in that MOU.

13 And, we've also discussed a possible fourth
14 phase, and this fourth MOU or fourth phase, which would be
15 once the hearing is done, it's envisioned that the LSS
16 would have some utility for a long time thereafter. I've
17 heard numbers like maybe 100 years for subsequent activity,
18 and, obviously, during that period of time there will need
19 to be some accommodations made or agreements made to keep
20 maintaining that for a long period of time, enhancing it,
21 and whatever, and maybe even adding new functionality as
22 the requirements arise. So, that might be a fourth MOU.

23 Our logic in structuring it this way was that
24 we can -- it allows us to focus and come to closure on
25 issues and resolve them in the time frame of the related

1 activity. For instance, we are currently in the first
2 phase, the design phase, and there are a lot of issues that
3 need to be answered right now. We can't wait until we get
4 all the issues for all phases answered. So, we decided
5 just to concentrate on those issues right now so we don't
6 compromise any schedules or plans from DOE, and it seems to
7 make a lot of sense, but that was the underlying logic
8 behind our decision to do it this way.

9 And, I guess our current thinking is that we'll
10 have a draft of the first MOU ready to start through the
11 concurrence chain by the end of June, right, Claudia?

12 MS. NEWBURY: Yes.

13 MR. LEVIN: And then, whatever -- what we mean
14 by that is that, both staffs from both agencies working on
15 this will have come to an agreement on the wording, the
16 content and everything, and then it's just a matter of
17 going through the steps to get it signed off at the
18 appropriate levels.

19 MR. SILBERG: When do you intend to make that
20 available to this group?

21 MR. LEVIN: That's a good point.

22 MS. NEWBURY: How about at the July meeting, or
23 do you want it before then?

24 MR. SILBERG: Are you still in review in both
25 agencies?

1 MS. NEWBURY: It's still under development in
2 both agencies right now.

3 MR. LEVIN: Maybe we can get it out, you know,
4 enough in advance of the meeting so you'll have a chance to
5 look at it.

6 Is there anymore discussion on the MOU or any
7 questions?

8 MR. FRISHMAN: Commissioner Jackson this
9 morning made a suggestion about a higher level MOU. Have
10 you had a chance to think about that, or whether it's
11 consistent with this phasing that you have described here,
12 because I'm not sure I really understood what she was
13 saying.

14 MR. LEVIN: I think she was saying that maybe
15 another MOU to memorialize and make sure that there's
16 understanding on this need for the decision-making process.
17 This has been some kind of an issue that's been raised,
18 that everybody would agree that, yes, we realize the need
19 for this, and that we will have a discipline or a process
20 that makes sure that decisions can be tracked, traced back,
21 you know, to get all the steps up to making a decision.

22 We haven't had a chance -- that's my
23 interpretation of what was said, we've had absolutely no
24 discussion on this.

25 MR. FRISHMAN: Well, maybe at the next meeting

1 we could hear your thoughts on what she said.

2 MS. NEWBURY: Steve, it does raise an
3 interesting question, though, and, that is, we talked about
4 DOE's memorializing its decision processes, but there are
5 other people making decisions on this besides DOE, and so
6 we all have to think about how we are going to keep track
7 of all of our decision processes and be able to trace back
8 through.

9 MR. LEVIN: And, I think that was the genesis
10 of Commissioner's Jackson's comment exactly.

11 Another thing that's occurred since the last
12 meeting was, on April 27th the Inspector General of the NRC
13 and the Senior Management Team briefed the Commission on
14 the IG audit and follow-up activities, and I just wanted to
15 report on what I saw as the main points made by the
16 Commission in response to the briefing. They were, (1)
17 that the LSS is absolutely vital to the repository
18 licensing, they reaffirmed that, that the Commission will
19 need to intensify support for coming to closure on LSS-
20 related issues, and I think that I see things kind of
21 accelerating with a schedule and plan for the MOUs and
22 everything, and I think that's going to happen. And also,
23 that an LSS pilot needs to be put in place immediately, in
24 order to assure proper functionality into surface issues
25 related to document preparation, inclusion and access.

1 I'll discuss this a little bit more in a minute.

2 Those are what I saw as the main points. Does
3 anybody else who was at that briefing think there's
4 anything else that should be mentioned?

