

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: Licensing Support Network Advisory
Review Panel Meeting

Docket Number: (not applicable)

Location: Las Vegas, Nevada

Date: Tuesday, June 3, 2003

Work Order No.: NRC-943

Pages 1-254

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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LICENSING SUPPORT NETWORK ADVISORY REVIEW PANEL

(LSNARP)

MEETING

+ + + + +

TUESDAY

JUNE 3, 2003

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LAS VEGAS, NEVADA

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The Panel was called to order at the

Alexis Park Hotel, 375 East Harmon Avenue, Las Vegas,

Nevada 89109, at 8:30 a.m., by Dr. Andrew Bates,

Chairman, presiding.

COMMITTEE MEMBERS PRESENT:

DR. ANDREW BATES, Chairman

DAN GRASER, NRC, Member

JOHN LINEHAN, NRC, Member

MITZI YOUNG, ESQ., NRC, Office of General Counsel

TONI CAIN, Esmerelda County, Member

HARRY LEAKE, DOE, Member

ROD MCCULLUM, NEI, Member

1 STEVE FRISHMAN, State of Nevada, Member
2 ENGLEBRECHT TIESENHAUSEN, Clark County NV, Member
3 JUDY TREICHEL, NNWTF, Member
4

5 ALSO PRESENT:

6 JIM BLANTON, NRC
7 CHIP CAMERON, NRC, OGC
8 JEFF CIOCCO, NRC
9 RON DEAVERS, NRC
10 JOHN MCINTYRE, DOE
11 JASON PITTS, Lincoln & White Pine Counties
12 STEWART SANDERS, CACI International
13 LYNN SCATTOLINI, NRC
14 JIM SCHAEFFER, NRC
15 MATT SCHMIT, NRC
16 JOHN SKOCZIAS, NRC
17 COURTNEY SMITH, Inyo Count
18 JOSEPH TURNER, NRC
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(8:30 a.m.)

CHAIRMAN BATES: Good morning. This is a meeting of the NRC's Licensing Support Network Advisory Review Panel. This is a Federal Advisory Committee and it is being held under the auspices of the Federal Committee Advisory Act.

There is a transcript being made of the meeting, and I would appreciate it that when people speak into the microphone that, at least for the benefit of our court reporter, that you identify yourselves and your affiliation. It would be very helpful for the court reporter and the transcript.

There is an attendance list in the back of the room, and I would appreciate it if everybody would sign up on the attendance list. There will be an opportunity at a couple of points during our agenda for comments from those in the public and the audience if you have something that you would like to contribute or add to the discussion during the course of the meeting.

I would like to go around the table and ask everybody to introduce themselves. Hopefully maybe we will get some additional people who will come in from Counties and elsewhere on the panel here in the

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1 next short time before we get too far into the
2 presentation.

3 To my right here is John Linehan, with the NRC
4 Staff, and I will go around the table from there.

5 MR. CAMERON: Hi, I'm Chip Cameron, and I am
6 from the Office of the General Counsel at the NRC.

7 MS. YOUNG: Good morning. Mitzi Young, Office
8 of the General Counsel, Nuclear Regulatory
9 Commission.

10 MR. GRASER: Dan Graser, and I'm the LSN
11 Administrator. I am with the Atomic Safety and
12 Licensing Board Panel at the NRC.

13 MR. FRISHMAN: I am Steve Frishman, with the
14 State of Nevada, and I guess if I stay another 15
15 years, my name will get spelled right.

16 MS. TREICHEL: Judy Treichel, Nevada Nuclear
17 Waste Task Force.

18 MR. VON TIESENHAUSEN: Englebrecht von
19 Tiesenhausen, Clark County.

20 MR. MCCOLLUM: Rod McCollum, Nuclear Energy
21 Institute.

22 MR. LEAKE: Harry Leake, Department of Energy.

23 CHAIRMAN BATES: Thank you. Today's agenda
24 has got a number of items on it. This morning, Dan
25 Graser, the LSN Administrator, is going to run

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1 through a status report of where the LSN stands at
2 this point, our NRC plans for document loading, and
3 I would like to get some feedback from other members
4 of the panel where the counties, and DOE, and the
5 State stand on loading their documents on to the
6 LSN.

7 And then we are going to go into a discussion
8 of a number of issues that we have been working on
9 at the NRC dealing with large and complex documents,
10 and electronic transmittal, and how the processes
11 might work for loading documents, and submitting
12 documents, to the NRC during the course of an
13 adjudicatory proceeding.

14 With that, first, I will turn to John Linehan,
15 who is going to talk a little bit about some of the
16 organizational responsibilities within the NRC.

17 MR. LINEHAN: Good morning. Given the
18 establishment of the new integrator function for
19 high level waste programmatic information technology
20 and information management elements of the
21 repository program, we thought it would be good this
22 morning to go over the responsibilities and roles of
23 the different NRC units that are involved in the
24 NRC's high level waste repository program.

25 If you can turn to the first page, please.

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1 The first organization is the Atomic Safety and
2 Licensing Board Panel, which is independent of the
3 NRC regulatory staff.

4 The ASLBP has two key functions, the first of
5 which is conducting licensing and other hearings as
6 directed by the Commission. This could start with
7 LSN documentary material disputes, and then the
8 prehearing related activities, and then move to the
9 evidentiary hearings.

10 The second major function is the
11 responsibility for the LSN and the digital data
12 management system. As I believe you are all aware,
13 Dan Graser, the LSN administrator, is within the
14 ASLBP, and is the lead person responsible for the
15 LSN and the Digital Data Management System, the DDMS
16 being the effort to automate the hearing room
17 activities.

18 On the next slide, as I have with the other
19 organizational units, we list the main point of
20 contact, and Dan is the NRC contact for issues
21 related to the LSN and the DDMS.

22 The next organizational unit is the Office of
23 the Secretary, or SECY, which is also independent of
24 the NRC regulatory staff. SECY is required to
25 maintain the electronic hearing docket for any

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1 proceeding on the DOE application for a license to
2 receive and possess high level radioactive waste at
3 a proposed geologic repository at Yucca Mountain.

4 SECY is also responsible for chairing the
5 Licensing Support Network Advisory Review Panel.
6 The LSNARP, I believe, you are all very familiar
7 with, is responsible for providing advice to the
8 Office of the Secretary on operation of the
9 electronic hearing docket.

10 And also may advise on procedures and
11 standards for electronic transmission of filings,
12 orders, and decisions.

13 Within the Office of the Secretary, there are
14 two key contacts; Emile Julian, who is responsible
15 for the electronic hearing docket; and Dr. Andy
16 Bates, who is responsible for LSNARP related
17 activities.

18 The next organizational unit is the Office of
19 the Chief Information Officer, which is a staff
20 office that reports to the executive director for
21 operations.

22 OCIO is responsible for integrating and
23 supporting a suite of software applications and IT
24 infrastructure required for the high level waste
25 proceeding.

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1 This includes electronic information exchange:
2 ADAMS, which is the Agency-Wide Document Access
3 Management System; and also the technical support of
4 the Electronic Hearing Docket.

5 They are also responsible for processing and
6 making electronically available information relevant
7 to the high level waste proceeding. They will be
8 capturing and processing all adjudicatory filings
9 that come in via EIE or electronic information
10 exchange, for publishing to the high level waste
11 electronic hearing docket.

12 There are two key contacts in OCIO. The first
13 is Jim Schaeffer, who is responsible for IT systems
14 and infrastructure; and the other is Lynn
15 Scattolini, who is responsible for document
16 submission and processing.

17 Jim, if you could identify yourself and Lynn.
18 Is Emile here? No, he's not here. And everyone
19 knows Dan Graser.

20 Okay. The next organization of the Office of
21 the General Counsel, which is responsible for
22 providing legal advice to and representation of the
23 NRC. This includes the Commission and its
24 regulatory staff. And our contact here is Mitzi
25 Young, who is a senior attorney in OGC. Mitzi.

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1 The final two organizational units are within
2 the Office of Nuclear Material Safety and
3 Safeguards. NMSS is a staff office that reports to
4 the executive director for operations.

5 The first unit, the Division of Waste
6 Management, is responsible for regulating DOE to
7 assure safety of a proposed high level waste
8 geologic repository.

9 Currently during the prelicensing phase they
10 are responsible for the prelicensing consultation
11 role that they conduct under the NRC-DOE procedural
12 agreement.

13 They are responsible for the technical review
14 and quality assurance. Those are their main areas
15 of responsibility. They will be performing the
16 independent evaluation of the license application
17 when it is filed by the Department of Energy.

18 They are responsible for protecting public
19 health and the environment, and for ensuring safety.
20 To help carry out their functions, they also
21 maintain an on-site representative office in Las
22 Vegas, Nevada. The key contact point in the
23 Division of Waste Management is Janet Schlueter.

24 The final organizational unit is the High
25 Level Waste Business and Program Integration Staff,

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1 which I lead. This organization is responsible for
2 assuring integration of all programmatic and ITIM
3 elements necessary to support the high level waste
4 licensing process.

5 This organization interfaces with all of the
6 NRC participants in these areas. This organization
7 serves as the spokesperson on programmatic and ITIM
8 management matters for all NRC regulatory staff
9 activities related to the high level waste licensing
10 process.

11 And as part of this function, I am the NRC
12 staff representative on the LSNARP. The Division of
13 Waste Management, which I just mentioned, is the NRC
14 Regulatory Staff spokesperson for all technical and
15 QA activities for the high level waste repository
16 program.

17 Those are all of the key organizations that
18 are involved in the high level waste repository
19 program from the NRC. I would be happy to answer
20 any questions if anyone has any. Yes, Judy.

21 MS. TREICHEL: Judy Treichel, Nuclear Waste
22 Task Force. This isn't a question, and I am not
23 sure when the appropriate spot is, but you are going
24 to notice an awful lot of empty chairs around the
25 table.

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1 And as you went through and sort of spelled
2 out who the NRC is and who does what, there is
3 suddenly a missing batch of people who you should be
4 talking to and that is the counties.

5 And there is going to have to be at some point
6 some clarification given as to whether or not the
7 counties are going to be able to be here. Clark
8 County is here because this is Clark County.

9 But with the others, it may be that they won't
10 even be in this preliminary stuff, and we are
11 suddenly within this sort of important window if
12 anybody believes any schedules, where we are at June
13 of 2003, and as June of 2004, a lot of this is to be
14 locked in.

15 And I think there is going to have to be some
16 clarification between the Federal entities involved
17 in this matter as to who is able to play or even be
18 here.

19 And I know that we have complained for years
20 that people are going to get cut out financially
21 because this is kind of an expensive endeavor, but
22 where the counties actually had what they thought
23 was money to allow them to be a part of this, that
24 is very much in question, or perhaps completely
25 gone.

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1 So as I say, this may not be the place where
2 it gets discussed, but before you do a lot of
3 meetings where you are telling other people from the
4 NRC who they are, I think we have to kind of get
5 straight on how this is going to go.

6 I know that the task force isn't going to be a
7 real player at any point unless we sort of ride
8 along with the State or someone else. We had
9 actually thought about the Counties, but that isn't
10 going to work. But with the State or something.

11 And I am here because I do stuff like bake
12 sales, you know, but their funding is different, and
13 you have got to realize -- or I think there is going
14 to have to be some sort of understanding as to
15 whether or not they actually are playing, or the
16 State, or whoever.

17 MR. LINEHAN: We agree that the communication
18 with all of these organizations is very important.
19 I don't think the funding issue is something within
20 the purview of the meeting today, but we agree on
21 the need for communication, and hopefully some of
22 the things that we discussed today -- my
23 presentation and others -- they will be on the
24 record.

25 That isn't as good as one on one contact

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1 talking back and forth I agree, but there will be a
2 record of the meeting also. But I appreciate your
3 concern.

4 MR. CAMERON: And I just wanted to ask just to
5 make sure that everything that Judy was saying was
6 understood, which is not solely the communication
7 issue, because we can take care of that.

8 But I think you are also referring to the fact
9 that how are the counties going to be able to
10 participate in the LSN without any funding for
11 getting --

12 MS. TREICHEL: Yes, because for years, as long
13 as these meetings have gone on, Jason Pitts has been
14 here, and he has kind of been the computer brain of
15 the counties. He has sort of been the lead on a lot
16 of that stuff, and I think he has already played a
17 role with LSN.

18 You have had Mal Murphy, whose seat is over
19 here, who has been sort of the resident memory on
20 the legal aspects of this thing going back to day
21 one. And those people aren't here right now.

22 And the presentation that you just gave, you
23 know, they probably know that stuff. But now we are
24 coming down to the action part, and they may well be
25 missing it and it is a big deal.

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1 MR. Frishman: Let me just add one piece, and
2 I think, John, you said that funding may not be
3 within the purview of this meeting. Well, funding
4 has always been the elephant in the room with this
5 meeting.

6 And it has been raised since the very
7 beginning, and I think at some point, which has been
8 also acknowledged for years, at some point the NRC
9 is going to have to step up and decide whether they
10 have a real responsibility to the public in this
11 process or not.

12 And I know that we have raised it numerous
13 times and it has always been out of scope. Well, I
14 think now we have the existence of at least five
15 empty chairs that proves that funding is an issue
16 for this meeting.

17 CHAIRMAN BATES: I think as Steve says, and
18 Judy, who have raised the issue on the funding, it
19 has been clearly a continuing issue as to how the
20 counties' funding needs are met.

21 And I think that we can go back and look at it
22 again internally and see whether there is with some
23 further thought and discussion whether there is
24 anything to do. But I guess as Chip has indicated,
25 the NRC has I think limited means to do anything, at

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1 least within our budgetary space -- and I don't know
2 to what extent from a legal standpoint DOE and
3 others can participate.

4 But I recognize clearly that communications,
5 funding, and budgeting, is a real problem, and I
6 think that -- and I have often raised the issue, and
7 I --

8 MS. TREICHEL: Right. I don't have the
9 answer. I just didn't want you to march on as if
10 maybe SARS had hit or something, and we would just
11 carry on as if there was illness. But there is not.

12 This is the graphic illustration of the
13 problem, and I wanted you to notice it. That's all.

14 CHAIRMAN BATES: I had a similar exchange with
15 Mal Murphy, and I recognize funding restraints with
16 the County, and he is not here because of it, and
17 clearly that affects all of the small counties
18 involved.

19 MS. TREICHEL: Yes.

20 MR. Frishman: Let me just ask that if you are
21 not the person to carry the message, then who is?

22 CHAIRMAN BATES: Well, I think -- you know, we
23 will carry the message back, and we will see where
24 it goes.

25 MS. YOUNG: Andy, I probably just need to

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1 clarify. My understanding of the rule making that
2 was done in terms of the LSN is that the Commission
3 made it clear that funding was not something that
4 the NRC could provide, in-part because of the
5 Controller General (sic) opinion that the NRC cannot
6 fund intervenor activities.

7 And that is basically what the LSN is
8 envisioned for, is a discovery tool for parties and
9 participants that would be in the litigation on the
10 repository. So I think that there are words in the
11 statement of consideration if I remember that
12 specifically address that.

13 And that also mentioned way back when that
14 they thought that such funds could be available for
15 DOE, but apparently the recent Inspector General
16 report from DOE may have shed a different
17 perspective on the availability and use of those
18 funds.

19 MR. Frishman: Well, Mitzi, there is no
20 dockets and so there is no intervenors. At this
21 point, we are still in the same discussion we have
22 been in for at least almost 20 years now, and the
23 reason that the NRC assumed that DOE would take care
24 of funding went all the way back to that amendment
25 in Part 60 years ago, when shortly after the Nuclear

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1 Waste Fund was established in the Act.

2 And it could be that after all these years,
3 with DOE asserting flexibility globally, that maybe
4 the NRC should begin looking at asserting a little
5 bit of flexibility in the face of DOE's assertion of
6 flexibility, and finding out that as of very
7 recently maybe the NRC does have a responsibility
8 since DOE is not going to accept its statutory
9 responsibility.

10 MS. TREICHEL: Can we give a round of applause
11 for Jason.

12 CHAIRMAN BATES: Okay. If there is nothing
13 additional from anybody at this point, I will turn
14 it over to Dan Graser, and let him start his report.

15 MR. GRASER: Good morning everybody. I have a
16 number of things to report on, in terms of progress
17 on the LSN site that have occurred since we had the
18 last meeting.

19 And I am going to walk through the highlights
20 of our activities for the past year, and I am also
21 going to talk about some of the trends that I have
22 been seeing, and some of the planning that I have
23 started to put in place for dealing with unexpected
24 situations and contingencies.

25 So I am reporting both on the past and

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1 somewhat of a look forward into the future. The
2 first topic that I have relates to the LSN
3 Administrator guidelines, which are focused on
4 documenting approaches that have been found to be
5 useful and generally agreed upon in terms of how the
6 parties and participants can put technology and
7 procedures in place to support making their document
8 collections available.

9 The guidelines again are a living document,
10 and as a result during the past year, we have had
11 some modifications on a number of the guideline
12 materials that were initially put out in June of
13 2001.

14 The first guideline that I would like to
15 address is a guideline that we had put in place
16 dealing with the accuracy of the text. The
17 shortfall for this is Optical Character Recognition,
18 or OCR Technology.

19 And in general we had put out some target
20 standards that were based on some of the original
21 planning for the original licensing support system,
22 and the quality of text accuracy that was going to
23 be incorporated in the old LSS system when the LSS
24 Administrator was going to be doing conversion of
25 materials.

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1 We carried some of those standards forward
2 until we got to the point where we had run a
3 procurement for a specific set of hardware and
4 software for the licensing support network
5 application.

6 And based on the software that we procured, we
7 went back and took a second look on whether or not
8 the OCR and full-text accuracy standards that had
9 been carried forward, whether or not they were still
10 operative in the technology environment of the Ops
11 in the 2000 time frame, as opposed to the 1989 time
12 frame.

13 The software that we have as a full-text
14 search engine has -- it is not a classic string
15 search engine. It is based on a lot of artificial
16 intelligence and algorithmic assessment of the
17 content of documents, and therefore we found based
18 on our testing that the software was not
19 particularly susceptible to variations in the
20 accuracy of the text, to the extent that it would
21 affect the precision and recall.

22 We did find some issues associated with
23 attempting to run proximity searches in certain
24 circumstances, but they were relatively unusual type
25 situations, that with a certain amount of training

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1 that we felt comfortable that we could provide the
2 training to the parties, and let them know about
3 that particular situation.

4 And that the bottom line on the entire
5 assessment was that the full-text accuracy,
6 especially text that is being generated using OCR
7 technology, did not have to be 98, or 99, or 99.
8 something number percent accuracy.

9 In fact, we could lower a target for the
10 overall collection to approximately 95 percent
11 accuracy, and again as I said, without seeing any
12 particular impact on the precision or recall of
13 searching.

14 The second aspect of converting text is trying
15 to do it the smart way, and the cost effective way,
16 and the efficient way, which would be to render a
17 document from the native word processing version of
18 a document and render that directly into a
19 searchable PDF format.

20 That would result in a hundred percent
21 fidelity of the text in the originally authored word
22 processing document, against what is found in the
23 PDF.

24 And certainly that represents the optimal
25 situation of trying to get clean text into a certain

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1 full text search database. And we would recommend
2 that wherever possible that the parties. and
3 potential parties, and participants, look very
4 closely at incorporating that approach to converting
5 documentary materials.

6 The larger proportion of your collection that
7 you can render directly from a word processing
8 collection certainly offsets those situations where
9 you may have to go back into retrospective materials
10 and have to use an OCR conversion process when you
11 balance a large portion of a hundred percent
12 fidelity subset of your collection, versus 90, 92,
13 95, 97 percent OCR accuracy output.

14 The overall collection benefits by having a
15 larger proportion of the materials fall in the set
16 that was generated using a direct rendition to PDF.
17 One other note that I would bring to your attention.

18 In the revised guideline that we put out, we
19 did indicate, and it was commented on by a couple of
20 the LSN participants, we did indicate that we would
21 be using a word count in terms of our own internal
22 auditing and review of the quality of the text that
23 is being put out.

24 And we would use word counts in our reporting
25 back to the Chief Administrative Judge, Paul

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1 Bollweek, and ultimately back at the Commission, in
2 terms of how well parties are doing.

3 There was some discussion on whether or not
4 the metric that should be used for reporting
5 purposes should be based on a character accuracy
6 since the majority of the OCR industry tends to use
7 character accuracy as its metric.

8 My consideration is that that may be fine for
9 the OCR industry, who is a bunch of hardware woks
10 who are out there. But we are in the business of
11 information search and retrieval, and the
12 information search and retrieval is based on words
13 and concepts.

14 And therefore the appropriate metric is how
15 successful we are in being able to search on words,
16 and sentences, and concepts, and the correct metric
17 that I will be -- or in my opinion the correct
18 metric to be reporting is based on overall word
19 accuracy.