5 MR. SILBERG: I assume the Commission did not
6 issue an SRM or something, a follow-up document after the
7 briefing?

8 CHAIRMAN HOYLE: After the staff and the IG
9 briefed?

10 MR. SILBERG: Right.

11 CHAIRMAN HOYLE: Yes, there is an SRM out.
12 It's recently out. I don't know if it's in the PDR yet.

13 MR. SILBERG: Okay, that hasn't been circulated
14 yet?

15 CHAIRMAN HOYLE: I'll get it there.

16 MR. CAMERON: There, of course, is a
17 transcript.

18 MR. SILBERG: Right, the transcript was
19 circulated, I was just curious if the Commission followed
20 it up.

21 MR. METTAM: What is an SRM document?

22 MR. SILBERG: SRM is a Staff Requirements Memo,
23 and it's the device by which the commissioners tell the
24 staff what to do.

25 MR. CAMERON: I would say one thing related to

1 what might be happening in the future. There were a number
2 of issues raised today by the Commission that I think that
3 the staff at the NRC is going to begin to explore, perhaps,
4 under the leadership of the Senior Management Team, but as
5 those issues are identified we are going to be coming out
6 to the panel to discuss those issues. So, there may be
7 things popping up on the agenda for the panel in the future
8 that come out of our exploration of certain things that
9 were raised at the Commission meeting today.

10 MR. SILBERG: Will you circulate a transcript
11 of today's meeting?

12 CHAIRMAN HOYLE:

13 CHAIRMAN HOYLE: Yes, I sure will.

14 MR. LEVIN: Another activity that the Senior
15 Management Team is working on is the -- we've outlined or
16 completed the outline for a paper that we are hoping to
17 have to the Commission, at least a draft of the paper, by
18 the 1st of June, and this paper comes as a result of the
19 SMT's first task, which was to provide the Commission
20 recommendations on how to proceed on the LSS. I just
21 wanted to report that this is coming, and so far we just
22 have an outline. We'll spend the rest of the time between
23 now and the 1st of June just putting some meat on the
24 bones.

25 A follow-up item from the last ARP meeting was

1 on the participant commitments document that we took your
2 comments, revised the document, sent it out. We didn't get
3 any additional comments, so we consider this issue
4 basically closed. That doesn't mean that we aren't going
5 to continue to look at the commitments document and find
6 the wrinkles and try and smooth them out, and also, one of
7 our next activities related to this is, we are going to
8 focus on ways to simplify the entire compliance assessment
9 program, and this is in line with what we discussed at the
10 last meeting.

11 Now, getting back to the idea of a vehicle to
12 pilot LSS functionality, part of our discussions in the
13 Senior Management Team is to surface the idea of using a
14 system that's been developed for our Office of Nuclear
15 Material Safety and Safeguards, and the name of the system
16 is TDOX, and it's a system that was developed for NMSS to
17 manage their own technical documents in electronic format,
18 give them an electronic search and retrieval and access.

19 The thought is that the TDOX may represent some
20 of the functionality of the LSS, and there may be some
21 activities we can do using TDOX to start modeling, not all,
22 but some of the LSS functionality, and this might be done
23 in conjunction with things that DOE can provide as far as
24 access to their system and little pieces of what might
25 represent parts of the LSS functionality.

1 During the briefing this morning by DOE,
2 Commissioner Rogers reemphasized the need for a pilot. His
3 vision was a prototype type situation, where you had really
4 one system that represented all the elements of what you
5 might want to do with an LSS. Don't know if that can be
6 done or not, that's something we have to look at, but in
7 the meantime I think there's utility in looking at these
8 other things that may already be in place that we can use
9 to at least look at a segment of LSS functionality.

10 And, as a matter of fact, one of the
11 suggestions now coming out from NMSS is that we use the NPC
12 application as a pilot for LSS functionality.

13 MR. CAMERON: Where is Mel when we need him?

14 MR. LEVIN: I know, I was hoping Mel would be
15 here. I was expecting to get some kind of reaction. But,
16 this was an idea that just came up last week, and we're
17 going to start exploring it, and I will obviously keep
18 everybody here informed of it, but it's kind of coming back
19 to an idea that had its genesis here, I guess, in an ARP
20 meeting two or three meetings ago, and now it looks like we
21 may be able to do something.

22 The idea is that, we are not even sure that
23 TDOX is going to be useful for this, but it may, so we
24 thought we might look at it. We have something in hand,
25 and we have the application coming, and, of course, the MPC

1 application, the whole proceeding would not hinge on, in
2 any, shape or form, this TDOX system, it's just whoever
3 felt it was convenient to use it, try it out for some
4 things, would use it, but it would in no way get in the way
5 of the regular process. So, this is something that, again,
6 we'll try and flush out a little bit more and report on at
7 the next meeting.

8 That about sums up all the activities since our
9 last meeting.

10 MR. SILBERG: Moe, one question going back a
11 couple items. The paper to the Commission that you
12 targeted that you want, is that an internal document or is
13 that something that we'll get to see after it goes up?