20 It also happens to be easier to audit from our
21 perspective, because we can use some existing spell
22 check type tools that are commonly available to help
23 us identify errors that are in tech streams, and it
24 is somewhat less tedious to count words than it is
25 to count characters, especially if you are looking

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1 to establish a baseline or a statistically valid
2 number of items upon which to base your
3 recommendations.

4 And so counting a million characters takes a
5 little longer than having software count a million
6 words for you. And so that was some of our
7 justification and rationale for incorporating word
8 count.

9 Quite frankly, if the parties and participants
10 in automating and converting your own text
11 materials, if you choose to use word count or choose
12 to use character count, it is inconsequential to me.

13 I am trying to report on the overall accuracy
14 of the LSN system, and you may have a different
15 objective in terms of trying to estimate the quality
16 of the particular hardware and software that you
17 have used, and those are different objectives, and
18 may be a good justification for using different
19 methodologies.

20 The second round of changes on the guideline
21 materials related to some editorial changes that we
22 made on two of the guidelines, the preexisting
23 guidelines, on document searching, and passwords,
24 and we also made comparable changes into the overall
25 table of contents and the acronym lists that were

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1 again part of the initial release from 2001.

2 Those editorial changes just reflect some
3 changes in the verbiage in those particular
4 guidelines to correctly reflect some of the aspects
5 of the autonomy search engine software that we had
6 either used or chose not to use.

7 And so there is really very little in terms of
8 the substance of those two particular guidelines.
9 Again, we made the changes to correctly reflect the
10 technology as it was implemented, and the technology
11 changes that were -- the adjustments that were made
12 in our release of 2.3 of the LSN software.

13 Moving right along, to talk for a few minutes
14 on Version 2.3 of the LSN system. As we reported
15 last year, we had folks from the National Security
16 Administration, NSA, did an audit of the security
17 posture of the Licensing Support Network.

18 That was done under the umbrella agreement
19 that the Nuclear Regulatory Commission had NSA folks
20 come in and perform security assessments across a
21 number of agency systems.

22 We found that to be a very productive effort,
23 and they raised a number of good points, and a
24 number of good issues, that our project manager,
25 Matt Schmit, then turned around and developed an

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1 action plan for some additional changes that we
2 could implement on the system to further enhance the
3 security posture, the integrity, and the durability
4 if you will of the LSN system.

5 And those enhancements were incorporated in
6 Release 2.3. We spent a fair amount of time going
7 through and developing Release 2.3, doing testing of
8 that version of the software.

9 And there were no live documents available in
10 the system at that point in time. So we had ample
11 opportunity to make a very methodical project in
12 terms of developing Release 2.3 of the software.

13 The highlights of that software as I said
14 improved the overall security and reliability of the
15 system. For example, incorporating a SQL server
16 failover capability on one component of the database
17 engine that is embedded in the LSN portal site.

18 We also included some features that enhanced
19 our ability to process larger document sets. For
20 example, the Department of Energy document
21 collection.

22 If in fact that document collection starts to
23 approach large volumes of documents, and I will be
24 talking about that a little bit later, we made some
25 changes that would allow the system to process

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1 larger chunks of materials in a single pass, and
2 also to hold larger document sets without degrading
3 the performance of the search and retrieval engine.

4 We did not increase the overall capacity of
5 the system. We just improved the performance of the
6 system on the defined volume of materials that were
7 going to be available.

8 A third feature of our redesign efforts last
9 fall and spring included enhancing our audit
10 capability to identify --

11 MR. MCCOLLUM: Dan.

12 MR. GRASER: Yes?

13 MR. MCCOLLUM: Rod McCollum, NEI. I think
14 most of the improvements that you were talking about
15 appeared to be in the area of reliability. Is there
16 anything substantially different regarding security,
17 and how would that affect users?

18 MR. GRASER: There were enhancements related
19 to security. None of the enhancements on the
20 security side of it would be evident to a user.
21 Fore example, one of the things that we did was to
22 set it up so that priority users, access to the
23 priority user system, would not have to come through
24 the same port if you will.

25 And, Matt, I am not sure if I got the right

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1 terminology on that, but to make sure that the
2 priority users would be able to come through a
3 separate port to access the priority use aspect of
4 the system without using the same port that the
5 general public, the general internet population
6 would be using.

7 And therefore we would have totally separate
8 access right from the -- you know, right from the
9 initial point of access into the system. From a
10 security point of view, it gives you less
11 vulnerability to the general internet collection,
12 and somebody trying to do a denial of service
13 attack.

14 But in terms of the user, you would never see
15 any difference to that. A lot of those things were
16 done very much in the guts, and set up in the
17 architecture of accessing the system.

18 So you would not particularly see those sorts
19 of things. Some of the other things that were done,
20 for example, relate to how much depth you have in
21 people who are doing systems administration out at
22 the hosting facility.

23 And whether or not there are multiple people
24 in-depth who are monitoring the system performance,
25 or whether you would have only one individual who is

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1 designated as a system administrator. So the
2 recommendation was let's make sure that you have
3 multiple sets of eyes.

4 And one set of eyes who is actually checking
5 the person who is the system administrator, and
6 again it is a background type process. And from an
7 ADP security and an ADP audit perspective, it was a
8 relatively easy thing for us to implement, just in
9 terms of procedurally who to put in place to have as
10 the second set of eyes.

11 And the NSA assessment went through both the
12 hardware and the software, and the procedures that
13 we had in place, and some of those things we were
14 able to address contractually by beefing up the
15 support staff that our contractor uses, and get our
16 hands on some additional documentation that was
17 suggested, in terms of security monitoring
18 practices.

19 So there were a fairly wide range of
20 activities across the whole spectrum.

21 MR. MCCOLLUM: Okay. That was very useful.

22 MR. GRASER: Pardon?

23 MR. MCCOLLUM: Thank you very much.

24 MR. GRASER: And back to the third bullet on
25 this chart. We have a separate set of programs that

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1 go through the -- as part of the Spidering process,
2 and look at the materials that have been made
3 available.

4 And the audit software that we have was
5 enhanced to help us identify situations where we go
6 to a participant collection website, and for
7 example, we would find a bibliographic header.

8 And for some reason during the processing and
9 making available the materials the party may have
10 had an ADP hiccup happen along the way in populating
11 their collection that resulted in a URL or a pointer
12 from the bibliographic header to the documentary
13 material.

14 And for some reason that linkage being broken
15 during the process of building the database, while
16 our audit software was tweaked if you will to
17 enhance its ability to identify broken URLs that we
18 found out there.

19 Thus, helping identify situations that could
20 impact or could affect the overall integrity of the
21 database. One final point in terms of the redesign
22 features as we went through and made our
23 enhancements this spring.

24 We still have available the XML header
25 generator, which is available for a download via the

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1 LSN site. It is actually there. And we would be
2 happy to show you the place on the LSN where you
3 could certainly access that.

4 An XML header generator for the edification of
5 those of you new to the audience is a piece of
6 software that we developed that any of the parties
7 could use, and download it from our site free of
8 charge, and end-use.

9 And that software will prompt you with a
10 screen that you can use for inputting bibliographic
11 header information, and when you save the item, it
12 will save the bibliographic record in a properly
13 pre-formatted XML format.

14 And the XML format that is out there and
15 available has been demonstrated, and has been used,
16 and is fully compatible with the LSN crawler or
17 spidering software.

18 So that is a tool that for parties that want
19 to get a quick start is readily available to them,
20 demonstrated to work, and it is available free of
21 charge, and we would certainly encourage anybody
22 that is looking at developing things from scratch,
23 certainly we would be glad to work with you in
24 implementing the use of that XML header.

25 The next charge is dealing with the issue of

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1 the Spidering software. The Spidering software is a
2 software component of the LSN portal site, and it is
3 also known in the industry as a robot, or an
4 indexing software if you will.

5 What it is, is a software routine that goes
6 out to a target device, and looks at the material
7 out there, and performs a process on that
8 information that it brings back and reports to the
9 LSN indexing engine.

10 The Spider is one of the components of the
11 overall LSN system as you would find in the
12 definition of Subpart J, Section 2.1001, in the
13 definitions.

14 We talk about the LSN being the sum total of
15 the components of the system and the Spider is a
16 very important piece of that system. Documents that
17 are put out on a server by a party are not available
18 to the parties, potential parties, or interested
19 government participants, until the Spider has
20 identified the content of the document and reported
21 it back to the LSN search engine.

22 And as those of you who have been working with
23 us actively would recognize very readily, there is
24 no requirement in the architecture of the LSN for a
25 party to put a search engine on their own document

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1 collection server.

2 There is no requirement to open that server up
3 to access by the general public, and in fact from
4 security purposes a lot of the architecture drives
5 the only IP address that is allowed into those
6 collection servers, is the IP address from which our
7 Spider originates, and which are search and
8 retrieval queries are generated back to the party's
9 server.

10 So for all intents and purposes the servers
11 that the parties put out there and make available,
12 and the collection of materials that are out there
13 and available to the Spider, are totally invisible
14 to all of the other parties until such time that the
15 Spider finishes its business.

16 And the Spidering process was one of the
17 things that we investigated and looked a very
18 closely during our testing on Release One of the
19 LSN, and we looked at it very closely as part of the
20 enhancements that we put in place for Release 2,
21 2.3.

22 The Spidering software comes generally
23 speaking with portals, and it comes out of the box
24 as a utility piece of software, and if you take the
25 out of the box version of the Spider that comes with

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1 the autonomy portal software, given the
2 configuration of hardware and software, the out of
3 the box version of the Spider runs a certain way,
4 and runs at a certain speed.

5 And is able to identify certain types of
6 things, but perhaps not other things. So for that
7 reason, we spent a lot of effort in tweaking, and
8 adopting, and adjusting the Spidering software that
9 we used for Release 2.3

10 For example, we implemented the ability to
11 have multiple versions of the spider going out from
12 the LSN server concurrently, or have multiple
13 threads running concurrently to go out and to parse
14 the headers and the content files on a number of
15 different devices all running concurrently.

16 And we also enhanced the ability, since we had
17 multiple threads running concurrently, we enhanced
18 the ability to actually build the indexes and the
19 pointer sets that we maintain within the LSN, and to
20 do that quicker as well.

21 Overall, the object of the drill was to try to
22 increase the overall performance of the Spidering
23 software to make the documents available in large
24 volumes as quickly as we possibly can, anticipating
25 that the documents may not be made available to the

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1 LSN for Spidering in a nice, evenly paced, scenario
2 any time in the future.

3 The Spider, one of the things that you should
4 also understand about it, is that the Spidering
5 software is constrained by a number of factors,
6 including the communications, the speed of the
7 servers, and the volume of transactions.

8 And we have to look at when we were doing our
9 enhancements of the Spidering software, we had to
10 look at all of those factors and attempt to tune all
11 of those aspects of performance in order to ensure
12 that we could get the quickest volume Spidering that
13 we could, and at the same time synchronize that with
14 the ability of our database to actually build the
15 indexes as the spiders are bringing this information
16 back.

17 As a result of all of the efforts that we put
18 in for Release 2.3, we have a current capacity in
19 terms of Spidering, a current capacity of somewhere
20 between 10,000 and 25,000 documents per day for the
21 LSN database building process, and that would be 10-
22 to-25,000 documents for all the parties that we
23 would be going out and checking on a daily or weekly
24 basis.

25 As I said the through put varies according to

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1 the collection and the individual document
2 attributes. A single 10,000 page document may take
3 a different amount of time to index than 10,000
4 single page documents.

5 And some of that is just driven by the way the
6 indexing machine and the Spider interact with each
7 other. For planning purposes the numbers that we
8 are currently using in terms of spidering capacity
9 and intake capacity are reflected in the bullet on
10 the bottom of this page.

11 Our current capacity estimates for daily
12 processing, being conservative and being able to
13 commit to executive management, and say to them that
14 this is what we know that we can do, the number that
15 I use for that is roughly 10,000 documents.

16 That is a conservative estimate and that is
17 something that if somebody said can you guarantee me
18 that you can do 10,000 documents, I would say, yes,
19 I believe I can do 10,000 documents a day without
20 major exertions.

21 We have a baseline target of 20,000 documents,
22 and we have achieved this on a routine basis. We
23 feel comfortable with using this as our baseline,
24 and so if somebody were to ask me, well, projecting
25 out into the future what do you feel would be a good

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1 average number per day, I would say 20,000.

2 Again, that is all very contingent on things
3 like communication and the actual content of the
4 documents, and the number of pages per document, and
5 things like that.

6 In terms of our current capacity, optimally we
7 have hit 25,000 documents on a single instance of a
8 crawl, and so if somebody said, well, what is the
9 best that you can do, right now the number I would
10 say is 25,000. The next chart --

11 MR. MCCOLLUM: Dan.

12 MR. GRASER: Yes.

13 MR. MCCOLLUM: Rod McCollum, NEI. Have you
14 benchmarked the performance of your system against
15 other systems that might be out there, and how does
16 that compare?

17 MR. GRASER: Matt, you need a microphone.

18 MR. SCHMIT: Sorry. Matt Schmit, from the
19 NRC. I think benchmarking against other systems
20 would be tough, just because it is so unique. Dan
21 talked about, you know, the autonomy out of the box,
22 which you could benchmark to see what the
23 performance of the autonomy out of the box.

24 But a lot of the things that we do in addition
25 to that that we have written are the auditing

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1 capability to make sure that if anyone changes
2 something that we know about it.

3 Or if anything is removed without us knowing
4 about it, we know about it, and that type of stuff
5 is the type of applications that don't come straight
6 out of the box, or at least I have not seen
7 anything.

8 At least when we were doing the procurement,
9 we didn't see anything that did it straight out of
10 the box, and from that perspective there really
11 isn't anything to compare it to.

12 MR. GRASER: Okay. On the next chart, in
13 terms of the --

14 MR. LEAKE: Dan.

15 MR. GRASER: Yes.

16 MR. LEAKE: This is Harry Leake from DOE. I
17 believe it was when you were talking about the
18 second bullet up there that you made the statement
19 that the individual websites wouldn't be available
20 directly from the internet.

21 And I call your attention to Section 7.1 of
22 the guidelines, that the LSN will be accessible to
23 internet users. Let's see. Let me find the
24 reference. Oh, here it is. Internet users will
25 have the ability to receive documentary material

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1 from participants' LSN websites without utilizing a
2 proxy from the LSN server.

3 So at this time, based on that requirement,
4 the DOE's intent is that the DOE website would be
5 directly accessible from the internet.

6 MR. GRASER: Okay. Thank you for correcting
7 me on that, Harry.

8 MR. SCHMIT: I should probably clarify that,
9 too. I think what Dan was saying, and we should
10 clarify it as the Spider part of the LSN, can be
11 locked down to only the LSN can get through. But
12 the document retrieval portion does have to be open
13 to the public, and so that probably should have been
14 clarified.

15 MR. LEAKE: That's absolutely correct.

16 MR. GRASER: Thank you. We should have the
17 technical guys giving these presentations, huh?
18 Harry, any time you want, you know, I can get you on
19 the agenda.

20 In terms of the results of the testing of the
21 new components of Release 2.3, the search engine
22 page capacity is still set at 15 million page
23 capacity for the current architecture and current
24 configuration that we have available to us.

25 And overall the crawler capacity, the best way

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1 to characterize that is that we are following the
2 baseline volume of documentary materials,
3 anticipating 20,000 documents per day over a regular
4 5 day work week.

5 And for planning purposes, the LSN would be
6 able to crawl approximately 100,000 documents in a
7 week.

8 MR. MCCOLLUM: Dan, Rod McCollum from NEI
9 again. Why the necessity of the standard 5 day work
10 week? Can't this computer -- does this computer
11 need sleep? I mean, what --

12 MR. GRASER: I would say that the computer
13 certainly can probably work spidering 7 days a week.
14 But in terms of our ability to look at the results
15 of the audit -- you know, the audit results that are
16 coming out of the crawl, right now we are currently
17 staffed for 5 day operations.

18 Our contractors are staffed for 5 day
19 operations, and from looking at the results of the
20 audit, and the results of the load process, it is
21 currently based on 5 day work week.

22 In extreme situations, I guess we could
23 probably go to 7 days. That would mean that I would
24 have to be looking at having an internal staff and
25 contractor staff available to support that so that

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1 we could review those results on a 7 day a week
2 basis.

3 And if the ARP would like to recommend that
4 the LSN administrator implement 7 day operations,
5 and have a consensus recommendation that I can act
6 on, I would certainly be happy to take that back to
7 my management and use that as a justification for
8 more money.

9 MR. MCCOLLUM: But I think that I would like
10 to recommend -- but let me ask one question first.
11 I mean, obviously there needs to be a human
12 somewhere in the building to babysit the machines.

13 But do the audit reports have to be reviewed
14 on a real time basis? Is this something where they
15 come in in the morning and there are reports from
16 the overnight that they can review?

17 I mean, I guess what I am asking is the speed
18 of the computer dependent on the speed of the
19 people?

20 MR. GRASER: The audit reports are available
21 the next morning. The audit reports are actually
22 generated -- they are available to us when we come
23 into work that morning.

24 MR. MCCOLLUM: Right. So you could continue
25 to generate audit reports overnight, and then your

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1 people, they could look to see what has been taken
2 off and what has been added.

3 MR. GRASER: Right.

4 MR. MCCOLLUM: I mean, your people could do
5 that and they would not have to work more than a 5
6 hour work day.

7 MR. GRASER: Right, and now if you think
8 through the process, if the audit report shows that
9 we crawled a collection of 10,000 documents, and we
10 resulted in 10,000 errors on that collection for
11 some reason, in the meantime the LSN is chugging
12 along merrily on its way, making 10,000 erroneous
13 documents available to all of the parties while we
14 are sitting there plowing through the audit report,
15 trying to figure out what happened.

16 MR. MCCOLLUM: But that can happen in any
17 case.

18 MR. GRASER: It could, but there could be a 48
19 hour window of vulnerability there.

20 MR. MCCOLLUM: Right.

21 MR. GRASER: And where those documents may not
22 be seen by a human being from Friday night until
23 Monday morning. So as I said, that is what the
24 current plan is.

25 If there is a recommendation that it be

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1 addressed operationally some other way, we could
2 certainly raise that for further discussion.

3 MR. MCCOLLUM: I guess I would like to make
4 that recommendation.

5 MR. GRASER: Okay.

6 MR. LEAKE: As a question of clarification,
7 are you recommending that they look at it only from
8 an operational standpoint, or are you taking it one
9 step back? Is it your recommendation that the NRC
10 just look at improving the speed at which they can
11 do it?

12 And one possible solution may be operational
13 issues, and there may be other technical solutions
14 as well.

15 MR. GRASER: Right.

16 MR. MCCOLLUM: That is an excellent point,
17 Harry. I guess I would like to broaden that
18 recommendation looking at these numbers and thinking
19 about documents out there, in terms of looking at
20 the overall improvements in efficiency, including
21 operational issues.

22 One other question that I was going to ask in
23 that same vein is how dependent on this -- is this
24 on the number of servers you have? Can you speed up
25 the system by adding more servers?

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1 MR. GRASER: You are jumping ahead of my
2 presentation a little bit.

3 MR. MCCOLLUM: All right. I will hold that
4 question. I go with the second recommendation.

5 MR. GRASER: One of the interesting things to
6 note is so far none of the parties have come to me
7 with a hundred-thousand documents per week on a
8 steady basis. So kind of what you are postulating
9 here is something that I have yet to see in reality.

10 MR. SCHMIT: The other thing, too, Rod, that
11 was an assumption in this was that the parties would
12 have to put effort forward to generate the
13 documents, and that would mean that on Saturday or
14 Sunday, for example, they would need staff to
15 generate documents and to make them available at
16 that time.

17 I mean, that was just part of the thinking or
18 an assumption.

19 MR. LINEHAN: John Linehan, NRC. One point
20 that I would like to make is that Dan mentioned that
21 he would be willing to take any recommendations and
22 go back to management. One of the things that we
23 also have to recognize is that these things are
24 going to cost more money.

25 And we have to understand what the schedules

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1 are going to be for the organizations to place their
2 documents before we start increasing capacity. We
3 have to determine that there is indeed a need, and
4 we need to understand those schedules to know what
5 is going to be needed, in terms of the speed of
6 crawling, et cetera, rather than just expand it.

7 MR. MCCOLLUM: Right, and I don't think you
8 have an issue from NEI's perspective. I am thinking
9 of the DOE collection there, and we all know what
10 their schedule is. So that is a thought anyway.

11 MR. GRASER: Well, I am not sure we all know
12 what their schedule is. We certainly have some
13 inclining about what the potential volumes could
14 grow to.

15 But in terms of saying on a date certain that
16 X-number of documents will be populated every week
17 per week for the next X-number of however many weeks
18 it may be, we have not seen that sort of detailed
19 profile of the DOE activity at this point in time.
20 Although I am always optimistic that it will be
21 provided in the near future.

22 MR. LEAKE: The DOE's current plans are to
23 make its populated LSN server available to the NRC
24 LSN website 6 months in advance of the intended date
25 of submission of the license application to the NRC.

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1 You know, thereby fulfilling the regulatory
2 requirement to certify that its documented material
3 is electronically available 6 months prior to
4 license application submission.

5 I don't believe that DOE has ever committed to
6 anything other than meeting that regulatory
7 requirement to my knowledge.

8 MR. MCCOLLUM: Well, I would certainly -- Rod
9 McCollum again. I would certainly also point out
10 that DOE's current schedule calls for a license
11 application at the end of 2004, and so you could
12 kind of track 6 months and look at the scope of
13 documents that you have, and get an idea of what you
14 are looking at in terms of schedule is what you
15 should be shooting for.

16 MR. GRASER: One more time, kind of responding
17 to Harry's comment there. Putting the documents out
18 on a party's server has a time frame associated with
19 it, and what a lot of the discussion about the
20 Spider is going back to is the fact that it is going
21 to take the Spider a certain amount of time to look
22 at the materials that have been out put on the
23 server and bring the information back, and build the
24 indexes in the LSN environment.

25 And if you look at it in terms of through put

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1 capability, our planning base right now is a
2 hundred-thousand documents a week. If, for example,
3 a large block of materials were placed out all in
4 one fell swoop at any given point in time, the
5 Spider capacity is what it is, and if a larger
6 number than a hundred-thousand documents suddenly
7 became available, it is going to take the same
8 amount of elapsed time to go through those materials
9 before the Spider is finished bringing the
10 information back to the LSN software, and making it
11 available via the LSN.

12 And my perspective on that is that you can go
13 through the various types of scenarios and speculate
14 about when and how many documents become available,
15 and become available to the Spider.

16 But my perspective again is to go back and
17 look at the definition in Subpart J, 2.1001, in the
18 definition of the LSN. And I am looking at it from
19 the totality of the system definition.

20 And I am looking at the perspective that the
21 documentary material becomes available to the
22 parties, and that does not happen until the LSN has
23 completed its indexing process.

24 You may have varying interpretations of that,
25 and you are free to bring those interpretations to

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1 the attention of a preapplication presiding officer.
2 But I have given you my perspective of it.

3 MR. LEAKE: Your perspective is certainly
4 understood. However, I would be remiss not to note
5 that the DOE can only certify that, but is
6 responsible for and can control, and making its
7 populated LSN server electronically available to the
8 NRC LSN website is one of those activities.

9 The DOE believes that initial certification
10 means that a DOE official will certify to the best
11 of his or her knowledge that DOE's documentary
12 material has been identified and been made
13 electronically available to the NRC 6 months in
14 advance of the license application submission.

15 The DOE will update its LSN with additional
16 documentary material processed after the initial
17 certification cutoff date, and recertify that its
18 documentary material is electronically available to
19 the NRC at the time of the submission of the license
20 application.

21 I think that there has already been an earlier
22 comment about the through put of the Spider crawling
23 capacity that the NRC currently has for indexing the
24 material.

25 The NRC may wish to investigate other

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1 technical options, and see what other possibilities
2 exist for producing such an index in a more
3 expeditious fashion than crawling over the internet.

4 And certainly just as the DOE has participated
5 in testing in the past, they could participate in
6 helping the NRC deal with this issue.

7 MR. GRASER: Well, thank you for your
8 observations, Harry. Back to the presentation. In
9 terms of the administrative module which we use for
10 monitoring the audit process of the system, that has
11 been revised to add additional security for our
12 audit staff to review the results of the Spidering
13 process.

14 And it reflects one of the security
15 recommendations from the NSA task force last year,
16 insofar as although the audit process is transacted
17 across the internet communications channels, it does
18 now require a CD-resident client side component to
19 activate all of the audit and administrative
20 features as a security feature that has been added.

21 In terms of training, I have some things to
22 report on the overall training activities. We have
23 now been scheduled to participate in a workshop in
24 November of 2003 at the Nevada State Librarian and
25 Archivists Meeting in Lake Tahoe.

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1 We will be sending representatives there
2 provide State librarians an opportunity to see the
3 LSN software and to work with our staff in terms of
4 just familiarizing them with how the system works,
5 and responding to the typical sorts of questions
6 that the general public may have if they choose to
7 come into one of the Nevada libraries and access the
8 LSN via the internet terminals that are available in
9 all of the State libraries.

10 We will also provide the librarians with the
11 training tools, the same training tools that we
12 would make available to the parties. Training tools
13 will include a Quick Start reference sheet, kind of
14 a dummy sheet for people to have right close
15 available to the terminal that they happen to be
16 using.

17 And we will provide them quick start and short
18 cut tips and pointers sorts of information. We will
19 leave behind copies of CD-ROM tutorials and will
20 also leave behind a supply of the LSN brochures that
21 can be made available in the libraries.

22 And those brochures would be similar to the
23 brochures that we brought along and have a supply,
24 and have them available at the table in the back of
25 the room here.

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1 Those are the same sorts of things that we
2 would make available as part of our outreach to all
3 the parties, and providing training to the parties
4 and potential parties.

5 And as parties are approaching the point of
6 making their document collection available, I would
7 urge that anybody that wants to engage us to come
8 out and do training with a core group of users at
9 your organization, we will be more than happy to do
10 that.

11 That will involve a certain amount of
12 scheduling and coordination to set up a mutually
13 convenient time frame to do that. But we are
14 willing to come out to wherever the organization is
15 located and as I said, train a core group of
16 individuals on how to use the system, and provide
17 copies of the tutorials and quick start reference
18 materials that they can then take and circulate
19 around the organization.

20 My next chart is addressing my understanding
21 of the current sizing projections based on the
22 information that has been made available to me. At
23 this point in time, the size of the NRC collection
24 is estimated to top at approximately 35,000
25 documents, roughly 800,000 pages of material.

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1 The Department of Energy, based on
2 communication that I received in the month of March
3 from the Department of Energy, they have low-end and
4 high-end estimates ranging from 3-to-4 million
5 documents, comprised of 27-1/2 to 36-1/2 million
6 pages of content.

7 For Nevada, I am still operating on the
8 information provided in the 1999 survey, zero
9 documents and zero pages. Nye County, I am still
10 counting, and again the information from the 1999
11 survey, a thousand documents, and a thousand pages.

12 The other parties, the other counties
13 combined, a thousand documents, roughly 10,000
14 pages. This represents information that was
15 solicited as part of the LSN original design
16 activities in the fall of 1999.

17 Anybody who would like to update and provide
18 additional information, I would be most
19 appreciative. It helps me with my planning and
20 sizing activities.

21 The total range for the system right now is
22 ranging between 3,037,000 documents, to 4,037,000
23 documents; and 28,316,000 to 37,316,000 pages of
24 material.

25 As I mentioned earlier the current system is

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1 sized for roughly one million documents, 15 million
2 pages. Therefore, in the past couple of months our
3 staff has initiated an effort to do some planning
4 for growing the system to accommodate any of these
5 potential volumes of materials.

6 We have already gone before the NRC's
7 budgeting process and the budgeting organization and
8 group that goes through and starts, and we are doing
9 the fiscal year 2005 budget drill right now.

10 And as part of the presentation on the FY 2005
11 drill, we did do an issue paper identifying a
12 potential need to scale the system from 15 million
13 to 45 million pages, and we have identified that
14 that is a financial fiscal need that is going to
15 show up sooner than fiscal year '05, which is our
16 planning year that we are going through a drill for
17 right now.

18 And the Agency is in the process of trying to
19 identify a funding plan that would provide us
20 earlier availability to some funds that we can use,
21 and hopefully even in Fiscal Year 2003, with some
22 residual funds this year, and also Fiscal Year 2004,
23 that would allow us to triple the capacity, and
24 bring us to about 45 million pages worth of material
25 capacity.

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1 And we are targeting that contingent on the
2 availability of funds, and we would be able to have
3 the system expanded sometime towards the end of the
4 calendar year, and the early part of the calendar
5 year next year.

6 MR. MCCOLLUM: Dan, Rod McCollum, NEI. When
7 you talk about increasing the capacity from 15 to
8 45, you get a corresponding increase in the speed of
9 the crawler with this?

10 MR. GRASER: Well, that is the second bullet.
11 We are going to focus our efforts on further
12 enhancing the speed of the crawler. In response to
13 one of your earlier questions, part of the effort in
14 scaling the system up is to build multiple instances
15 of the search engine and multiple server devices.

16 So we would be taking our current architecture
17 and expanding or changing the architecture to
18 accommodate multiple servers and multiple search
19 engines, and then mirror those multiple search
20 engines so that we had both the public access site
21 and the priority access site.

22 So part of the effort to jump us past the 15
23 million page threshold is going to involve some
24 reorganization of the platforms and the server
25 configurations, getting additional instances of the

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1 search engine and so forth.

2 And as I was saying before, in terms of the
3 Spidering software, that has to be synchronized with
4 the speed of the indexing capabilities. So, Matt
5 and his team, they are going through and looking at
6 the architecture, and looking specifically at an
7 architecture that will support the increase, both in
8 the size and in the speed of the spider.

9 That being said, we won't know what the actual
10 performance is going to be until we get our hands on
11 that configuration and start doing some actual
12 testing.

13 We can do some projections on it, and we have
14 some information from the folks at Autonomy and from
15 the folks at AT&T, that allow us to do some
16 projections.

17 But in terms of being able to come back and
18 report this is the volume we can actually handle, we
19 may not know that until early next year.

20 MR. MCCOLLUM: Do you have any targets as part
21 of your planning of your goals?

22 MR. GRASER: Well, the target is to get the
23 system grown to accept up to 45 million pages, and
24 that is one target.

25 MR. MCCOLLUM: Yes, but I mean do you have any

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1 target for the speed?

2 MR. GRASER: The Spidering?

3 MR. MCCOLLUM: Yes.

4 MR. GRASER: Matt, do you want to commit to a
5 target we have in mind?

6 MR. SCHMIT: Well, 50,000.

7 MR. GRASER: So, 50,000 documents a day.

8 MR. MCCOLLUM: And that is again based on a
9 five day work week?

10 MR. SCHMIT: Correct.

11 MR. LEAKE: Harry Leake with the DOE. In
12 light of the substantive increase in the amount of
13 material, has the NRC considered any other options
14 for populating the index besides the Spidering
15 approach?

16 Or maybe I should just turn that into a
17 comment and just make the observation that the NRC
18 analysis and planning for this growth should not be
19 limited to just increasing the speed of the Spider,
20 but exploring other technological options for
21 populating the index quickly? I will just leave it
22 like that.

23 MR. GRASER: I thank you for that observation,
24 and I would certainly encourage you also to comment
25 how I can do that and have that accomplished within

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1 12 months.

2 It is kind of late in the game to be coming to
3 the table suggesting architectural changes. I am in
4 my fiscal year execution right now, and my Fiscal
5 Year '04 budget is nailed down.

6 And if it is something that is an unforeseen
7 type circumstance, it is certainly a lot easier to
8 defend than to turn around and saying that we are
9 going to scrap the last 3 years worth of work and go
10 off on a wide goose chase exploring other
11 alternative technologies.

12 Really the time to focus on those alternative
13 technologies was back in the December of 1999 time
14 frame, when we looked at the four alternatives for
15 building a system, which we did.

16 And brought the alternatives back to the ARP
17 and we followed the consensus guidance in that
18 regard. So we had a bite at that apple 2-1/2 years
19 ago, and I implemented what was recommended, and
20 what was the consensus.

21 And as I said, at this point in time, I have
22 definitive information and definitive document
23 volumes that are available to me, but then after
24 that a lot of the information gets softer, and until
25 I know specific planning, in terms of timing, when

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1 materials are going to be available, I am a little
2 hesitant to go off and start looking at alternative
3 solutions that are going to cost everybody a lot
4 more money.

5 And try to rush through and implement that in
6 time to have a stable system in place and
7 operational about a year from now. So I thank you
8 for the observations, but I think that if we are
9 going to pursue that, we need to have a genuine
10 dialogue about a lot of the ramifications to trying
11 to implement that.

12 MR. LEAKE: And, you know, I apologize if my
13 comment was a little misunderstood, but I wasn't
14 proposing a complete rearchitecture of the system.
15 And in fact working on a date would be necessary to
16 indicate for the overall maintenance.

17 However, my comment was really specifically
18 focused to the problem of initially looking at the
19 initial load, and as the NRC pointed out in its
20 presentation, it has only recently been formally
21 solicited and revised significantly upward.

22 And in response to that changed information,
23 at this point in time there is a technology issue to
24 look at, and it may be that in the exploration of
25 alternatives that there may be some alternatives

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1 that aren't inordinately expensive or require any
2 major modification to the overall architecture of
3 the system.

4 But that could only be determined after some
5 analysis is performed, with an objective
6 comprehensive look at the problem that we have
7 today.

8 MR. GRASER: And again I don't know how much
9 of a problem that we have today because I don't know
10 what the schedule is for loading or at least
11 populating the server with that volume of materials.
12 I don't know if I have a problem or not, Harry, and
13 that is probably the first place that we should
14 start a dialogue if we are going to dialogue the
15 issue.

16 MR. LEAKE: Okay.

17 CHAIRMAN BATES: Steve.

18 MR. Frishman: I just wanted to suggest that
19 rather than go through this dance for the rest of
20 the day, would DOE care to enlighten us about what
21 its planned schedule is for submission?

22 MR. LEAKE: As I articulated earlier, DOE's
23 current plans is to --

24 MR. Frishman: We heard that, but that is not
25 what is leading to this discussion. There is

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1 something in the middle that is missing that you
2 know that we don't know.

3 MR. LEAKE: Something in the middle? Can you
4 help me out? Somebody.

5 MR. MCCOLLUM: Rod McCollum, NEI. I mean, we
6 have here, you know, where DOE has stated that they
7 intend to load the materials 6 months in advance as
8 required.

9 We have here an expectation as to how much
10 material that is, and we have the public position on
11 the part of the DOE that the 6 month after date,
12 that they have to load 6 months before, will be
13 December of 2004.

14 So in terms of whatever dialogue needs to
15 occur between DOE and the NRC on how to manage that
16 population of information, and what sounds to me
17 like next summer, it sounds like the information is
18 on the table and again our IT Director, John
19 McIntyre, is here.

20 And we talk about some of these technological
21 changes maybe not requiring, you know, huge
22 increases in budget, and if there are technological
23 approaches to this, dealing with this much
24 information in that time frame, we would certainly
25 encourage the NRC to explore them so that they can

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1 be ready for that possibility.

2 MR. VON TIESENHAUSEN: Can I say something?

3 MS. TREICHEL: Is it possible --

4 CHAIRMAN BATES: Englebrecht.

5 MS. TREICHEL: Oh, I'm sorry.

6 MR. VON TIESENHAUSEN: Englebrecht von
7 Tiesenhausen, Clark County. Maybe I am missing
8 something, but even if DOE tells the NRC 6 months
9 prior to loading the materials that everything is
10 loaded, when is the LSN collection legally need to
11 be available to the public, or to interested
12 parties?

13 It is not at the time of license application
14 is it?

15 MS. YOUNG: I think under the regulations the
16 Commission's thoughts about this were that 6 months
17 prior to the application being submitted that the
18 documents would be made available.

19 And that if that didn't happen, then the
20 license application submission date would be
21 accordingly postponed. So I think in terms of DOE's
22 planning that they need to have in mind that in
23 terms of what Dan has explained, loading documents
24 on the LSN is not something that transpires
25 overnight, and so you can't wait until June 30th to

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1 load 45 million documents, for example.

2 MR. GRASER: Or pages.

3 MS. YOUNG: Or pages, right. And because
4 things take time, there has to be some type of
5 staggered process, and that is one of the things
6 that the decertification official is going to have
7 to explain to the prelicense application presiding
8 officer, that to the best of their knowledge -- and
9 if their knowledge is an understanding of the
10 limitations of the LSN, in terms of being able to
11 recall documents, the documents have been made
12 electronically available.

13 And these factors are going to have to be
14 taken into consideration. Now, of course, the rules
15 do allow the flexibility that you substantially
16 complied with those, but I don't know how you
17 substantially comply with the requirement if you
18 wait until one minute before midnight to load a
19 substantial number of documents, in terms of making
20 them available to the NRC and to the public.

21 MR. VON TIESENHAUSEN: So if you make all the
22 documents available six months prior with the push
23 of a button, they would basically be in violation of
24 the intent?

25 MS. YOUNG: It is possible that a Judge may

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1 not find them in compliance. No, I am not really
2 here to advise DOE, but I am saying that is a risk
3 that they run in terms of the date that the license
4 application could be submitted.

5 MR. MCCOLLUM: Rod McCollum, NEI. If I could
6 speak to Englebrecht's question, going back to what
7 I heard DOE say earlier. I think what is on the
8 table here is that there is a difference of opinion
9 as to how -- between DOE and the NRC, as to how the
10 Judge would interpret that.

11 And I think what you are also hearing is there
12 may be technological improvements that could for
13 small amounts of money render that difference not to
14 be that important, and that is what I think the NRC
15 is going to encourage, at least by me, and I think
16 also by DOE here, to pursue those. So that
17 difference of opinion essentially doesn't matter if
18 the technology is good enough.

19 MR. PITTS: If I might. Is a collection
20 considered available if it hasn't been crawled? I
21 mean, if DOE makes the collection available, but the
22 crawling has not taken place, is the collection
23 deemed available?

24 Am I doing the math wrong; at 27 million
25 pages, at 50,000 pages a day, is that 500 and

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1 something days? I mean, does anybody else see a
2 problem there?

3 MR. GRASER: Even at a hundred-thousand
4 documents per week, 40 million pages is going to
5 take 40 weeks for the information to get through the
6 crawler and to be indexed and available for search
7 and retrieval via the LSN website.

8 And in terms of interpretation of what it
9 means to have the documents available, that is
10 something that would be appropriate to bring to the
11 attention as Mitzi said, to bring to the attention
12 of the prehearing presiding officer if your
13 definition of -- if you are not entirely certain of
14 how your interpretation of the definition is, you
15 may want to raise that as an issue to the prehearing
16 presiding officer.

17 MR. PITTS: Well, if it has not been crawled,
18 you won't be able to find it, right? Is that
19 because there won't be an index on it? I mean, that
20 is not something that bothers us.

21 MR. GRASER: It is not available via the LSN
22 site until the indexing process is completed.

23 MS. YOUNG: And what the LSN is supposed to
24 give you is that full-text searchable vehicle to
25 find out information about the application. And if

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1 it is not available via LSN, it may be very
2 difficult to do that, which kind of defeats the
3 purpose of the rule.

4 MR. PITTS: One last thing, too, is that right
5 now we have -- Lincoln County has almost 13,000
6 pages, and so, Dan, you had better get prepared for
7 that.

8 MR. GRASER: Well, 13,000 pages, I can handle.

9 MS. YOUNG: In terms of what we are hearing
10 from DOE, do you have any type of staggered loading
11 schedule in mind, or are you really going to wait
12 until June 30th?

13 MR. LEAKE: I can only reiterate what IU
14 stated earlier, that at this time DOE's intent is to
15 make its material available 6 months in advance of
16 license application.

17 MS. TREICHEL: Is it possible that there is a
18 chicken and egg problem here, where perhaps it is
19 wrong for DOE to have a schedule that shows the date
20 of the license application submission, and instead
21 you just need to focus on the date of certification
22 of documents in the LSN, and then that triggers the
23 other?

24 It seems to me that we are focusing on the
25 wrong thing, because as Mitzi said, if it is not in

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1 there and certified, then the date gets put off, and
2 so the trigger is the certification of DOE stuff,
3 and then that starts the clock on the submission and
4 certification of the other parties' stuff.

5 And then down the line comes the license
6 application, and I just don't think it is going to
7 fit in otherwise. Is it possible that is how DOE is
8 doing it or will do it?

9 MR. LEAKE: I am not sure if I completely
10 understood your question, Judy. In terms of the
11 LSN, there is certainly a clear recognition of the
12 requirements of the rule by the DOE to make its
13 collection available 6 months prior to license
14 application.

15 The DOE has procured the services of a
16 contractor, and is in the process of identifying
17 potentially relevant material and preparing it to
18 populate that collection required by the rule.

19 That is a significant task, and while the DOE
20 is certainly aggressively pursuing that task, there
21 will certainly be challenges along the path between
22 now and completing that task in order to comply with
23 the rule.

24 So, 6 months before license application is to
25 make the material available is what the rule

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1 currently says, and that is what DOE is pursuing.
2 In light of our expanded size, it will be a
3 significant task.

4 MS. TREICHEL: Yes, I see that availability in
5 that certification as being the trigger, and not
6 some date that you have set out there. Thanks.