14 MR. LEVIN: Once it is made public, you won't
15 be able to comment on it, obviously, until it is public,
16 but like all other documents, you will.

17 MR. SILBERG: I mean, will it go out,
18 essentially, at the same time as it goes to the Commission?

19 MR. LEVIN: What's the process on that, John?

20 CHAIRMAN HOYLE: The process is that it goes to
21 the Commission and gets acted on first, before it is made
22 public. The Commission may choose to share this with the
23 panel and with the public while it is deliberating. I will
24 raise the issue with them.

25 The normal process is pre-decisional until

1 we've acted on it.

2 MR. SILBERG: Sometimes these papers can come
3 out quickly. I just saw one SECI paper that was just
4 released that goes back to 1987, and it was just released
5 last week.

6 CHAIRMAN HOYLE: In 1987, we didn't have the
7 present policy, which is to release papers rather quickly,
8 and we do. We usually release them within ten days after
9 the Commission has acted on them.

10 Any further discussion of activity here in the
11 NRC? Unless there is other business to be brought up --
12 yes.

13 MR. SILBERG: There is one comment, and I
14 apologize for not being here at the beginning of the
15 meeting, I was delayed at a meeting out of town. The
16 letter that went to Moe concerning the recommendations on
17 the LSS rule, there's one comment that isn't really dealt
18 with in this letter that I would just like to put on the
19 table. The draft, as it was circulated, recommended to the
20 Commission that the LSS rule be interpreted in a certain
21 way to avoid being limited by the terminology that was
22 adopted when the final rule was published in light of
23 changes in technology. And, I agree with the substance of
24 this, and I also certainly agree that, you know, DOE
25 shouldn't necessarily feel constrained by using outmoded

1 verbiage.

2 The one suggestion that I'd like to make is
3 that it would be useful, perhaps, very useful, to have some
4 kind of Commission recognition that, in fact, that is the
5 appropriate interpretation of this rule. I would hate to
6 go five years down the pike and have everyone interpreting
7 the rule, so that, you know, dial up doesn't mean dial up,
8 it means something that's more generic, and then have a
9 challenge be made five or ten years from now and find out
10 that, gee, the rule wasn't amended and there's nothing on
11 the record that indicates this is an appropriate
12 interpretation of the rule. It would be very useful to
13 have a contemporaneous recognition by the Commission now
14 that this is, in fact, the interpretation that people ought
15 to use going forward.

16 MR. CAMERON: I guess we would need to -- I can
17 see the advisability of doing that, what we would need to
18 do is to specify each instance that we are talking about,
19 though, I think. In other words, work station, ASCII, all
20 that stuff, because it could be too open ended otherwise.
21 We need to do that whatever we do, I would imagine.

22 MR. SILBERG: Just something that would track
23 the scope of this letter, so that there's an
24 acknowledgement by the people who have the power to
25 interpret Commission rules that it's okay to do this, and

1 so you don't get second guessed five or ten years from now.

2 MR. LEVIN: What would be the vehicle for doing
3 something like that?

4 CHAIRMAN HOYLE: Probably a memorandum from me
5 to the Commission. The DOE gave us a list at the last
6 meeting of the terms and usage of words that -- is that an
7 exhaustive list, so to speak, or is that the list of
8 examples that we should be using?

9 MR. SILBERG: That was an exhaustive list.

10 CHAIRMAN HOYLE: Okay.

11 Stan, did I see a hand?

12 MR. NICHOLS: Yes. There's just one mechanism
13 that might be -- in addition to a general statement by the
14 Commission, they could recognize or somehow ratify the work
15 of the ARP in developing the multilevel requirements that
16 are being interpreted in real time to be more expansive
17 than the strict interpretation of the rule. I don't know
18 if that would help serve that or not. In other words, this
19 is exactly what you are wrestling with with the working
20 groups and then the panel itself as they vote on
21 requirements now, see. If they somehow ratify that effort.

22 MR. SILBERG: That's a little broader. Another
23 way to do it, you know, would be a General Counsel's
24 opinion.

25 CHAIRMAN HOYLE: I think the last one was

1 issued in 1977.

2 MR. CAMERON: It emphasizes the last one,
3 right?

4 CHAIRMAN HOYLE: Was it autographed?

5 Well, that's why we put carets here
6 specifically on the cc list of this memorandum, but that's
7 not to say we shouldn't go further.

8 MR. SILBERG: Yes. I just think to have some
9 very high level recognition that would be binding, more or
10 less.

11 CHAIRMAN HOYLE: Well, I think that's not
12 inappropriate. I'm reminded, though, that the rule says
13 that consensus advice by this panel is to be followed by
14 DOE and NRC. So, in terms of requirements, I would think
15 that would apply.

16 MR. NICHOLS: You couldn't be giving advice
17 that would be inconsistent with the regulation. That's
18 where you could bump into problems, and if there is someone
19 saying, well, the plain meaning of dial up is dial up, then
20 you could get into an argument. And, it's to avoid that
21 kind of thing years from now that Jay is addressing. So,
22 you could argue that what you were agreeing upon was
23 outside your authority to agree, because it fell outside
24 the four corners of the reg. That's a very narrow
25 restrictive interpretation that you want to avoid down the

1 line.

2 CHAIRMAN HOYLE: Well, it's like me saying I'm
3 going to go xerox a copy of this, where I mean I'm going to
4 go to the Kodak machine to do that.

5 Bill?

6 MR. OLMSTEAD: Consider yourself the Oracle.
7 The General Counsel has reviewed the May 12th John Hoyle
8 memorandum of Arnold E. Levine and agrees with the
9 interpretations therein. How's that.

10 MR. LEVIN: Let the record show that's Levin.

11 MR. CAMERON: I guess that takes care of it,
12 right there.

13 CHAIRMAN HOYLE: All right.

14 Then, let's talk about the next meeting. Lloyd
15 has proposed -- we had talked last time about a date, and
16 we selected early July, and Lloyd proposed that we meet at
17 the Oneida Reservation near Green Bay, Wisconsin, for the
18 next meeting.

19 And, I sent around a memo to everyone to see
20 whether that met with concurrence, and it has. No one has
21 said that's not a good idea. So, unless there's change in
22 the date, which is July the 6th and the morning of the 7th,
23 if we need it, that's a Thursday and Friday, the plan is to
24 meet in the space that Lloyd is going to provide.

25 Lloyd, do you want to add anything at this time

1 to that?

2 MR. MITCHELL: The only thing I would have to
3 add is that I'm working with John in making sure that we
4 have the appropriate room set up, and enough rooms and so
5 forth, and I believe you've had a chance, or you've gotten
6 that information, and if you want to forward any of that
7 on, or if any other questions I guess could be directly
8 referred to John. We have it set up so that you can just
9 bring appeal directly, or just let us know and we can
10 arrange to have them processed different ways and so forth.
11 That's about it.

12 If anybody needs any special requirements for
13 rooms, or food, or meeting set-ups, let me know if we need
14 to have a break-off room, if the Header Group might want to
15 meet a day ahead of time or something like that, or a
16 couple hours ahead of time, just let me know.

17 CHAIRMAN HOYLE: All right, Lloyd, thank you.

18 I think maybe the members have gotten a copy of
19 this from the Raison people.

20 MR. CAMERON: Some have and some haven't.

21 MR. METTAM: I got a letter addressed to LSS
22 ARP members.

23 MR. CAMERON: I think we might have left out
24 two, a couple. If you didn't get one, leave me your card
25 and we'll make sure that you get one.

1 MR. LEVIN: Lloyd, I'd like one, too.

2 MR. MITCHELL: We forgot you, Moe?

3 CHAIRMAN HOYLE: All right. The topics for the
4 next meeting that I believe will at least head the list,
5 and there may be others that come up before meeting time,
6 would be the report of the Technical Working Group on the
7 Level 2 requirements, a discussion of the status of the MOU
8 and maybe a draft of the MOU.

9 Claudia, how about the inclusion/exclusion
10 criteria? I heard this morning that, perhaps, that would
11 have even been discussed today.

12 MS. NEWBURY: Maybe we should put it on the
13 agenda just for some discussion points on what we could do
14 to improve the inclusion/exclusion criteria.

15 MR. CAMERON: For the agenda for the next
16 meeting.

17 MS. NEWBURY: For the next one, yes.

18 CHAIRMAN HOYLE: Okay.

19 Should there be discussion of use of the DOE's
20 present system to find decision documents?

21 MS. NEWBURY: Yes. We plan to have something
22 for you at that meeting.

23 CHAIRMAN HOYLE: Okay.

24 Are there other topics?

25 MR. METTAM: I have just a question on a topic.

1 Didn't we discuss inclusion/exclusion at the last meeting,
2 and didn't we all fairly say, I thought we said, Subpart J
3 seems fairly specific, the section. I was somewhat
4 surprised to hear him come back, hear Steve -- come back
5 with that as an issue still.