7 MR. LEAKE: Yes. And as I articulated
8 earlier, DOE can only certify that for which it is
9 responsible for and control; i.e., making that
10 material -- that LSN server electronically available
11 to the NRC LSN website.

12 MR. MCCOLLUM: Rod McCollum, NEI, again. The
13 LSN has been something that has been discussed for a
14 number of years. We have been having these meetings
15 for a number of years, and it certainly doesn't seem
16 -- and again DOE talking about being responsible for
17 only things that it can control.

18 It certainly doesn't seem like a fair and
19 reasonable regulatory practice for a regulator to
20 tell a perspective licensee one year in advance of
21 applying for a license that there is this whole
22 other time window in the process that they didn't
23 think or were never told before existed.

24 Now, the good news is that it doesn't sound
25 like there has to be such a window. It sounds like

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1 there are technological approaches to this. There
2 is certainly a 7 day a week approach.

3 So again I would strongly encourage the NRC to
4 take a look at that, and what can be done with the
5 technology and the operational aspects, and it
6 really is a significant new expectation that is
7 being introduced pretty late in the process.

8 MR. GRASER: I seem to recollect that in the
9 original LSS rule that the negotiated agreement was
10 that the documents would be made available as early
11 as possible prior to the commencement of the
12 proceedings.

13 We have now come full-circle to a tacit
14 implication that the documents are going to be made
15 available as late as possible, and from my
16 perspective what this does is that it shifts the
17 burden from the parties who are responsible for
18 complying to the rule, or it attempts to shift that
19 burden from the parties who are responsible for
20 complying with the rule to the Nuclear Regulatory
21 Commission, and essentially putting us in the
22 position of having to undergo heroic measures in the
23 middle of a fiscal year in order to accommodate a
24 rather drastic change in the communicative
25 information upon which this whole thing was based.

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1 If we were informed that it was going to be
2 10,000 documents of DOE material, and pursued that,
3 and from a design and development perspective, and
4 got to the point where information gets eventually
5 communicated to us that it is actually going to be 4
6 million documents, that is multiple magnitudes of
7 difference.

8 And, you know, if there are changed conditions
9 here, those are the changed conditions. I don't
10 think the NRC has changed any of the conditions of
11 its desire or intention to have the documents
12 available via the LSN to the parties and potential
13 parties.

14 That is the verbiage in 2001, and that has
15 been on the books for a long time. So if there are
16 conditions that have changed, it is not the
17 conditions of how quickly we should have been
18 expected to be able to crawl a grand total
19 collection of 15 million pages, okay?

20 And if the volume has increased to 45 million
21 pages, we certainly need to do or to look at things
22 such as advanced planning and advanced scheduling,
23 and starting as soon as possible to meet the
24 requirements of Subpart J. I mean, that is my
25 perspective.

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1 MR. MCCOLLUM: I guess, and with all due
2 respect, I have to disagree with that. DOE has been
3 producing voluminous documents for quite some time
4 now.

5 I mean, the site recommendation, I stood it on
6 end and it is almost 3 feet tall. I find it hard to
7 believe that the NRC could be surprised by the
8 number of documents.

9 I also find it hard to believe that this
10 negotiation, which as you did say began with an
11 intent, and I agree that is what the system should
12 do, is make things available as soon as possible.

13 And the result of that negotiation was a rule
14 that went through a promulgated public rule making
15 process that led to an expectation that DOE needed
16 to make its documents available 6 months in advance.

17 There was no other expectation. or there was
18 nothing in that rule, and there was nothing in that
19 rule making record that you need to make those
20 available gradually over time, and somehow sequenced
21 in advance of six months.

22 And through that entire time, because it
23 wasn't that long ago, I would think that the volume
24 of DOE's documentation was already very substantial.

25 MS. YOUNG: Well, Rod, first of all, I think

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1 you keep mis-stating what the rule requires. It
2 says no later than 6 months. It doesn't say at 6
3 months. In terms of the Commission --

4 MR. MCCOLLUM: It says no later.

5 MS. YOUNG: And I am not disagreeing with you
6 on that point, but in terms of what the Commission
7 has said repeatedly about LSN, because this is a new
8 thing, and a new toy, and it has never been tried
9 before in terms of litigation, the Commission's
10 encouragement to all the parties, no matter what
11 schedule they specified in the rule, was to add
12 documents in the LSN early and often.

13 It has always been the expectation of the NRC
14 that through early efforts to load documents on the
15 LSN, there would be more confidence on how quickly
16 those things could be done.

17 And if you know the parties and the
18 participants are to wait until the 11th hour to do
19 it, then they are going to be certain problems and
20 consequences associated with that, including maybe a
21 delay in the date, the eligibility date, for DOE to
22 submit its license application.

23 So none of this information is really new. I
24 don't think that DOE ever had a reasonable
25 expectation that they could wait and have the NRC

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1 load 45 million pages overnight.

2 I don't think anybody who works in the
3 information management environment thought that was
4 reasonable.

5 So as we get closer to the time that DOE
6 submits it license application, or plans to,
7 obviously the vision on how big of an elephant the
8 LSN would be has gotten a little sharper, and we are
9 going to have to adjust.

10 But I think the NRC is just trying to explain
11 that obviously there are limitations on how quickly
12 things can be loaded on the LSN, and DOE should take
13 that into account, and the other parties, you know,
14 absolutely in its planning.

15 The NRC is trying to. We are trying to
16 stagger our efforts and we are not waiting until 2
17 months after the 6 months before date to load
18 everything over night. We know that it can't be
19 done that way.

20 And when there was an LSS, an essential
21 database, obviously it was going to take time to
22 load all those things before it would have been made
23 available.

24 So I think that Dan is correct in explaining
25 that this has been an expectation over time, and

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1 anything that the participants in the proceeding can
2 give us about their projected schedules and the size
3 of their collections, will only help this function
4 in the way that the Commission envisioned.

5 And in the way that the Congress envisioned,
6 that you could have a proceeding that could be
7 concluded in 3 to 4 years. I mean, that is the
8 whole purpose of the LSN, is trying to cut down the
9 time that it takes for discovery.

10 And it takes time to make documents available,
11 and the architects of the rule basically thought
12 that doing it electronically over the internet would
13 be something that could be done fairly quickly. But
14 there are certain times associated with making that
15 possible.

16 MR. CAMERON: This is Chip Cameron, and I am
17 probably beating a dead horse here. But Mitzi Young
18 is the Staff Attorney on this, and I would just
19 offer a historic perspective, including the drafter
20 of the last rule making that established the 6
21 months before submittal, and I think if you go back
22 through this whole record that there is ample
23 evidence that there should be no element of
24 surprise, or any hint that there is any unfairness
25 involved here.

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1 And I think that is clear, and if you look at
2 the supplementary information on the last rule
3 making on this, I think that there is ample evidence
4 of what availability means under the 6 months.

5 There may be room to argue about availability,
6 actual availability through a DOE website, versus
7 the LSN crawl site, and perhaps to even argue that.
8 But I think that it is pretty clear to us what we
9 think availability means in this case.

10 But I just reacted to the fairness statement,
11 because I think we have been at this long enough for
12 people to know what the intent and what the
13 objectives are.

14 MR. LEAKE: Harry Leak with DOE. I think as
15 was pointed out earlier, there is at least two
16 pieces of significant new information in this
17 presentation today. One is the size of the revised
18 estimate of the DOE collection, and the other is the
19 metrics on the crawl time.

20 And you put those two together on the same
21 page, and as the gentleman earlier who ran the math,
22 you know, both of those are new information, and we
23 will simply have to take that into account and move
24 forward and examine all of our alternatives.

25 MR. GRASER: Thank you, Harry. I would just

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1 like to go back and correct myself. I think I
2 referred to 2.1003 as the section under Subpart J
3 that contains the definition of the licensing
4 support network.

5 And the correct situation is 2.1001 right up
6 front in the definition section. So going back and
7 rereading the transcript, I would like for it to
8 reflect that the correct citation for the definition
9 of the system in its totality at 2.1001. Thanks.

10 I will finish up now so that we can have an
11 opportunity to move on and take a break. In terms
12 of the LSN operations, I came to this meeting
13 expecting to be able to announce that we had four
14 collections of material that actually went live on
15 the LSN as of last week, and the chart was prepared.

16 And unfortunately, I had a last minute hiccup
17 with one of the collections. So that the four
18 collections that we were ready to make available in
19 a live LSN environment did not actually transpire on
20 May 29th as advertised on the chart that you are now
21 looking at.

22 We do expect, however, very shortly to put up
23 the initial population of collection materials from
24 Lincoln County, White Pine County, NEI, and a fairly
25 substantial piece of the Nuclear Regulatory

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1 Commission's collection of documentary materials.

2 We see this as the start of the efforts to
3 populate those, and as Jason indicated, Lincoln
4 County has got a few more thousand pages in their
5 hip pocket, and we are certainly looking forward to
6 that.

7 The NRC documentary materials that have been
8 made availability have been screened for Homeland
9 Security type issues and is an ongoing process, and
10 that screening will continue on as the NRC is in the
11 process of putting more materials out on the
12 website.

13 We have also been monitoring the activities of
14 a number of other organizations that have been
15 making good progress towards making their collection
16 of materials available.

17 The Department of Energy's technical solution,
18 we have successfully tested for an extended period
19 of time now. Technically, it is a very strong
20 technical solution for the DOE collection. It makes
21 available the bibliographic headers and the full
22 text of the information.

23 And as an added side benefit, it makes
24 available PIF images of record material that has
25 been made available over and above what is required

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1 in Subpart J.

2 Nye County -- I am glad to report that Nye
3 County has also been making some ongoing process
4 with some of the activities that Elena Isra
5 (phonetic) has been coordinating with us.

6 Clark County also in the last couple of weeks
7 has started to make additional progress toward their
8 ability to publish relevant material collections
9 that we can now see on their server.

10 Eureka, I believe, is in discussions with
11 Jason for using the solution similar to Lincoln and
12 White Pine Counties. And the City of Las Vegas has
13 also recently been in contact with us.

14 So we have a number of organizations that are
15 either well on the way, or are ready to be
16 published, or to start publishing their collections
17 in the very near future.

18 The final chart I have included points of
19 contact for the LSN staff, names, and phone numbers.
20 I am the LSN administrator, and the technical
21 project manager for the LSN is Matt Schmit; and the
22 auditor is Joe Turner. Joe is sitting up at the
23 head table right now.

24 And our information management training and
25 guideline activities are all coordinated by Margie

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1 Janney, who is also on the LSNARP staff with us.
2 Those are the names and addresses of the key people
3 on the staff.

4 And this chart includes are mailing address,
5 the fax address, the webmaster address, phone
6 numbers, and just about every other way of
7 contacting us other than walking into my office and
8 knocking on the door, and shaking my hand.

9 Thank you all very much for your attention.
10 Thank you very much for the comments, and thank you
11 very much for the discussion, and I will pass it
12 back to Andy at this point.

13 CHAIRMAN BATES: Thank you, Dan. Let me go
14 back to the panel members and see whether or not
15 individuals have some additional comments, or
16 whether they can provide any more insight as to what
17 the plans are from the standpoint of the counties
18 and the State, and potential parties. Steve?

19 MR. Frishman: No.

20 CHAIRMAN BATES: Judy?

21 MS. TREICHEL: No.

22 CHAIRMAN BATES: Jason?

23 MR. PITTS: No.

24 CHAIRMAN BATES: Rod or Harry?

25 MR. MCCOLLUM: No.

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1 MR. LEAKE: No.

2 CHAIRMAN BATES: All right. Then let's take
3 about a 15 minute break.

4 (Whereupon, at 10:15 a.m., the meeting was
5 recessed and resumed at 10:32 a.m.)

6 CHAIRMAN BATES: Ladies and Gentleman, let's
7 reconvene. As we get started again, I do understand
8 that there are some members and representatives from
9 some of the smaller counties in the audience, and I
10 would invite them to identify themselves, and if
11 during the course of the meeting they have any
12 questions, or anything that they would like to add,
13 they are welcome to raise their hand and please do
14 so.

15 MR. SMITH: Courtney Smith, Inyo County.

16 CHAIRMAN BATES: Okay. Thank you. Anybody
17 else? Before we proceed to the next presentation,
18 Harry, I understand that you may have some
19 additional clarification or questions?

20 MR. LEAKE: Yes, thank you. We would just
21 like to ask the question that as the NRC looks at
22 various alternatives that one alternative that we
23 would like them to consider is that the DOE
24 providing the index at the time of initial
25 certification for its collection.

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1 And if we provided an index, then the NRC
2 could audit it, and check its quality, and put it in
3 place. That type of index generation is common in
4 the industry, and it is how a lot of the major
5 search engines do provide bulk updates to their
6 searching capability. So it is not an unusual
7 practice.

8 CHAIRMAN BATES: Okay. Thank you. That is
9 something that we can look at.

10 MR. LEAKE: Yes, and at some point, and it
11 doesn't have to be today, but at some point we would
12 like a formal response to it.

13 CHAIRMAN BATES: Some sort of discussion on it
14 perhaps?

15 MR. LEAKE: Yes.

16 CHAIRMAN BATES: The next item on our agenda
17 is a discussion of alternatives that the NRC staff
18 looked at for the electronic -- the requirement for
19 the electronic transmission of documents into the
20 adjudicatory proceeding.

21 And to start that discussion will be Jeff
22 Ciocco, and he will go through the alternatives that
23 were looked at, and that meet the difficulties that
24 we see with some of these large and complex
25 documents that may be involved in the proceeding.

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1 MR. CIOCCO: Okay. Thanks, Andy. My name is
2 Jeff Ciocco, and I am with the Nuclear Regulatory
3 Commission, and I am going to give you a
4 presentation this morning on the alternatives for
5 the high level waste electronic docket documents.

6 This is a continuation of presentations that
7 the NRC gave at the last two electronic submissions
8 technical exchanges. Lynn Scattolini from our
9 Office of the Chief Information Officer gave some
10 presentations, where we were talking about
11 developing guidance for the electronic submission of
12 information to the NRC regarding some prelicensing
13 information, and the license application.

14 So now we are at the point where we said that
15 we would come back to you, and we kind of gave you a
16 flavor of some of that guidance earlier in portable
17 document format, PDF, et cetera.

18 So the NRC has gone through this analysis and
19 what I am going to do is I am giving one of a four
20 part presentation. And I am really presenting a
21 little kind of mini-feasibility study that the NRC
22 did, looking at the best approach after looking at
23 four alternatives for the electronic submission of
24 information to the NRC.

25 The outline for my presentation this morning

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1 is that I am going to give you a little
2 introduction, and kind of give you some of the
3 framework for this analysis that we did.

4 I will go through the challenges of large and
5 complex documents, and I will go through the
6 functional areas of large documents. This is kind
7 of the life cycle of documents, a summary of the
8 alternatives, and the recommended approach.

9 And the following presentations are going to
10 get into a lot of the specifics of the recommended
11 approach, which I think Andy sent out to you, is the
12 draft guidance document.

13 And what I am going to be focusing on was the
14 other document that Andy sent out to all the LSNARP
15 members, and that was the analysis of the
16 alternatives.

17 So we are certainly looking for your advice
18 today and comments today, and in the following weeks
19 on this approach. As part of the introduction the
20 NRC will become the nexus of a very large document
21 collection over the next several years, leading up
22 through the proceedings for Yucca Mountain.

23 10 CFR Part 2, Subpart G, requires that an
24 electronic docket for the Yucca Mountain
25 adjudicatory proceeding, and the electronic hearing

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1 document or docket, EHD, is separate from the
2 licensing support network.

3 A lot of this discussion this morning was all
4 based around putting documents, posting documents on
5 the worldwide web, on the licensing support network.
6 Now we are getting into the framework of submitting
7 documents to the NRC in support of the Electronic
8 Hearing Docket of the proceedings for Yucca
9 Mountain.

10 And the NRC expects to receive large
11 electronic files associated with the high level
12 waste adjudicatory proceeding. We expect to receive
13 a lot of these large and complex documents because
14 we know that is the type of information being
15 prepared and presented now to the NRC.

16 Anyone who has looked at any of the documents
17 as Rod pointed out on the site recommendation,
18 process model reports, and analysis model reports,
19 we would consider these large and complex documents.

20 And we provided a definition, which I will get
21 to in the following slide, of what a large and
22 complex document is. So this following evaluation
23 applies to the electronic submission of materials to
24 the electronic hearing docket by all participants in
25 the high level waste proceedings.

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1 And this would be a requirement that all
2 parties would need to follow in submitting
3 information to the NRC. Why are there document
4 challenges?

5 Documents are large, and documents are
6 voluminous, and the process model reports, and the
7 analysis model reports, the site recommendation
8 documents.

9 Documents are complex, and I just want to read
10 to you the definitions of what we call a large
11 document. Consisting of electronic files because of
12 their size create challenges for both NRC staff and
13 the public when transmitting, downloading, and
14 viewing.

15 For example, there could be significant delays
16 in the transmission, uploading, or downloading of
17 information. Complex documents consist of files
18 having portions either textural or image.

19 For example, executable software codes, and
20 there come be physical objects that would be
21 submitted as well. So we have large and complex
22 documents.

23 And finally documents need to be used by
24 stakeholders for different purposes in different
25 user environments, whether it is the NRC staff,

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1 whether it is a participant from the State of Nevada
2 or whatever.

3 We know that there are a lot of different uses
4 of these types of documents. So I just went through
5 why are there challenges, and so what are the
6 document challenges.

7 The first is the ability to transmit
8 electronically through the electronic information
9 exchange. That is how information is received at
10 the NRC electronically.

11 There is the ability to ensure fidelity and
12 integrity. Everybody wants to know that what they
13 send and what is put out there is of good quality.
14 The NRC has to have the ability to store information
15 as official agency records, which eventually would
16 get transferred over to the National Archives.

17 The ability for users to search and navigate
18 across a document in its entirety, while still being
19 able to view and download pages in a timely manner,
20 and that is a big challenge whenever large
21 documents, tens of thousands of pages, come into the
22 NRC, and to be able to search and navigate across
23 them.

24 As well as the NRC has to be able to produce
25 paper copies when requested. So now I am going to

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1 get into seven functional areas. Whenever the NRC
2 did this analysis, we looked at what is the document
3 life cycle information management functional model,
4 and somewhat verbose.

5 But we looked at 10 areas for the life cycle
6 of a document. We looked at that a document has to
7 be transmitted, and it has to be captured and
8 notified, and it has to be indexed and cross-
9 referenced.

10 It has to be stored, and it has to be searched
11 and retrieved. It has to be copied and distributed,
12 as well as created and revised. So I am going to go
13 through now -- I have a couple of slides, and we are
14 going to go through each of these, if you will,
15 seven functional areas of a document's life cycle.

16 And then you will see as I get into each of
17 the alternatives, and there is four separate
18 alternatives that I am going to present to you
19 before getting into the specific recommended
20 approach, that these seven functional areas then we
21 will use to evaluate each of the alternatives.

22 So the first area is transmit, and these are
23 activities related to transmitting a submittal from
24 a submitter to the NRC. Submittals will either be
25 in electronic format or physical objects, such as a

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1 hard copy, a core sample, from the site, could be
2 offered up to the docket.

3 An electronic submittal could either be
4 through the electronic information exchange, optical
5 storage media, and for the optical storage media, we
6 are referring to CD-ROMs or DVDs, whatever the case
7 may be, e-mail or fax.

8 The second functional area is capture. It is
9 really capture and notify, and these are activities
10 related to the receipt of an electronic submittal to
11 the NRC. Notifications are provided according to
12 the approved service list, telling us where the
13 information has to go.

14 Electronic information exchange notifications
15 include a link to the just received object.
16 Whereas, the CD-ROM or the optical storage media
17 notifications state how it was sent, and the
18 expected date of delivery.

19 As well as the submittal stage for additional
20 processing, such as indexing, scanning, et cetera.
21 Let's move on to the third area of a document's life
22 cycle, and that is the indexing and cross-
23 referencing, where the submittal is indexed based on
24 the prescribed profile templates, and that comes in
25 either through the transmittal letter, or through

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1 the electronic information exchange web form.

2 And it provides us the information on how that
3 document needs to be put into the system. The
4 submittal may be cataloged as part of a package or
5 compound document, and once again we take that
6 information from the submittal, and if there are
7 several pieces of a submittal, it would be put
8 together as a package.

9 Or the submittal may have to be cross-
10 referenced to other documents, depending on how the
11 information comes into the NRC. The fourth
12 attribute of the functional model is to store, and
13 that is the activities that manage the storage
14 location of the submittal.

15 If it is an electronic submittal, it would be
16 a location within a folder or a larger collection.
17 If it is on CD-ROM or DVD, it would be the actual
18 location of the media.

19 And finally activities also include
20 maintaining security and an audit controls document
21 history in maintaining a retention schedule for that
22 information before it is turned over to the National
23 Archives.