6 MR. CAMERON: Well, I think it's -- it's still
7 an outstanding issue to the Commission that we want to make
8 sure that we explore as much as we can before closing it,
9 and that's why I think there was some discussion, I think
10 some of the comments from the commissioners that you heard
11 today touched on that subject.

12 So, I think, we don't want to necessarily
13 repeat only what we said that were discussed the last time,
14 but I think that we need to give it some more time.

15 MR. METTAM: So, it would be helpful then if
16 there is someone, you know, who did a little piece on what
17 the issues are that need to be clarified, or in what areas
18 do they see grey in those, so that we can address it in a
19 more focused manner.

20 MR. CAMERON: That's a good idea.

21 MS. NEWBURY: I'll take an action and we'll put
22 something together for you.

23 MR. HENKEL: I have one other point that we
24 might want to consider at the next meeting. I'm sure most
25 of you people are aware that the federal budget process is

1 looking at some tremendous cuts in the DOE program. And,
2 by the time of the next meeting we'll probably know a lot
3 more about how that is shaping up, and I think it might be
4 helpful if we could get some information as to how that
5 might affect the LSS. We're talking about the House is
6 proposing a budget of \$200 million for the whole program,
7 and the Senate is talking about \$400 million, so if you
8 assume we are going to maybe get \$300 million, that's a
9 major difference, and it may have significant ramifications
10 to this particular project.

11 MS. NEWBURY: Well, not just the budgets, but
12 the current legislation, proposed legislation, has a lot of
13 significance as well.

14 MR. HENKEL: Yes. We might know more about
15 that by July as well.

16 CHAIRMAN HOYLE: Well, could I ask DOE then to
17 be prepared to give us an update on activities?

18 MS. NEWBURY: You'll probably know as much as I
19 know from reading the Post.

20 MR. SILBERG: One of the issues that I think
21 would be worth at least bearing in mind, as you go through
22 the design of the system, is the need to remain flexible to
23 changes in funding. So, if suddenly instead of being able
24 to spend X million dollars a year on the LSS, you have to
25 go to X, you know, -Y, that we not design a structure which

1 is so inflexible that we go to zero.

2 MS. NEWBURY: I think that's why in the Level 1
3 requirements, Jay, they put that we have a modular system,
4 that was the first requirement, and that's partially it.

5 CHAIRMAN HOYLE: Any other --

6 MR. MITCHELL: Just a quick note for next --
7 for July's meeting. The airport is located directly across
8 from the hotel. Everything is on the reservation there, so
9 you can actually walk across the street from when you get
10 off at the airport, get your luggage, and walk across to
11 the hotel if you choose to do so. There's also a little
12 bus that goes across the street to get you if you want, so
13 if anybody wants to get there the evening beforehand, just
14 let me know and we can show you around, we can, you know,
15 whatever.

16 MR. BALCOM: Is that the Green Bay Airport?

17 MR. MITCHELL: The Green Bay Airport, right,
18 and it's just remodeled now, so you should find your way
19 pretty easy around there. We have three golf courses, we
20 have an Oneida Golf Course, a riding club, a driving range,
21 and that's on the reservation, and another golf course
22 that's in the Green Bay area.

23 CHAIRMAN HOYLE: Yes, sir.

24 UNIDENTIFIED SPEAKER: John, I think that John
25 Gandy believes he is committed to a presentation on the

1 access to -- record system.

2 MS. NEWBURY: We already discussed that, Jim.
3 We've got it all.

4 CHAIRMAN HOYLE: Roger?

5 MR. HARDWICK: I neglected to mention earlier,
6 the Technical Working Group tentatively has a meeting
7 scheduled June 13th, 14th or 15th, for two days, we are
8 targeting Denver, and it's going to depend a great deal on
9 the availability of the Level 2 functional requirements.
10 The group has decided that we need to have a week or so, or
11 two, to review it prior to our meeting, but if we could be
12 included on the agenda for the July meeting, we will have a
13 definite status update on the requirements.

14 CHAIRMAN HOYLE: Let me mention also, the
15 Commission is getting two more briefings from Mr. Dryfuss.
16 On June the 9th, at 9:00 in the morning, here at the
17 agency, he'll be briefing on the multi-purpose canister
18 program, and then following that a general briefing on the
19 high-level wasteprogram.

20 Are there any members of the public in the
21 audience that would like to comment, add?

22 Has there been circulating an attendance sheet?
23 I would like one, please. Could I ask someone to put a
24 piece of paper at the door, and if you would sign it as you
25 go out. I, of course, have the names of all the panel

1 members up here, so you don't need to sign.

2 Anything else? All right, the meeting is
3 adjourned.

4 (Whereupon, the meeting was concluded at 2:50
5 p.m.)

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