24 And the last three areas of the functional
25 model are search and retrieve, create and revise,

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1 and copy and distribute. The activities for search
2 and retrieve is that which would support a query and
3 a display of the data and text, followed on by the
4 display of the pertinent objects.

5 It would also include a way to manage the
6 electronic file viewer, such as the Adobe Acrobat
7 Reader, which would provide a rapid display of text
8 pages.

9 For example, byte serving is a way of
10 providing the information quickly, and whenever Ron
11 Deavers gives you a presentation of the recommended
12 approach, he is going to get into explaining a
13 little bit more about what byte serving is.

14 The sixth functional area is to create and
15 revise. That is activities that create or revise
16 documents, and whose content has been extracted.
17 You know, copied and pasted from the original
18 submittal.

19 And finally we look and see that for the last
20 piece of our functional model is that we have to be
21 able to copy and distribute documents. These are
22 activities that provide the means to copy or
23 download a submittal, and then provide that
24 information to the appropriate parties or
25 individuals.

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1 We have to provide a receipt acknowledgement
2 for the distribution of that document, and finally
3 transfer over to the National Archives Records
4 Administration, also known as NARA.

5 This is a picture intended to capture all of
6 the functional areas of the documents life cycle,
7 starting with transmit, and really it captures all
8 of the seven areas.

9 It captures the document, and copy and
10 distribute it, provide it to the service list, index
11 it, and that is profiling it into the NRC systems.

12 Store it, which also includes having a file
13 plan, and eventual transfer over to; and NARA is the
14 National Archives Records Administration. The
15 document has to be able to be searched and
16 retrieved, and there is also repurposing and
17 resubmitting of documents, and to create and revise.

18 So this is just a picture trying to put
19 together all of our functional models. So I have
20 kind of taken you through what are the challenges,
21 and what is the functional model of a document's
22 life cycle.

23 Now, I am going to go through the alternatives
24 analysis, and this is the min-feasibility study that
25 the NRC did for this area of providing information

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1 regarding the potential Yucca Mountain proceedings.

2 So what do we do for the alternatives
3 analysis? We evaluated various technical approaches
4 for them. And there was a basic concept for each
5 alternative.

6 One is that the electronic transmission of
7 submittals will be to the NRC by way of the
8 Electronic Information Exchange. The NRC will enter
9 these submittals into its document management
10 system, known as ADAMS, in the electronic hearing
11 docket, and submittals will be available to the
12 participants and public as appropriate.

13 So that is kind of the framework of how we set
14 up this alternatives analysis. So now I am going to
15 get into the first alternative. I will go through
16 positives and negatives on each and some of the main
17 attributes before we get into our selective
18 approach.

19 The first alternative is called the single
20 file submittal by way of the Electronic Information
21 Exchange. In this alternative, documents and images
22 are sent through the Electronic Information Exchange
23 as a single file.

24 The Electronic Information Exchange web-form
25 serves as a transmittal letter and the EIE web-form

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1 contains basic information about a document; when it
2 was created, and created by who, and is called the
3 EIE web-form.

4 The NRC then captures these large files as
5 single units. An e-mail, with a link to the file,
6 is sent to the service list providing immediate
7 access to everybody on that list.

8 Files are made available as appropriate to the
9 Electronic Hearing Docket, depending on the
10 information submitted. This information can be
11 searched on the bibliographic headers, and on the
12 content, or on a combination of both.

13 This provides an on-line retrieval of the
14 document. So what are the positives and negatives
15 of this alternative? The positives is that that
16 satisfies the electronic transmission requirements
17 of 10 CFR, Part 2, Subpart J, that adjudicatory
18 materials be sent to the NRC via electronically.

19 The second positive is that the textural
20 submittal is a single optimized PDF. That is a
21 portable document format file, with internal
22 document navigation.

23 And internal document navigation is a nice
24 kind of template and thumbnail that you have on the
25 Adobe Acrobat files. Negatives. It is impractical

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1 to combine many different file types into one,
2 depending on whether you have textural files, image
3 files.

4 You could have computer executable codes or
5 whatever. Alternative file formats are not easily
6 accommodated by this single file submission. The
7 submission may take days, depending on the size of
8 the file.

9 It could be a hundred megabytes, 500
10 megabytes, a gigabyte or whatever, that has got to
11 be sent through the electronic information exchange.
12 And service interruptions are possible. And then
13 getting down to the users of the information,
14 whether it is NRC staff, the public, parties,
15 whomever, there could be retrieval problems for the
16 users.

17 Trying to call up this large, really large
18 files, and so that is the first alternative. The
19 second alternative is the optical storage media
20 submittal, or submittal via a CD-ROM, DVD, or
21 whatever the case may be.

22 In this case all the electronic files are
23 submitted via the optical storage media, overnight
24 express to the NRC. The transmittal letter is the
25 only file sent to the NRC through the electronic

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1 information exchange.

2 So, you kind of have the main pipeline of
3 everything coming into the NRC via CD-ROM or the
4 DVD, and you have just the transmittal letter coming
5 over the electronic information exchange to the NRC.

6 In this case, as far as our notification
7 process, an e-mail with a link to the transmittal
8 letter, is sent to the service list. There isn't a
9 link to the CD-ROM obviously.

10 All text-based components would be rendered as
11 optimized portable document format files, and each
12 report extracted from the optical storage media is
13 then made available to the electronic hearing docket
14 as appropriate.

15 The electronic hearing docket bibliographic
16 header record would actually describe what was sent
17 on the optical storage media. Positives in this
18 alternative is that this avoids the potential
19 problems associated with submitting large files via
20 the Electronic Information Exchange.

21 CD-ROMs hold up to, I think, 700 megabytes,
22 and a DVD is several gigabytes. I'm not sure, but
23 it is a lot. Another positive of this alternative
24 is that it could accommodate alternative file
25 formats other than just textural information.

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1 Negatives is that this does not meet the
2 electronic service requirements in Part 2, Subpart
3 J, for information to be submitted electronically to
4 the NRC.

5 A manual interface is required to extract,
6 profile, and store file, and which means additional
7 processing time and availability time would be
8 needed by the NRC to take this information from the
9 optical storage media.

10 And there is a slight delay in receiving the
11 optical storage media. So the first alternative was
12 one large file through the Electronic Information
13 Exchange, and the second alternative is to send
14 stuff to the NRC via the Optical Storage Media.

15 And let's get to the third alternative, and
16 this is an electronic segmented submittal, via the
17 Electronic Information Exchange, to the NRC. In
18 this case, documents, images, codes, et cetera, are
19 sent through the Electronic Information Exchange as
20 segmented files to the NRC.

21 A transmittal letter is sent via the
22 Electronic Information Exchange, as well as the
23 actual document. All text-based components are
24 rendered as optimized PDF files, and an e-mail with
25 a link to the file is sent to the service list for

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1 the immediate access, the same as alternative one.

2 And the NRC makes the segmented files
3 available as appropriate to the Electronic Hearing
4 Docket as a package. Now, whenever we are talking
5 about segmented files, and we are going to explain
6 this in some more detail later, but we are talking
7 about files that are in smaller pieces that are more
8 easily read, and that are more easily transmitted,
9 downloaded, and viewed.

10 In this case you can search on a bibliographic
11 headers' content or a combination of both. The
12 positives for this alternative is that it satisfies
13 the electronic transmission requirements of Part 2,
14 Subpart J.

15 Segmentation divides large submittals into
16 management parts for search and retrieval. What are
17 the negatives? Alternative file formats are not
18 easily accommodated by this approach. You have got
19 nothing coming in over optical storage media, which
20 cannot be sent through the Electronic Information
21 Exchange.

22 Electronic submission via the EIE may take
23 days to transmit, depending on the size and how many
24 segments that you have. And you may not be able to
25 logically segment complex documents, such as

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1 computer codes and other types of executables.

2 The fourth alternative is a combination
3 submittal. This combines the approach of
4 alternative two, which is the optical storage media,
5 and alternative three.

6 It kind of pulled the best pieces we thought
7 out of those two alternatives. By submitting
8 segmented files over the Electronic Information
9 Exchange, and submitting physical large complex
10 objects via the Optical Storage Media.

11 Text-based and some graphic oriented
12 components would be rendered in optimized PDF form.
13 The transmittal letter identifies files that are
14 sent both through the Electronic Information
15 Exchange, and through the Optical Storage Media.

16 An e-mail, with a link to the Electronic
17 Information Files, would be sent to the service list
18 providing immediate access. What are the positives
19 and negatives?

20 In this case this provides for the complete
21 submission, and electronically sends files capable
22 of logical segmentation over the Electronic
23 Information Exchange, and it sends complete
24 information on the Optical Storage Media.

25 So what can be sent through the Electronic

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1 Information Exchange is sent, and then what can't be
2 sent, is sent on through the CD-ROM or DVD, as well
3 as the information sent over the Electronic
4 Information Exchange.

5 Segmentation divides the submittal into
6 manageable parts is another positive. There are
7 some negatives with this alternative as well.
8 Careful processing is needed to maintain the
9 integrity of various submittal components.

10 We have pieces coming over the Electronic
11 Information Exchange, as well as pieces coming
12 through the Optical Storage Media. There is only a
13 slight delay in receiving the Optical Storage Media.

14 We would ask that it be sent in overnight
15 delivery, and this only partially satisfies the
16 electronic transmission requirements in Part 2,
17 Subpart J.

18 And the reason that I say that is because the
19 piece that is coming on the CD-ROM or the DVD
20 doesn't meet the definition of the electronic
21 submission of Part 2, Subpart J.

22 So that covers the four alternatives. So in
23 this feasibility study, we now go through the four
24 alternatives looking at the functional areas on the
25 left-hand column, and to the right of those are the

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1 four alternatives -- one, two, three, and four --
2 coming up.

3 And we use a ranking of A, B, and C; A being
4 the best, which meets the functional areas; and B,
5 some; and C, the least. And you can go through this
6 and see where we came up the alternative four as the
7 recommended approach.

8 It picks the best attributes, we feel, of the
9 alternatives 2 and 3, and puts those into
10 alternative 4, sending information over the -- the
11 majority of information over the Electronic
12 Information Exchange and the remainder of the
13 complex physical type information over the CD-ROM.

14 So the recommended approach is that it gets
15 one B for transmits, and then straight A's coming
16 down the rest of the functional areas.

17 So the recommended approach -- and this is
18 what we are asking the LSNARP members on for your
19 advice and comments -- is that alternative four is
20 the recommended approach, because we feel that it
21 provides the most practical means to transfer a
22 variety of file sizes and types.

23 It is the closest alternative for meeting the
24 functional and technical requirements of a
25 document's life cycle, and it provides multiple

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1 means to access a submittal.

2 And as I said earlier the following
3 presentations are really going to get into the
4 details of this approach. We would be happy to
5 answer any questions now with the members or the
6 public on these four alternatives that I just went
7 through.

8 And there was really a team of us at the NRC.
9 I am just the one presenting it, but we have a lot
10 of other folks here that were involved in this
11 analysis and who really worked on this submission of
12 information.

13 CHAIRMAN BATES: Jeff, if I might just add one
14 comment to this, is that from the standpoint of the
15 Electronic Hearing Docket, I think at this point
16 that before the proceeding starts, we are
17 recognizing that there is a great deal of difficulty
18 with some of these large complex documents.

19 But we don't really know how many of the
20 documents that would be received during the course
21 of the proceeding really fall into this category. I
22 think we expect that a large percentage will in fact
23 be smaller, and will not get into the size that
24 really challenges the systems.

25 That many of the documents that we get

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1 submitted during the course of the proceeding will
2 be smaller -- 10, 20, 30 pages -- and in various
3 smaller sizes that really do not meet this
4 challenge.

5 Clearly there are large documents, the license
6 application and other technical review documents
7 where you get into images, and graphical things,
8 where this issue becomes important. So it is not
9 that everything that we are going to get in the
10 proceeding falls into this category.

11 We don't really know how many there are, but
12 it is not clearly everything.

13 MR. CIOCCO: Correct, and thank you, Andy, for
14 that clarification, but we knew that there were
15 challenges for the large and complex documents, and
16 that's why we came up with a guidance, and this
17 would apply to all submissions.

18 MR. VON TIESENHAUSEN: Just a question of
19 clarification. All these documents would already be
20 in the LSN?

21 MR. CIOCCO: Some of the documents may be in
22 the LSN. I don't know if all of the documents
23 necessarily would be.

24 CHAIRMAN BATES: I would expect that -- and as
25 you said, Jeff, some part in the LSN, but there may

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1 be various documents that are being prepared during
2 the course of the proceeding, specifically in the
3 way of motions, or pleadings, and I would like to
4 have Mitzi and OGC to address that from a legal
5 standpoint.

6 But things that are prepared during the course
7 of a proceeding that are not in the LSN at the time.

8 MR. VON TIESENHAUSEN: Well, I guess my point
9 is that the pleadings and motions would be rather
10 fairly short compared to some of these larger
11 documents. All the really large documents would be
12 in the LSN. Am I incorrect on that?

13 MS. YOUNG: It is probably very difficult to
14 predict at this point since it is not clear what the
15 parties may be trying to bring in the proceeding,
16 and you could have a document that has been created
17 past the LSN certification dates that are large and
18 complex.

19 And so it is not automatic that they would
20 have previously been made available. Even documents
21 submitted in proceedings could be -- I would even
22 think the intervention petitions, you know, that if
23 there is information made available via the LSN, and
24 it is in a searchable form, and if people could file
25 500 contentions, that is not going to be a trivial

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1 document in terms of size.

2 And in terms of our pleading requirements,
3 parties are required to show the basis and
4 specificity of their contentions, and they have to
5 add exhibits to support that effort.

6 So it is not clear exactly whether things that
7 have been previously made were filed in the LSN or
8 not. I am sure that in most cases that they
9 probably would have if people followed the
10 requirements of the rule.

11 But there come be situations that they don't,
12 and those documents would be presented for the first
13 time on the Electronic Hearing Docket.

14 MR. LEAKE: Harry Leake with the DOE. I have
15 a couple of questions. In Alternative 4, it appears
16 from the second document that the NRC sent out about
17 mid-May that we are not completely done evaluating
18 these documents.

19 But the draft guidance for the submission of
20 the electronic materials, Key Alternative 4, there
21 is language in a table that makes it unclear if
22 under Alternative 4 that if you have a submission --
23 and you already said that this would be for all
24 submissions -- that is totally encapsulated in one
25 or more 50 megabyte chunks, whether or not there

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1 would have to be a CD submission with that as well,
2 or whether it could simply be transmitted
3 electronically.

4 MR. CIOCCO: We are going to get into that.
5 Ron is going to get into a presentation, but --

6 MR. LEAKE: We are going to get into the
7 details later?

8 MR. CIOCCO: Yes, we are going to get into
9 details later.

10 MR. LEAKE: Okay.

11 MR. CIOCCO: The following presentations are
12 going to get into more of the draft guidance, and I
13 am kind of covering the alternatives, but I guess
14 your question is that if you have a segmented --

15 MR. LEAKE: Well, that's okay. We can defer
16 it to we get there. Then let me ask another
17 question, or make a comment as far as the four
18 alternatives.

19 Under alternative one, one positive that was
20 in your initial report that you sent out, but that I
21 didn't see on the slide, is that the alternative one
22 is -- and I will read it from your report.

23 MR. CIOCCO: Okay.

24 MR. LEAKE: This alternative primarily
25 benefits and is less restrictive to the submitter.

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1 In our analysis of the four alternatives, we agree
2 with that, that alternative one is least restrictive
3 to the submitter.

4 MR. CIOCCO: From what standpoint, Harry, are
5 you talking about?

6 MR. LEAKE: Well as your report says, it goes
7 on to say that the submitter dictates the form and
8 format of the comments, and the submittal comes in
9 as a single optimized PDF format file.

10 So I just wanted to point out that alternative
11 one on your slides didn't include that one positive
12 that was in the report.

13 MR. CIOCCO: That's correct.

14 MR. LEAKE: And we agree with it. It seems to
15 be the simplest for the people preparing it.

16 MR. CIOCCO: Right. In response to that, we
17 are looking at when we came up with the alternative
18 four, that our selection as the total functional
19 area of the search and retrievability, and
20 transmitting, downloading, and viewing of a
21 document.

22 MR. LEAKE: Okay. One other kind of a high
23 level comment, and we can talk about specifics
24 later, but in the alternatives, we would recommend
25 as precise language is developed to afford or to

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1 keep, or to provide flexibility in the guidance.

2 So, for example -- and this is just one
3 example, but you use Optical Storage Media, and that
4 is much better than saying either CD or a DVD.
5 However, if in fact we wanted to attach some very
6 large materials, it might be that in a few cases
7 that we might want to send an electronic tape.

8 And the guidance might want to have language
9 that said that upon prior approval or something that
10 certain arrangements could be made, because tape is
11 an order of magnitude, and can hold an order of
12 magnitude more of information than a DVD.

13 So as you construct your language, you might
14 want to consider just providing yourself some
15 latitude and flexibility to accommodate particular
16 instances.

17 MR. CIOCCO: Okay. Very good.

18 MR. LEAKE: And that is not the only case, but
19 that is just an example.

20 MR. CIOCCO: Yes, I understand what you are
21 saying. Right.

22 CHAIRMAN BATES: Any other comments at this
23 point on the variety of alternatives that we looked
24 at? Steve.

25 MR. Frishman: Just a general question I guess

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1 on that. What is entailed in alternative four?
2 What is entailed in careful processing, in terms of
3 what does that mean in the way of time, effort,
4 concentration?

5 Because slightly less than careful processing
6 can create large errors. So just what is really
7 involved in that, and is it a large dot in front of
8 that or a small dot in front of it for a negative?

9 MR. CIOCCO: Do you want to answer that?

10 MS. SCATTOLINI: Well, I guess we can discuss
11 this in a little more length when we get to the
12 submission, the document submission guidelines. But
13 what you have here is an instance with a large
14 complex submittal, where all of the submittal may
15 not be able to be sent via EIE.

16 So some of the files were receiving via EIE
17 and some of the files, which may be analytical codes
18 or extremely large electronic objects that are
19 larger than 50 megabytes, are going to be sent on
20 the CD.

21 And what we have to do is make certain that in
22 using that transmittal letter that all of the files
23 are extracted and described in the correct sequence,
24 so that we maintain the fidelity and the integrity
25 of the document.

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1 So it is an exercise that is going to require
2 some careful attention.

3 MR. Frishman: Does this mean that you will
4 have to have a specialized crew of people just to do
5 this kind of thing?

6 MS. SCATTOLINI: Well, we do today. I mean,
7 we have the document processing center that employs
8 about 40 individuals, and all they do today is
9 process documents electronically.

10 The difference -- and we do get documents via
11 EIE, but they are very simple submittals, like
12 single files. So we will put in place an electronic
13 document control desk, where we will have a step in
14 the process where we extract the files, and then
15 ensure that they are in their correct sequence and
16 loaded into ADAMS correctly.

17 MR. Frishman: But for something that is
18 contemplated here, at this point you really don't
19 have practical experience; is that correct?

20 MS. SCATTOLINI: Well, we have practical
21 experience in -- when documents come into the Agency
22 today, we don't get very many documents
23 electronically. We get them in paper.

24 So we have practical experience in taking
25 those large paper documents and segmenting them,

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1 because we don't put them in a single file. And the
2 reason that we don't is that we have learned through
3 experience in having the public access them through
4 the internet, that if the file size becomes too
5 large, then it takes too long for people to open and
6 download the file.

7 They get extremely frustrated and sometimes
8 they even get timed out by their internet provider.
9 So if we have a very large document that comes in
10 today, and let's say it is a paper document, which
11 would be equivalent to 150 megabytes, we take that
12 document and we break it up into what they call
13 segments here.

14 Which is just looking at the document in its
15 entirety, and looking for logical break points in
16 the document. It may be the end of a chapter, or
17 the end of the section of the document.

18 And we process that document in those segments
19 into ADAMS. So we have experience doing that today,
20 and that is the way that we handle our very large
21 documents today.

22 The difference is that rather than getting the
23 document in paper, we would be getting it in an
24 electronic form in segments, and then loading those
25 segments into the system.

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1 MR. Frishman: Okay. We can talk about it
2 some more. I just wanted to know how it stands
3 relative to things that people are used to doing,
4 because I am thinking about being on the receiving
5 end of it as well.

6 MS. SCATTOLINI: Right.

7 MR. Frishman: And not being able to decipher
8 whatever your processors did.

9 MS. SCATTOLINI: Exactly, and that's why when
10 we did this analysis that we looked -- and you will
11 see this in our presentation, that we focused a
12 great deal on search and retrieval, and not just the
13 back room processes at the NRC.

14 But how we are going to deliver that
15 information in a useable way, and that's really the
16 key, because there is no point in getting it into
17 the system if you can't get it out in a way that
18 people can use it. So that was a significant part
19 of our analysis and our focus.

20 MR. Frishman: Okay. Thanks.

21 MR. LEAKE: One other general comment about
22 these alternatives. In the case of the LSN
23 guidance, there has been a period of testing that
24 has gone on that has been very useful in identifying
25 issues and ultimately resulting in refinements in

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1 the guidance that the Department feels is overall
2 very beneficial to the effort.

3 In this particular case, with these proposed
4 alternatives, are you looking at any period of time
5 where the potential participants would have the
6 opportunity to try the alternative before it gets
7 codified into guidance?

8 MR. CIOCCO: Yes, certainly in the
9 prelicensing phase, there is DOE or any party has
10 the opportunity of applying the guidance. We had
11 initially set out as the June time frame when DOE
12 had a schedule of submitting process model reports
13 and analysis model reports, and being able to
14 utilize the guidance, and I think that DOE had asked
15 for that.

16 MR. LEAKE: Well, what I was referring to was
17 more just some test documents, where the content of
18 the document is probably just nothing.

19 MR. CIOCCO: Well, Ron, do you get into
20 testing in your --

21 MR. LEAKE: If that is more appropriate for
22 the later one, we can postpone it.

23 MR. DEEVERS: Well, we are not going to really
24 talk specifically to this, but I would like to let
25 you know that we did do testing of the guidance,

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1 which is based on alternative four.

2 And we ran it through EIE, and we entered it
3 into ADAMS, and we basically retrieved it, and we
4 went up to a hundred megabytes, which I will show
5 you some of that as our test results.

6 But we did run some test documents according
7 to and created them according to the guidance and
8 ran them through the whole process.

9 MR. LEAKE: That's good.

10 MR. DEAVERS: And we are going to do it again
11 when we get more of our test systems in place,
12 because we had to emulate some of the processes,
13 because we don't have enough test systems in place
14 But we are planning on doing a full integration test
15 that takes it from cradle to grave.

16 MR. LEAKE: Okay. Are you envisioning the
17 opportunity for any of the participants?

18 MR. DEAVERS: We would certainly welcome that
19 opportunity.

20 MR. LEAKE: Okay.

21 MR. CIOCCO: Thanks, Ron.

22 MR. LEAKE: Now, just for clarification, the
23 test that I was referring to would be not
24 necessarily with real documents, but with dummy
25 documents that were created for the purpose of

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1 exercising the various aspects of the system.

2 MR. CIOCCO: Okay.

3 CHAIRMAN BATES: Harry, I think later on in
4 the presentations that we will have an update on the
5 EIE system, which has been available for some time,
6 and I know that the licensing board did some work
7 with some of the parties in the spend fuel
8 proceeding to test some of those aspects of the EIE,
9 and I think that John Skoczias will address some of
10 the things that they saw in that test round.

11 And so there is an opportunity or there has
12 been some opportunity for some testing of the
13 systems, and I think we would welcome additional
14 testing as we go down this road.

15 We are a little bit early for what we had
16 scheduled for the lunch break, but there are some
17 commitments on the part of the people here from the
18 standpoint of some phone calls and things like that.

19 I guess I would propose that we go ahead with
20 a lunch break at this point, and let people digest
21 this morning's presentations, and come back at about
22 1:15 from lunch, and go forward with the other
23 presentations that we had planned.

24 Any questions from the audience? I didn't see
25 any additional hands as I was going on here, but I

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1 would invite other affected counties, or anybody
2 else from the public who would be interested in
3 offering additional comments, insights, questions?

4 (No response.)

5 CHAIRMAN BATES: No? Okay. Well, thank you,
6 and we will see everybody at about 1:15.

7 (Whereupon, at 11:35 a.m., a luncheon recess
8 was taken.)
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A F T E R N O O N S E S S I O N

(1:15 p.m.)

CHAIRMAN BATES: Before we proceed with this afternoon's agenda, I would open things back up for any additional comments, and thoughts that people may have put together after having had lunch and a chance to talk amongst yourselves and think about this morning's discussion, and to add to this morning's record.

MR. LEAKE: Yes, this is Harry Leake from DOE. All I wanted to say very briefly was that comment that we made, that the Department made at the end was that we would like the NRC to consider that if the DOE did in fact use the NRC software and produce an index that could be provided no later than 6 months before license application with making the collection available, if that would be an acceptable solution to the issue that we talked about this morning.

And while there are certainly some technical issues to explore to ensure that that is feasible, it certainly appears to at least have the merit of possibly being feasible.

So we would like the NRC at some point in the future to formally respond to that question of

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1 whether that would be an acceptable solution.

2 CHAIRMAN BATES: Okay. We will take that
3 under advisement.

4 MR. LEAKE: You bet.

5 MR. GRASER: And I would just like to follow
6 up your comment with a comment of my own; that
7 insofar as looking at the technical solution that
8 has been put in place for the LSN to date, the
9 solution represents the input from all of the
10 parties.

11 So certainly if another request for looking at
12 technical solutions is put on the table that would
13 be something that I would certainly engage all of
14 the other LSNARP participants to become involved in
15 analyzing the impact of that.

16 CHAIRMAN BATES: Steve.

17 MR. Frishman: I would like to second that in
18 terms of that this is of sufficient importance to
19 where it should not be operated as an off-line
20 discussion.

21 If the Department has a proposal, then I think
22 the Department should make the proposal in whatever
23 detail it feels appropriate, and then it is a matter
24 of response for all others involved and interested,
25 rather than essentially a one line request for

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1 consideration.

2 There is a lot more to it, and I think that it
3 needs to be done completely in the open based on a
4 proposal of record by the Department. That
5 ultimately may have to turn out to be a petition for
6 a rule making.

7 MR. MCCOLLUM: Rod McCollum, NEI, and in the
8 interest of continuing to further the peace process
9 here, it is encouraging that I think that the
10 parties are interested in working together for
11 solutions.

12 John McIntyre, who is our IT director at NEI,
13 would like to say a few words about possible
14 technical solutions.

15 MR. MCINTYRE: I appreciate it. John McIntyre
16 from NEI. I agree, and I would like to offer
17 whatever resources we have at NEI to Matt and Dan.
18 If you guys would like us to participate and help
19 come up with some possible solutions.

20 I know that it can be kind of painful now that
21 you have gone down the path that you have, but it is
22 of sufficient importance to us as well. Right now
23 we are talking about a number of documents that can
24 be put in place with the existing database system.

25 I know that you guys are going back and

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1 looking at other possible ways to retool that, and I
2 would be interested in finding a way to help out in
3 any way that we could.

4 Some of the numbers that were put out this
5 morning, there was a mention of some 500 days at the
6 existing 50,000 documents that could be processed
7 each day.

8 If you rerun that math, it is actually 3 to 4
9 months, and not 500 days, based on what was said.
10 So that is something that we might want to amend
11 there. But even so, there is quite a few different
12 things that we can look at to possibly get that
13 number way down from where it is at.

14 So if there is anything that we can do to
15 help, we definitely want to offer our services to
16 you.

17 CHAIRMAN BATES: Judy.

18 MS. TREICHEL: Well, it would be to the
19 benefit of the public here is to have the Nuclear
20 industry help out to solve this problem. But for
21 those of us who have been sitting at this table for
22 years and years, and knocking through these kinds of
23 things, whether or not we understood all of the
24 technology, I don't see where a course correction
25 needs to happen right here on the spot when -- and I

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1 don't even remember how the old rules worked.

2 But we very well may not even have a quorum
3 since we have almost all of the counties missing,
4 except for the one where we are right today. So
5 that may need to be taken into consideration, and I
6 absolutely agree with Dan that any kind of proposals
7 that come up along these lines have to be sent out
8 to people, and have to be discussed.

9 We had everything that we have been talking
10 about, but it's just too bad that Murphy isn't here,
11 because he is the one with this great memory, and
12 was here at the very first meeting, and has been
13 here for years.

14 And because of situations that they can't
15 control, they are not here today, and we just are
16 not going to change course completely in one
17 meeting.

18 CHAIRMAN BATES: If there is nothing further
19 at this point, let me turn back to the NRC staff and
20 Ron Deavers, who will give a presentation on a draft
21 set of guidance that would address a number of the
22 issues with regard to alternative four, as to how
23 documents could be submitted using that alternative.

24 MR. DEAVERS: Good afternoon. My name is Ron
25 Deavers, and I welcome this opportunity to discuss

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1 with you the draft guidance for submission of
2 electronic docket materials.

3 Our analysis of the challenges inherent in
4 handling large documents has resulted in a
5 recommendation of alternative four, which is a
6 combination of using electronic information exchange
7 and optical storage media for the docket material
8 submission method.

9 During our analysis, we focused our effort in
10 the functional areas of the electronic submittal
11 processing, which includes the transmission capture
12 and distribution of docket materials, as well as the
13 access and use of electronic document materials by
14 parties and participants in a high level waste
15 proceeding, public access to the materials and
16 official agency records retirement to the National
17 Archives.

18 As we progress with our analysis, we clearly
19 realize the need for guidance to facilitate
20 implementation of the recommended solution. We have
21 developed a guidance concurrent with the completion
22 of our analysis, targeting parties and participants
23 to the proceeding as the audience.

24 The guidance is based on alternative four, and
25 was distributed for review on May 9th. It provides

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1 a common format for efficient transmission and
2 submission of the electronic docket material to the
3 NRC, and allows effective capture and distribution
4 of electronic docket materials.

5 We will discuss the guidance from a process
6 logic perspective starting with the file
7 specifications that we recommend for the creation of
8 electronic docket materials, and then the electronic
9 submittal instructions for submitting these
10 materials to NRC, and finally we will go over
11 improvements to the electronic information exchange
12 facility.

13 During this part of the presentation, I will
14 review the file specification for electronic docket
15 materials, in terms of the materials that we expect
16 to receive, and our recommendation of the widely
17 used and versatile portable document format.

18 We will address alternative formats for use
19 when PDF is not practical, and we will look at the
20 size and segmentation of files, and how these
21 technical specifications contribute to the
22 information useability.

23 Portable document format is a recommended file
24 format for submission of these materials to the high
25 level waste proceeding. PDF does not refer strictly

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1 to Adobe products, such as Distel or Capture, but it
2 is a standardized file format that has been
3 published and is integrated into other applications.

4 For example, any application that can print to
5 a Window's printer can produce a PDF file that is an
6 accurate representation of the original document.
7 All documentary material that can be output in PDF
8 should be submitted in PDF.

9 Adobe reader software is freely available and
10 is compatible with a wide range of computing
11 platforms. The content and pagination are preserved
12 throughout the document distribution life cycle, and
13 this feature is important for ease of citation in
14 the proceeding.

15 The format is fully text searchable and it is
16 accepted by National Archives for record retirement,
17 and our tests to compare the file sizes of different
18 graphic file formats generally resulted in a smaller
19 file size when using PDF.

20 And finally PDF supports byte serving
21 technology. I would like to go over a little bit
22 about byte serving technology, and I would like to
23 start in terms of how we plan to implement it.

24 Normally you have to first have some optimized
25 files. So the first step would be to optimize the

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1 files to take advantage of byte serving technology.
2 Then you need to configure your web server so that
3 the web server can serve the optimized files.

4 And finally a minor change to the Acrobat
5 reading options, where you just click a check box to
6 have a fast web view option enable. Now, on-line
7 retrieval and viewing of an optimized PDF file is
8 much faster because the content is sent to the user
9 in small increments, as opposed to having to
10 download the whole file to the user's computer
11 before the first page is displayed.

12 If you are viewing information on line and
13 decide to make further use of the information, the
14 download time from a byte serving configuration is
15 equal to the byte serving -- the download time from
16 a non-byte serving configuration of the same
17 hardware-software architecture.

18 So with byte serving having the advantage of
19 being able to see what you are planning to download,
20 you can decide whether or not you really want to
21 take the time to download it.

22 In order to take advantages of the features of
23 PDF, the PDF authoring software should be configured
24 using the parameter settings listed in Attachment A
25 of the guidance document.

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1 These parameter settings were determined after
2 testing various combinations of parameters. To
3 strike a balance between on-line viewing response
4 time and clarity and resolution for printing
5 graphics, the three most important parameters are to
6 optimize for web access, which implements the byte
7 serving.

8 And the NRC is implementing byte serving
9 technology to enhance the on-line viewing response
10 time. The next thing that you want is to embed all
11 fonts, because this ensures that the file will
12 display as it is intended, regardless of the
13 computer that is accessing it.

14 And of course the 300 dpi resolution is
15 necessary to ensure clarity and readability of
16 graphics. In addition, it is the minimum resolution
17 required by National Archives for records
18 retirement.

19 Now, the features of PDF that contribute to
20 effective retrieval and viewing of documents via the
21 internet are available in the current version and
22 two versions previous to the current version of PDF.

23 For this reason, we ask that no files older
24 than two versions previous to the current version be
25 submitted. These three PDF options, often called

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1 PDF flavors, are acceptable for electronic docket
2 material submission to the NRC.

3 We recommend the use of each output option
4 according to the characteristics of the file being
5 rendered to PDF. The formatted text and graphics
6 output option should be used for textural documents
7 with embedded graphics when they are outputting them
8 from native applications, such as word processing
9 programs, spread sheets, and maybe slide show
10 presentations, or any application that can print to
11 a windows printer definition, such as Acrobat
12 distiller.

13 You would want to use the formatted text and
14 graphics. For scanning paper documents that have
15 text with embedded graphics, we recommend that the
16 searchable image (exact) format be used.

17 Both of these two formats, searchable image
18 (exact), and formatted text and graphics, produce a
19 PDF file that is fully text searchable. And for
20 graphic documents that have one image or a
21 collection of images, we recommend using the image
22 only.

23 This seems to handle the strictly graphics
24 documents better, and is recommended by Acrobat for
25 files such as maps, charts, illustrations,

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1 photographs, forms, or other image files.

2 Since we are planning to expedite the high
3 level waste repository proceeding through the use of
4 automated information technology, we expect to
5 receive a wide variety of electronic material. And
6 it is going to be in the form of various types of
7 files.

8 We have discussed the wide use and versatility
9 of PDF. However, we realize that a small percentage
10 of the material may not be appropriate for PDF,
11 because the need may arise to communicate highly
12 specialized or technical subject matter.

13 While PDF is designed to handle graphic
14 documents, over-sized image, or other files, may not
15 always be practical for PDF. When this situation
16 occurs, the image files may be submitted in a non-
17 proprietary format, such as tagged image file
18 format, or TIF, that does not use glossy
19 compression. Glossy compression often degrades the
20 quality of the image.

21 Spreadsheets are another example. If a
22 spreadsheet is submitted to the NRC, it may be
23 necessary for the staff to do further analysis,
24 verify the formulas, or run additional calculations.
25 For this reason, we recommend that spread sheets be

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1 also submitted in Excel, Quattro Pro, or Lotus
2 format.

3 And again the versions that should be the
4 current version or no older than two previous
5 versions, because often software vendors don't
6 support older versions of software.

7 Ideally video and audio files should be
8 submitted in formats compatible with Windows Media
9 Player. If this is not practical, it should be
10 submitted in the format compatible with popular
11 playback devices, such as videotape players, audio
12 cassette players, compact disc players, or digital
13 video disc players.

14 Now, electronic objects specific to highly
15 specialized software applications, such as computer
16 codes, computer simulations, or other executable
17 programs and their data files, are acceptable in
18 their native file format.

19 When these electronic objects are submitted as
20 docket material, the information should be provided
21 by the submitter necessary to review the material.
22 All information. Whatever kind of configuration
23 information you need to access this material, we
24 need to have that submitted with it.

25 In addition, files specific to non-

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1 commercially available software should include a
2 freely run distributable run time version of all
3 software components needed to review the material.

4 So far we have been talking about files that
5 we expect to receive in terms of the file formats
6 and content characteristics. Now we need to go over
7 issues that apply to all files.

8 Compression of files to these third-party
9 programs, such as zip files, is not acceptable.
10 Compression inherent to PDF authoring software is
11 acceptable. However, the user shouldn't be able to
12 tell that there is any compression going on when he
13 tries to retrieve it or display the document.

14 Now, because the NRC requires full access to
15 all files submitted, security settings such as
16 password protections or other file level
17 restrictions, should not be activated.

18 We will maintain the security and integrity of
19 the docket material submitted. The submittal
20 process is secure and files do not require
21 encryption. It only adds to document processing
22 overhead.

23 For this reason encrypted files will be
24 rejected. External links between files will not
25 function as designed throughout the document

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1 distribution life cycle. However, links within a
2 single file are acceptable.

3 For example, an external file linkage could be
4 a hypertext link to a website that may not be
5 available indefinitely. As we mentioned earlier, a
6 300 dot per inch resolution minimum is designed to
7 provide clarity and readability of graphics.

8 And it is also addressed in the guidance
9 issued by the National Archives for retirement of
10 official Agency records. Our analysis and testing
11 showed that special situations may occur when you
12 have to be flexible with respect to the resolution.

13 One of our tests involves scanning a large
14 engineering drawing. At 300 dpi, the file size was
15 so large that it wasn't practical. We reduced the
16 resolution until we were able to come to a
17 manageable file size, while still maintaining the
18 integrity of the scanned image and the quality of
19 the graphic presentation.

20 Now, 300 dpi is the minimum resolution that we
21 are recommending, unless you have to apply
22 flexibility, but we didn't really recommend the
23 maximum.

24 So, a higher resolution may be used any time
25 you need to provide more clarity in the level of

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1 graphic detail. Obviously the file size will
2 increase in proportion to an increase in resolution.

3 We discussed the functional areas this morning
4 during the presentation of our recommendation of
5 alternative four. Having performed extensive
6 analysis and testing with respect to file size, our
7 findings indicate that file size does not have a
8 significant impact on the create, capture, index,
9 store, and search functionality.

10 But it does impact retrieval, download, and
11 transmittal, because as the file size increases, so
12 does the time necessary to perform these functions.
13 Now, our focus during the file size analysis and
14 testing is to minimize burden on the parties and
15 participants, and to maximize information
16 useability.

17 And our file size tests are designed from the
18 perspective of the full document distribution life
19 cycle. They target information retrieval, download
20 and distribution, and electronic submission.

21 The results of our tests related to file size
22 are illustrated in the following slides, and we plan
23 additional tests of the guidance, and we would
24 welcome LSNARP member participation in these tests.

25 We will try to let you guys know when we are

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1 going to perform some of these tests so that we can
2 work you into the schedule. During our discussion
3 of PDF, we stated how PDF files can be optimized to
4 take advantage of byte serving.

5 The performance improvement is realized
6 because the document file is incrementally served to
7 the user's computer on an as-needed basis. Without
8 byte serving enabled, our hardware-software
9 architecture transfers the entire document file to
10 the local computer memory before it displays the
11 first page.

12 So the user must wait for the entire file to
13 be transferred before you can see anything. Our
14 retrieval tests include an investigation of using
15 byte serving to determine how much performance
16 improvement we could expect by implementing this
17 technology.

18 And I would draw your attention to the chart.
19 The top row has the communication through put
20 speeds. Network is 100 megabytes per second, and
21 DSL, digital subscriber line, usually about 640
22 kilobytes per second; and cable at 220 kilobytes per
23 second, and dial-up modem at 56 kilobytes per
24 second.

25 Now, down on the left side, we have the file

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1 sizes, and then we time how long it took to display
2 the first page with byte-serving enabled, and byte-
3 serving disabled for each communication speed.

4 And as you can see, there is a big difference
5 even at the high speed, the network communication
6 link, between having byte-serving enabled and not
7 having it enabled.

8 Now, we came to the conclusion that document
9 display performance is significantly enhanced by
10 using byte-serving with our hardware-software
11 architecture.

12 Our tests also consider that users may want to
13 download a given document for various purposes, such
14 as review, printing, or analysis of the content.
15 This table of download timing uses the same
16 communication through put speeds, and as you can
17 see, the times are really not unreasonable given the
18 file sizes.

19 Of course the download time increases with
20 file size, and as the download time increases, so
21 does the potential for failure due to communication
22 link failure, or other kinds of errors on the line.

23 We wanted to make sure that the electronic
24 submission timing test would work out okay as well,
25 and so we tested various sizes using EIE. We found

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1 that each file could be consistently transmitted at
2 the listed communication speeds.

3 Our tests further indicated that transfer
4 times enjoyed a high rate of success based on a
5 stable internet communication link. We added one
6 column to this to give you an idea of how much
7 content could be stored in the various sizes of our
8 test files.

9 Of course, as the transfer time increases, so
10 does the potential for failure due to connection
11 time out or other communication link error
12 conditions.

13 When the file transfer is complete, an
14 electronic information exchange process will inform
15 the submitter. Likewise, if the transfer fails for
16 any reason, the submitter will also be informed.

17 Our goal for the file size recommendation is
18 to strike a balance between all of the functional
19 areas listed in our alternatives analysis, with
20 emphasis on information usability, and minimal
21 burden on the parties and participants to the high
22 level waste proceeding.

23 The 50 megabyte file size recommendation
24 allows each file to contain substantial content, and
25 the retrieval time for 50 megabyte files is

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1 significantly enhanced by use of byte-serving for
2 on-line display.

3 The download and submission time of the files
4 are manageable and tests were consistently
5 successful. In addition, large documents will
6 require fewer segments.

7 Thus, the document creation process is more
8 efficient because fewer segments will need to be
9 versioned and managed. In addition, fewer segments
10 will need to be processed, retrieved, downloaded,
11 and submitted via EIE than with a smaller file size.

12 If a document is larger than 50 megabytes, it
13 should be divided or segmented at logical break
14 points into 50 megabyte parts to comply with the
15 file size limitation.

16 The logical segmentation points are according
17 to the document organization and the size of its
18 chapters, sections, or parts. While we do not
19 recommend a minimum file size, small files that are
20 components of a larger document should be combined
21 into one file to facilitate distribution and use of
22 the material.

23 For example, if a document consists of 15
24 separate two megabyte files, they should be combined
25 to form one 30 megabyte file. We are recommending

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1 50 megabytes as the optimal file size for containing
2 adequate document content, ensuring submission,
3 distribution, and retrieval over the internet.

4 To reiterate, PDF is the optimal file format
5 for supporting universal file access and document
6 integrity. It supports byte serving technology for
7 fast on-line viewing.

8 It is a freely available format integrated
9 with document offering applications. It's content
10 and pagination are locked down. It is fully text
11 searchable, and it is accepted by National Archives
12 for records retirement, and generally results in a
13 smaller file size in comparison to other graphic
14 file formats. Any questions? Did I really lose you
15 guys that bad that there are no questions?

16 MR. SANDERS: I assume that those are
17 averages?

18 MR. DEEVERS: Those are averages, average
19 times. Every time it didn't go that. It's a little
20 more or a little less. Those are the averages over
21 multiple tests. I should have said that in my --
22 well, I don't think everyone heard your question.

23 MR. SANDERS: So my question was that you just
24 took into account for network latency and that these
25 were actually averages based on your actual study?

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1 MR. DEAVERS: Those are actual averages based
2 on multiple tests. We didn't adjust them for
3 network latency. And of course one day it was a
4 little faster, and the next day it was a little
5 slower because of network latency. But those are
6 averages. Anybody else?

7 MS. YOUNG: For the record could you just
8 identify yourself so that we know in the transcript
9 for those who could not be here, the many counties
10 and other interested parties?

11 MR. SANDERS: My name is Stewart Sanders with
12 CACI International.

13 CHAIRMAN BATES: Okay. Ron, thank you. I
14 guess next on the schedule would be John Blanton to
15 talk about some specific example instructions that
16 we developed an alternative for.

17 MR. BLANTON: I am Jim Blanton, and I am with
18 NRC's OCIO Office, and I would like to talk a little
19 bit about the submittal instructions proposed for
20 the draft guidance on electronic docket materials.

21 And the first thing that I would like to just
22 mention is that as was presented in Ron's
23 presentation, the proposed guidance of 50 megabytes
24 is the recommended size for document submittals via
25 EIE, as well as for purposes of downloading

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1 information by all users.

2 In looking at this file size, we identified
3 three types of document submittals, and I would just
4 like to characterize them as simple, large, and
5 complex. The simple submittals would be those that
6 would be one or more electronic files that are
7 cumulatively 50 megabytes or less, and that the
8 entire submittal can be sent via EIE.

9 That means that nothing else needs to be --
10 there is no physical objects, and there is no huge
11 electronic files. So that would be the simple
12 submittal.

13 A large submittal would be one that has one or
14 more files, and that due to their size require
15 multiple transmissions via EIE to provide the
16 complete submittal.

17 If you had a 300 megabyte document, and you
18 separated them into 50 megabyte chunks, segments, it
19 would require multiple EIE transmissions. Again,
20 the large documents would not include physical
21 objects, videotapes, and that type of thing.

22 The third type of submittal is a complex
23 document or submission which could have multiple
24 electronic files, and it could have physical
25 objects, soil samples and it could have computer

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1 codes that are large files that would not be well
2 suited to send via EIE.

3 Now, I am going to get back to these three
4 types of submittals after a while. We believe that
5 you should take care in creating your documents to
6 take into account the 50 megabyte size.

7 In addition, you may have documents that have
8 physical components and we are recommending that you
9 provide an electronic file that gives a description
10 of what that document is, and include that in your
11 electronic submittal.

12 These electronic descriptions should be
13 submitted by EIE, and the physical object, et
14 cetera, should be delivered to the NRC by whatever
15 delivery service you employ.

16 To facilitate the NRC's ability to ensure
17 completeness and integrity of document submissions,
18 we have proposed that each and every submission be
19 accompanied by a transmittal letter.

20 This transmittal letter, as presented in the
21 proposed guidance, facilitates NRC's ability to
22 ensure completeness and integrity of submittals. It
23 gives us a listing of all of the components of the
24 document so that we can ensure that we have received
25 all of the electronic files and what we may be

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1 anticipating through the delivery service.

2 The information that we are looking for in the
3 transmittal letter is normally included in documents
4 prepared and submitted to the NRC in adjudicatory
5 and regulatory submittals.

6 In the transmittal letter, the information
7 that we are looking for is the organization or
8 individual, and that is the author who is sending
9 the document, and the docket number which for a high
10 level waste proceeding will probably be WM0011.

11 And subject line, which is a non-sensitive
12 brief, a descriptive narrative of the subject of the
13 submission; and any requests for withholding that
14 might be included with the document. And that is
15 generally described in 10 CFR Part 2.2790.

16 In addition to that, we are looking for
17 information for a point of contact that we can get
18 in touch with to resolve any discrepancies that may
19 come up in a document submission.

20 We are looking for an e-mail address, a
21 mailing address, phone number, some way in which we
22 can get in touch with you quickly to resolve
23 whatever issues may come up, and we can move the
24 document along to get into the Electronic Hearing
25 Docket.

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1 In addition, we are looking for a complete
2 listing of document components which would include
3 file name, file size, an indication if the component
4 is being transmitted via EIE or on Optical Storage
5 Media, or both.

6 And the associated LSN number, if that is
7 applicable; a descriptive file for alternative file
8 formats, which would include items like video, or
9 audio files, computer codes, or physical objects.

10 The next slide is an example of one of these
11 descriptive files. It just gives you an idea of
12 what the file is, and it gives the information that
13 we requested for the document components, and it
14 also gives a brief description of what the
15 particular alternative file is.

16 Now, there are a number of these and you can
17 take a look at them at your convenience. Okay. The
18 next thing that I would like to go through is the
19 way that we anticipate these files being submitted.

20 Again, we are back at the simple submittal,
21 which is one or more textural or graphic files, and
22 the file size or cumulative file size is 50
23 megabytes or less.

24 It will use a single EIE transmission with
25 transmittal letter. And the submitter will complete

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1 an EIE submittal form, attach the files, and then
2 submit it. Now, John Skoczias will give you a
3 little bit of a rundown on the EIE process.

4 But I have included in this presentation a
5 number of examples of submittal transmittal letters,
6 and I have included a sample of the EIE submittal
7 form, which is accessible through the internet.

8 For the large submittals, these are textural
9 or graphic-oriented files. They are greater than 50
10 megabytes cumulative. It uses multiple EIE
11 transmissions of segments less than 50 megabytes,
12 and it includes the transmittal letter with the
13 first transmission.

14 We are also asking for large submittals that
15 you provide a paper copy of the transmittal letter,
16 and then provide a courtesy copy of the entire
17 submittal on an Optical Storage Media via your
18 delivery service.

19 The last submittal is a complex submittal,
20 which is a combination of electronic objects, and it
21 might be any size, and they use a dual submission
22 method. That is, a transmittal letter in all
23 electronic PDF files that are less than 50
24 megabytes, and are submitted to the NRC via the EIE.

25 We are also indicating that you should deliver

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1 one paper copy of the transmittal letter with
2 complete submission, including alternative format
3 files, on optical storage media, or as physical
4 objects, and then they should be submitted through
5 your delivery service.

6 And again I have got examples of the
7 transmittal letter and the EIE form, and basically
8 that is what I have. If there are any questions, I
9 would be happy to respond.

10 MR. LEAKE: This is Harry Leake with the DOE.
11 The distinction between the large submittal and the
12 complex submittal, and the distinction on your
13 slides and in the draft guidance between the large
14 submittal and the complex submittal, the large
15 submittal says deliver a courtesy copy of the CD,
16 and the complex says dual submission.

17 MR. BLANTON: Right.

18 MR. LEAKE: What is the effective difference
19 between the two?

20 MR. BLANTON: Really the primary difference
21 between the complex and the large is that it could
22 have physical objects. It could have soil samples,
23 and it could have --

24 MR. LEAKE: I'm sorry, but my question was not
25 clear enough. I understand what you are saying, and

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1 that is a good answer, but my question was
2 inadequate. If in the case of the large submittal,
3 from your presentation I believe it is that it would
4 only contain 50 megabyte chunks of PDF files.

5 MR. BLANTON: Correct.

6 MR. LEAKE: So I guess the real question --
7 but it also indicates that a courtesy copy is
8 requested of the CD. And in the case of the dual
9 submittal, clearly the dual submittal is required
10 because there are objects on this CD that are not
11 being transmitted electronically.

12 And I guess I am wondering effectively what is
13 the difference between those two, when in both cases
14 a CD is required to be sent. Why are we sending the
15 CD in a large submittal case?

16 MR. BLANTON: In the large document
17 submission, primarily it is to provide a CD-ROM to
18 the parties for ease of use so that they have got on
19 thing that they can use the CD-ROM to do the entire
20 document.

21 MR. LEAKE: In the case of the dual submittal,
22 in this draft guidance the NRC indicates that they
23 won't consider this submittal complete until the CD
24 has arrived. Is that also the case with the large
25 submittal?

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1 Because clearly if that were the case, then
2 there would be a concern that we are sending a CD
3 and we are imposing additional --

4 MS. YOUNG: No I think when we use the term
5 courtesy, it was to make clear that there was not
6 any requirement. It is just for the benefit of the
7 participants to be able to have the information.

8 MR. LEAKE: All right. Okay. And that is the
9 clarification that I was looking for. Thank you.

10 MR. BLANTON: Anything else?

11 CHAIRMAN BATES: If there are no questions,
12 Jim, thank you. I think we will move on to John
13 Skoczias at this point.

14 MR. SKOCZIAS: Good afternoon. I am John
15 Skoczias, with the Office of the CIO, NRC, and I am
16 also the EIE project manager. What I would like to
17 do is talk a little bit about Electronic Information
18 Exchange, EIE.

19 Just to give you a quick background for those
20 who don't know what it is, EIE basically is a public
21 key infrastructure certificate based process of
22 sending documents over the internet attached to web
23 forms, XML web forms.

24 They arrive in a safe and secure manner, and
25 are then processed once they arrived at the NRC. We

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1 started the process about 2 years ago, and had been
2 receiving documents into the NRC since that time.

3 At first, we only were receiving about three
4 documents a week, and now we are up to about 400
5 documents or submittals a week. We call that
6 version, which is in process right now, or in use
7 right now, Version 2.0.

8 We are not moving to Version 2.1, and it
9 contains some upgrades basically to handle the
10 larger high level waste submittals. The first thing
11 we are doing is that we are upgrading the hardware,
12 and we are upgrading the broadband, and we are
13 retesting the adjudicatory process.

14 We are implementing a notification process.
15 We have upgraded the submittal and made some changes
16 to the form, and we are improving the submittal
17 process.

18 Now, all of these things have either been
19 done, or will have been done within the next few
20 weeks. Next slide. The adjudicatory retest.
21 Earlier this year, we tested the adjudicatory
22 submittal process, and we found that we had some
23 problems in some of the areas, specifically the
24 notification in the service areas and some of the
25 web form executables themselves.

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1 So what we have done is that we have gone
2 ahead and upgraded, and modified all of those areas,
3 and what we want to do is retest the entire process
4 again. And this time we are going to reprocess it
5 or retest it with larger documents, much like the
6 high level waste documents.

7 And what I would like to do at this point when
8 you were talking about participating in the test,
9 Harry, is to have all of the LSNARP members
10 participate in that test.

11 And anybody who is interested can contact me,
12 and I will give you the guidelines for being a
13 participant in that test. What we also had to do
14 was improve some of the EIE performance.

15 What we did was that we obtained newer
16 equipment, and just to provide for more power and
17 memory, better reliability, and to be able to place
18 newer software on the server.

19 The server that we are using currently is
20 quite a few years old, and the new one has been
21 obtained, and software has been loaded, and it is in
22 the testing process, and we hope to have it up and
23 running within a week.

24 We produced some production procedures that
25 have been developed to improve the service

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1 monitoring and reliability so that each day we know
2 that we can go in and verify that the system and the
3 service is working the way that it should.

4 We have upgraded the network to a higher band
5 width so that we can go ahead and not have any slow
6 downs on our end so that we know that we have a
7 clean line coming into the system itself.

8 The sender notification process has been
9 actually implemented for a couple of months now, and
10 basically what happens is that when you submit a
11 document to the NRC via EIE, you get an e-mail back
12 that says that your submittal has been received, and
13 it gives you a time and date that it has been
14 received within the NRC.

15 What we have done is that we have provided for
16 the notification of a segment delivery. So if you
17 had four segments in a 200 megabyte document, as
18 each segment is received, you will receive a
19 notification, but also as the last segment of the
20 last -- or the last byte or the last segment is
21 received, you will get a notification that all of
22 the segments have been received.

23 So in a four segment document, you actually
24 receive five notifications. On each one will be a
25 time and date stamp on when the last byte was

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1 received on the EIE server.

2 Now, the submitter is also notified via an
3 error message if the transmittal is not successful.
4 So you will know immediately if it hasn't been. The
5 submittal form itself is an XML web form. It
6 provides document information.

7 Right now it is sort of a standardized form
8 that asks for a docket number, and author, and
9 affiliation, and date, and stuff like that. But
10 much information can be added to it at any time.

11 The form itself allows for a complete or
12 partial service for the proceeding. If you remember
13 what the form looked like, or I can pull it up
14 again, there is an area where participants are
15 listed, and you can check whether you want them to
16 receive the document at the same time everyone is or
17 not. And that contains a distribution record.

18 The submittal process itself currently
19 requires that each segment would have to be sent
20 separately. If you are sending a four segment
21 document, it would be required to send segment one,
22 segment two, segment three, and segment four.

23 Version 2.2, which we expect out in about
24 2003, will allow you to bundle those segments
25 together, click once, and the machine will go ahead

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1 and do the work for you, and send you a notification
2 when all the segments are received.

3 Basically, that is about it for the EIE
4 process. Yes, Ma'am?

5 MS. TREICHEL: Do you have any idea when you
6 are going to be doing that test that you will be
7 inviting people to participate in?

8 MR. SKOCZIAS: We will be doing it probably
9 within a very short period of time. We were going
10 to do it earlier, but we thought we would wait and
11 go ahead and address that, and make that opportunity
12 available to the members here.

13 So sometime within the next few weeks, as
14 opposed to months, the next 2 weeks or so.

15 MS. TREICHEL: Okay.

16 MR. SKOCZIAS: Are you interested in
17 participating?

18 MS. TREICHEL: No, but we may have other
19 people who are, and because of the empty chairs, you
20 have got to get a hold of these people. And where
21 would it be?

22 MR. SKOCZIAS: Well, it would be from the
23 participant's site, sending documents to the NRC.

24 MS. TREICHEL: So people don't have to go some
25 place?

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1 MR. SKOCZIAS: No, they would just have to
2 have the machine that they were going to be using to
3 transmit documents to the NRC.

4 MS. TREICHEL: All right.

5 MR. SKOCZIAS: And we have packages, and we
6 also have copies of Adobe to send out for people to
7 create the PDF files for those who are participating
8 in the test. Any other questions?

9 (No response.)

10 MR. SKOCZIAS: Thank you much.

11 CHAIRMAN BATES: Thank you, John. I might add
12 that John's name and contact information is on the
13 slides here. So anybody who is interested in
14 participating, give him a contact and we can get the
15 appropriate information to you as to how to do it
16 and what you need to do.

17 This kind of comes to the end of the
18 discussion that we had prepared, from the standpoint
19 of large documents, and the processes that we
20 conceived it being a possible solution to getting
21 large documents into the agency in the adjudicatory
22 process.

23 I would toss it open for any comments or
24 discussion at this point. We do have some
25 additional material on the agenda that we had

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1 scheduled for tomorrow morning.

2 I would give people an opportunity at this
3 point to comment on what we have done so far, and
4 then I would suggest that we maybe take at least a
5 short break, and see if there is any further
6 comments provoked by discussion amongst ourselves,
7 and then move on to tomorrow's items.

8 MR. MCCOLLUM: So the proposal is to address
9 tomorrow's items this afternoon?

10 CHAIRMAN BATES: I would propose that we move
11 on and do tomorrow's items this afternoon. It looks
12 like we have adequate time to do that.

13 MR. MCCOLLUM: I would second that motion.

14 CHAIRMAN BATES: I mean, at this point, are
15 there any comments? Should we take a break and let
16 people think about a little bit and then come back?

17 MS. YOUNG: Do you know in terms of the
18 counties that aren't represented here, were they
19 planning on coming tomorrow?

20 CHAIRMAN BATES: I am not aware of any that
21 were planning on coming.

22 MS. YOUNG: Nobody that I have talked to, but
23 you know the difficulty when you schedule a meeting
24 for two days and then you don't hold it the second
25 day. It could cause some problem. Do we know in

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1 terms of people in the room whether anyone was
2 informed that they had a counterpart that could not
3 be here today, but would come tomorrow?

4 MS. TREICHEL: Well, as a matter of fact, we
5 were not going to be able to be here tomorrow
6 because there is a conflict with a technical
7 exchange between DOE and NRC. So it works out fine
8 for me. But I can get on the phone during the break
9 and see if I can check with anybody that is not
10 here.

11 CHAIRMAN BATES: Okay. Then let's take a
12 short break then. We will take 15 minutes and then
13 come back.

14 (Whereupon, at 2:20 p.m., the meeting was
15 recessed and resumed at 2:35 p.m.)

16 CHAIRMAN BATES: Before we move on, I
17 recognized that John Skoczias' contact information
18 is not in the package of slides. So following this
19 meeting early next week, I will send out to
20 everybody here on the panel information with regard
21 to John's contact information so that those who are
22 interested can follow up from the standpoint of
23 doing some testing.

24 John committed to me to putting together some
25 information, some basic information package that I

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1 can also send on to you. And we are interested in
2 getting the State, the DOE, the counties, anybody
3 who is interested in participating in some of this
4 testing.

5 And the testing is an ongoing process, and so
6 don't think that you have to commit yourself to
7 doing something in the next few weeks. But aside
8 from that, we will send out to everybody a basic
9 package of information as far as what it would take
10 to participate in the trial, some prototype testing.

11 We are going to be doing this over an extended
12 period of time, and so it does not have to be next
13 week or the week after, or in the next 3 or 4 weeks,
14 but during the course of the summer. Your use of
15 the system, and some participation, and sending us
16 some documents, it would be very helpful for us.

17 It identifies problems from your end and
18 things that you don't understand in the
19 instructions, and where we can make things clearer,
20 and it may identify process changes that we have to
21 do.

22 We know that internally in doing some of this
23 testing that we identified a host of things that
24 came up, and you are actually pushing buttons on a
25 computer, and doing things that you don't think of

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1 until you actually try to do it. It makes the
2 process much better.

3 So I really would encourage everybody to try
4 it and see if it works for you, and we will be happy
5 to work with you, and take the feedback that you
6 give us and it makes it a much better process in the
7 end.

8 And I don't know whether anybody else has come
9 up with any additional questions or comments based
10 on --

11 MR. LEAKE: Yes, this is Harry Leake from the
12 DOE. One quick comment and a couple of questions,
13 is that there is two documents that have been
14 recently been produced, and they both have graphs on
15 them; Analysis of High Level Waste Large Documents;
16 and the Draft Guidance for the Submission. I don't
17 think I need to read the whole title.

18 And particularly the latter document, it is
19 rather technical and contains quite a bit of
20 information. And it has been recently released. I
21 don't recall that the method of transmission had a
22 comments due date, but what is the due date for
23 comments, because we will want to respond formally,
24 because there is a lot of information in here, and
25 we will have to respond.

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1 CHAIRMAN BATES: I would quite frankly throw
2 that out for some discussion here amongst the panel
3 members as to what is a reasonable period of time,
4 and then set a deadline.

5 And recognizing that the two documents that
6 you have got with the discussion here today, and we
7 still have some additional discussion from Mitzi
8 from our General Counsel's Office, from the
9 standpoint of rule making and other things.

10 I think we do need to set some sort of a time
11 frame where we would seek comments from the panel in
12 writing, and give the panel an opportunity to see
13 comments from other members of the panel.

14 I don't know whether a two week period of time
15 is reasonable, or whether a month is more
16 reasonable. I need some of that feedback.

17 MR. LEAKE: Two weeks would be rather
18 aggressive.

19 CHAIRMAN BATES: That would be pushing it.

20 MR. LEAKE: I would think a month would be the
21 minimum.

22 CHAIRMAN BATES: And we had actually
23 internally had some discussions as to whether it
24 would be worthwhile to have maybe some sort of a
25 video or audio conferencing a couple of weeks into

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1 this to just exchange views, and I will toss that
2 open, and see what kind of feedback that generates.

3 MS. YOUNG: Andy, do you know how soon the
4 transcript might be available to those who are not
5 here?

6 CHAIRMAN BATES: I believe the transcript was
7 a 7 work day turnaround. So it is going to be about
8 a week before it is back and available.

9 MS. YOUNG: Is there any way to expedite that,
10 because that puts the people who could not be here -
11 - if you go one week, then they have just three, or
12 maybe even two if you count mailing time. I don't
13 know.

14 (Discussion off the record.)

15 CHAIRMAN BATES: Certainly once we get a copy
16 of the transcript, we can make it electronically
17 available to everybody, which will expedite it to a
18 certain extent the access to it.

19 MR. LEAKE: I assume it was the intent that we
20 would do the formal comment resolution and not try
21 to explore any technical questions in this setting
22 today.

23 CHAIRMAN BATES: I think that is correct.
24 Today, we were looking for immediate high level
25 reactions to it; are we totally off the wall, or is

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1 this feasible, or do we need tweaking.

2 I think we recognize that this is a first
3 effort on our part and we have been through our
4 internal processes and looked at it, and made
5 changes to it, and I expect that probably from NRC's
6 standpoint that we will identify additional issues
7 with it that might need changing.

8 And at this level of detail, I think you could
9 conceive of this as being an ongoing process. I
10 mean, technology changes every day, and I would not
11 expect even if this was settled out in the next
12 several months, that a year from now or two years
13 from now that it is necessarily going to be exactly
14 the same as the technology changes and we learn.

15 MS. SCATTOLINI: Andy, Lynn Scattolini from
16 NRC. We were hoping to have that discussion today,
17 not the nitty-gritty technical issues, but certainly
18 anything that any member views as substantive that
19 they would like to discuss with regard to the
20 guidance or the alternatives, we are prepared to
21 engage today.

22 MR. LEAKE: Okay. Well, I am certainly not,
23 but seriously, there are a couple of things that as
24 we put together our formal comments that we will be
25 certainly looking at.

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1 We noticed in Attachment A, page A-1 to the
2 draft guidance for submission, the key alternative
3 four, that the dpi requirements have increased for
4 both color and monochrome.

5 MS. SCATTOLINI: Yes, they have. Those are
6 the minimum requirements acceptable by the National
7 Archives today.

8 MR. LEAKE: And of course these numbers are
9 inconsistent with what the current LSN requirements
10 are. And it would be the Department's expectation
11 that this translation could be performed
12 electronically without any requirement to re-scan
13 images, for example, or do an electronic conversion
14 to the higher dpi, considering the number of
15 documents that will be processed, and especially in
16 the case of Legacy documents. Is that the NRC's
17 expectation?

18 MS. SCATTOLINI: Yes, it is.

19 MR. LEAKE: That kind of electronic conversion
20 would be allowed?

21 MS. SCATTOLINI: Yes.

22 MR. LEAKE: Okay. Good. Another is that in
23 the case of Legacy documents, there has been quite a
24 bit of work done as far as how the DOE LSN site is
25 going to present the material.

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1 In terms of some of the new material being
2 generated, it would be interesting to explore if
3 whatever alternative is selected upon, if that is
4 ultimately compatible with hosting a document on the
5 LSN as well.

6 So, for example, and in an obvious example, i
7 the case of a license application, if it appears
8 that the NRC is clearly recommending alternative
9 four, and while we are not stipulating that is the
10 best alternative in the interest of the discussion,
11 if alternative four was selected and we prepared our
12 LA to alternative four and submitted it, it would be
13 -- we would certainly want to explore the
14 feasibility of hosting that same document on the LSN
15 without having to produce a version that was
16 formatted differently for the LSN.

17 And in the case of the specific detailed
18 technical requirements in here -- for example, the
19 prohibition on linking between files, would dilute
20 the usefulness of that formatting of the document on
21 the LSN.

22 So while I don't think that is an
23 insurmountable issue, that will be some of the
24 technical detail that we will very possibly explore
25 in our formal comments back. And we will probably

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1 need to have some additional discussions to see if
2 we could in fact reach a point where these
3 requirements can be consistent with or could
4 minimize the effort to satisfy both the LSN and
5 these docket requirements.

6 CHAIRMAN BATES: I think those are good
7 comments. Clearly, DOE and your staff will raise
8 issues like this, and the more that are brought to
9 our attention, then the more of these issues that
10 can be addressed in the feedback, we can look at
11 them specifically and made it work right.

12 MR. LEAKE: Excellent.

13 MS. YOUNG: Harry, one thing that you might
14 look at in formulating those comments is that 2.1013
15 of the rules talks about commencing with the
16 docketing of the application in electronic form.

17 Right now, SECY, the Office of the Secretary
18 of the NRC, has a scheme for the electronic hearing
19 docket that is not identical to the multiple
20 flexibility of formats and things in the LSN.

21 And SECY does not plan on using the LSN as the
22 electronic hearing docket. So maybe that requires a
23 rule change. I don't know. But if SECY does not
24 determine that it is electronically accessible
25 through the electronic hearing docket, then the

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1 application is not docketed, and the various
2 scheduled things that fall out from that docketing
3 don't transpire until they do determine that it is
4 docketable in that form, such as having something
5 available in LSN may not satisfy those requirements.

6 MR. LEAKE: Correct, and in the LSN -- I
7 believe what you just said is correct. And in the
8 case of the LSN, the LSN will really be composed of
9 at least two broad sets of materials, Legacy
10 materials, where we are very constrained as to the
11 formatting.

12 And that will undoubtedly result in rework by
13 DOE in order to put it into a format acceptable to
14 the docket, and new material, such as the LA, which
15 is not yet generated. And the new materials is
16 where there may be an opportunity to be able to
17 produce a single version that is acceptable to both
18 the LSN and the docket without modification.

19 And while there are some technical
20 specifications in here that are of a concern, there
21 may be work arounds that can result in an acceptable
22 solution. Did that address your comment or did I
23 miss the mark?

24 MS. YOUNG: It was not really a comment, other
25 than it was just something that you should address

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1 in making any comments you had on it.

2 CHAIRMAN BATES: With that said, Mitzi, I will
3 turn to you. I think you are next on the agenda,
4 OGC, and some of the rule issues involved.

5 MS. YOUNG: Hello again. Mitzi Young, an
6 attorney in the Office of the General Counsel, and I
7 just want to lead the discussion. I don't plan on
8 doing a lot of talking during this period. This is
9 really for the members of the panel to be engaged in
10 the consideration of some things that came to the
11 forefront, in terms of the NRC's examination of
12 issues related to the LSN.

13 And of course one of those was the dpi issue
14 that you mentioned, Harry, in terms of the
15 flexibility now in the LSN design standards that
16 appear at 2.1011, and those that we are talking
17 about for PDF documents submitted on the electronic
18 hearing docket, which puts you around 300 dpi's.

19 And these are issues that come to mind as we
20 have been looking at ways to implement a system in
21 which the document submitted on the Electronic
22 Hearing Docket will be in a format that no matter
23 what printer an individual uses, the document will
24 look identical to anyone else who produces a paper
25 copy of that document or even examines it.

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1 And that aids for ease of citation during the
2 proceeding. You don't have people pointing to
3 different page numbers, and a lot of confusion about
4 the integrity of the record, in terms of the
5 citation or the materials.

6 So this is where or how the NRC got into a
7 position of looking at things like the PDF and dpi's
8 that give you that kind of document integrity and a
9 resolution that you can see the information that is
10 presented.

11 But in terms of the issues that I wanted to
12 put out on the table this afternoon, one that came
13 to mind that was particularly poignant in terms of
14 the discussion that we had about how many pages
15 various parties might be loading on the LSN, is LSN
16 document duplication.

17 And we think that this comes about in-part due
18 to the history of the rule, which started initially
19 with LSN documents, licensing support network
20 documents, being in a central database, and when the
21 rule making moved I guess in the '98 time frame to a
22 web-based system, where different servers and
23 participants would be made available nationwide,
24 that there is a greater potential now that
25 collections by individual parties and participants

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1 would include some of the same documents that are on
2 each party's server.

3 In other words, you could have the license
4 application there five different times by five
5 different parties, because that is a document that
6 they intend on relying on for their position in the
7 proceeding.

8 The requirements under the LSN for -- or
9 excuse me, in the proceeding, in the LSN, for making
10 documents electronically available, talk about the
11 parties making any information that they intend to
12 rely on at a site in support of their position in
13 the proceeding.

14 And this is really important because in terms
15 of the licensing support network, this is a
16 discovery tool. In other words, this is the way
17 that parties in the proceedings, participants, and
18 interested government and States, and Indian tribes,
19 and counties, and environmental organizations,
20 whoever they think would like to participate in
21 litigation on the repository, to make known what
22 documents they intend to rely on for their position
23 in the proceeding.

24 The Commission, in rule making, talked
25 specifically about if this information were made

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1 available in advance of the proceeding, and since
2 discovery traditionally is the most time consuming
3 part of litigation, rather than having those
4 documents crossing hands in the mail, and individual
5 requests of give me all the documents that you plan
6 on relying on for your position, and that you didn't
7 give me 20 more and I think they are important.

8 And you have all of those exchanges, and the
9 delays associated with that, and this is a way to
10 get the maximum amount of meaningful information
11 about the repository out in a time period.

12 And in a full-text searchable form, where
13 members of the proceeding and members of the
14 individual -- or members of the public, press,
15 whoever, could just use through a search mechanism,
16 and push a button on a computer, and identify your
17 word search, and all of a sudden you have at your
18 disposal documents that are relevant to your search
19 request.

20 So the LSN is very important, in terms of
21 making a lot of information, voluminous pages of
22 documents available at the touch of a button. And
23 that is supposed to be done in advance of the
24 proceeding in an attempt again to reduce the overall
25 time that it would take to litigate the application

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1 on the repository.

2 So when you are making documents available
3 about your position in the proceeding, this rule is
4 very interesting in that the definition of relevancy
5 also includes information that is known to you and
6 in your possession, or developed by you, that does
7 not support your position in the proceeding.

8 And in this instance, whether it is the State
9 or some other organization that opposed the
10 application, practically every document that DOE has
11 produced arguably is something that is contrary to
12 the position that the State might take in a
13 proceeding.

14 Now, if the State does not have a copy of that
15 document, they would not be required to make it
16 available on the LSN, but our understanding of the
17 rule and the way it is defined in terms of the scope
18 of the documents captured by the LSN, you would be
19 required to produce on your server documents that
20 perhaps DOE has already made available, depending on
21 the timing that they do that, whether it is June
22 30th or sometime way in advance of that.

23 But those documents might well be things that
24 the NRC has made available on their server, and DOE
25 has made available on their server, and the States

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1 or the Counties have already made available.

2 So you could have the same document there five
3 different times, and obviously any reports or
4 studies that you prepared should be made available.
5 If you could go to the next slide.

6 If we have a situation where people really
7 faithfully follow the rule the way it is written
8 now, and I don't think the drafters really thought
9 about the implications of requiring that all these
10 documents be made available in terms of the
11 potential for duplication once you move to a web-
12 based system, and not something where you had
13 essentially a repository, you are going to get
14 multiple LSN search hits on the same document.

15 Because you are going to get different web
16 sites, whether it be the State, the NRC, DOE,
17 indicating a hit for a document on those servers,
18 and it is absolutely the same document.

19 It is also going to affect the overall
20 capacity, in terms of the size signal of the LSN,
21 and what Dan Graser has been working on, and it is
22 going to be needless duplication and burden I think
23 on behalf of all of the parties.

24 So these are things that we were looking at in
25 terms of fulfilling the requirements of the rule,

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1 and wanted any reaction from the parties that are
2 here with respect to how they view this requirement
3 of the rule, and so I would like to put that out for
4 discussion.

5 MR. MCCOLLUM: Rod McCollum, NEI. Are you
6 considering a rule change, given the title of this
7 presentation? Are you considering a rule change for
8 this, and what type of change would you be
9 considering?

10 MS. YOUNG: Well, I think it depends on the
11 input that we get from the participants on the
12 Advisory Review Panel.

13 MR. MCCOLLUM: So you don't have any
14 particular options or group of options in mind?

15 MS. YOUNG: Right now nothing has been
16 specifically formulated, because again part of the
17 role of this advisory committee is to advisory on
18 the implementation of the LSN rule.

19 So we are looking to throw this out to see
20 what feedback we can get from the people who will be
21 the most affected by the way the rule is structured
22 now, and any suggestions on how it might be changed
23 to alleviate this burden, if we can agree that it is
24 unnecessary and that there is a way to do this.

25 And in a way that it both identifies

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1 information that is relevant to the proceeding, and
2 causes parties to faithfully fulfill their
3 obligations, and to identify documents that they
4 might use.

5 MR. MCCOLLUM: I guess a couple of
6 clarifications that I would like to ask, and one is
7 maybe to hear from some of the people with some
8 technical knowledge in terms of how much of a burden
9 that they think that this might be on the system.

10 And the second would be -- and again trying to
11 -- or not again, but trying to not necessarily go to
12 a rule change if it isn't necessary -- is there a
13 technical solution to this?

14 Is there a way that given that DOE has to
15 certify first and the NRC second, that if Nevada or
16 NEI tries to post a document that is already posted
17 that the computer will just note that we have got
18 that one already?

19 Can anybody answer either of those two
20 questions? One, how big is the burden; and, two, is
21 there a technical solution that would not require
22 revisiting the rule?

23 MR. CAMERON: Chip Cameron. As Mitzi pointed
24 out, we wanted to try to get some feedback from all
25 of you on these issues, and in a couple of minutes,

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1 I am going to talk about the rule making process,
2 and what the implications are, for the rule making
3 process, and what types of issues you are
4 addressing.

5 But there is always a lot of different ways to
6 accomplish your objective. Possibly one way to
7 accomplish this objective, your technical solution
8 so to speak, is that if you said that no parties, or
9 no other parties than DOE or the NRC had to put DOE
10 or NRC documents on the website.

11 In other words, you just make the presumption
12 that most of the duplication, the substantial bulk
13 of the duplication, is going to occur with DOE and
14 NRC documents.

15 So you say that no one has to put those up
16 because they will be on the DOE or NRC website, with
17 the caveat of course that if someone found the
18 document, a DOE or NRC document that wasn't on
19 there, and that DOE or the NRC didn't have up there,
20 that that would be put on the website.

21 But that would be one -- and I have not
22 thought this out, but that would be just one simple
23 way to accomplish this elimination of duplication
24 issue.

25 MR. MCCOLLUM: And that potential solution,

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1 and you introduced it in the form of a technical
2 solution, do you think that would be something that
3 would require a rule making, or could be
4 accomplished some other way?

5 MR. CAMERON: Well, maybe we can talk about
6 that when I talk about the rule making process and
7 get Mitzi and other people's views on that. Maybe
8 we could do that in that context.

9 MR. MCCOLLUM: Well, let me ask something that
10 I was going to bring up at the very end. I know or
11 I believe the last time that we met that -- and that
12 gets into a space of what types of documents should
13 you post or should you include in your LSN.

14 And I recall the last time we met that there
15 was a draft Reg Guide 3.022 that in a much broader
16 sense endeavored to address that subject, and I
17 don't want to sidetrack the conversation here, and
18 so maybe at the end I guess I would like an answer
19 of whatever happened to Reg Guide 3.022?

20 MR. CIOCCO: Jeff Ciocco with the NRC. Yes,
21 Rod, last time we had gone out for public comment,
22 and this is Regulatory Guide 3.69. It is the TOCO
23 guidelines for Yucca Mountain.

24 It went out for public comment, and we
25 received comments from six different parties, about

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1 60 comments, and we are in the process now of
2 finalizing it.

3 It still, as it was before, it still is at a
4 very high brow level. We had sent the TOCO
5 guidelines out, and we were trying to get it up to
6 date with Part 63 requirements and the Yucca
7 Mountain Review plan.

8 So we were letting the process of the Yucca
9 Mountain Review Plan go through, which it has now.
10 It is up to the Commission for review and approval,
11 and so now we are following through with finalizing
12 the regulatory guidelines.

13 But it is not at a greater level of detail
14 than it was before. And the intention was that it
15 was at a fairly high brow level, and the outline is
16 the outline of the Yucca Mountain Review Plan, and
17 so it is still at that level.

18 And we are going to finalize it, and put out a
19 Federal Registry notice. Absolutely.

20 MR. MCCOLLUM: Well, given that that
21 essentially is still in play as it were, maybe it
22 violates your notion of the level of detail, but I
23 think at least the comments that you received from
24 us may have been asking you to go into a greater
25 level of detail.

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1 Would you consider addressing this issue could
2 be addressed in that reg guide, as opposed to your
3 formal rule making? You might have to renote it,
4 but --

5 MR. CIOCCO: The issue of?

6 MR. MCCOLLUM: The issue of duplicate
7 documents. You have talked about what -- that
8 topical guidance is all about what types of
9 documents people should include.

10 MR. CIOCCO: Right.

11 MR. MCCOLLUM: And you could easily put in
12 there statements to the effect that if you are not
13 DOE or NRC, don't worry about including DOE or NRC
14 documents.

15 MR. CAMERON: That is possible. I mean, what
16 you have to weigh in these situations is how much
17 the lack of prescriptiveness in the rule is going to
18 lead to a lot of wrangling. I mean, we already have
19 enough problems, I guess, with this generally.

20 But how much wrangling is that going to cause?
21 It may be very simple in this case to make that
22 statement there. There is nothing in the
23 supplementary information to the rule making that
24 changed the definition of documentary material to be
25 as Mitzi quoted it.

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1 It was always assumed when we were using the
2 centralized system that the LSS administrator would
3 eliminate duplicate documents. I don't think that
4 the drafters of this one version that I did not
5 participate in, I am not sure that the drafters of
6 that rule at the NRC thought much about the
7 duplication issue, or had any intent for there to be
8 all these duplicate documents.

9 So given that, it might be a simple solution
10 to do as you say. Now, one of the issues that we
11 are dealing with here, in terms of large documents,
12 is that we would need to do a rule making there.

13 So if we are doing a rule making anyway -- in
14 other words, if we weren't going to do a rule making
15 at all, then maybe you would take an easy, practical
16 approach to dealing with the duplication issue.

17 If we are going to do a rule making because we
18 are dealing with a large documents issue, then
19 perhaps we just put that statement that we would put
20 in the topical guidelines right in the rule, and
21 there is no problem with doing that since we are
22 embarked on a rule making anyway.

23 MR. MCCOLLUM: I think we will get into that
24 shortly.

25 MS. YOUNG: But it is very difficult to revise

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1 the requirements of the rule by putting a statement
2 in guidance, because guidance is not mandatory, but
3 the rule is. So we could get an agreement between
4 participants on the panel as to how this should be
5 read, but a Judge who is looking at the regulation
6 is going to read the words in the regulation not
7 necessarily go to the guidance or an explanation of
8 how the regulation should be read.

9 And he would also look to the words the
10 Commission wrote in terms of promulgating the
11 regulation. And my recollection is, and I think
12 Chip just said it, document duplication is not an
13 issue that was specifically addressed.

14 MR. MCCOLLUM: No, it was not specifically
15 addressed, but I am not -- and again I am not a
16 lawyer, and so maybe I shouldn't comment on such
17 things, but it doesn't sound like this is really a
18 substantial revision of the rule.

19 It sounds simply as if you are creating an
20 efficiency that when the document is already in
21 there that it is already in there, and that
22 everything that you are relying on is in the LSN,
23 and somebody already put it there, and so you have
24 met that.

25 The guidance has essentially given you an

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1 alternate means of meeting the rule by relying on
2 something that is already there. It does not seem
3 to me that that is a revision to the rule.

4 MS. YOUNG: Well, that is something that we
5 can consider, but even that scenario depends on one
6 of the parties having made that document available
7 in the first instance, and that may or may not
8 transpire, depending on when people load their
9 collections.

10 MR. MCCOLLUM: And if DOE has failed to make a
11 DOE document available that somebody else intends to
12 rely on, then essentially it wouldn't be a duplicate
13 document then.

14 MS. YOUNG: But then also you are going to
15 have challenges to whether DOE fulfilled the
16 requirements of the rule, and whether their
17 certification is reasonable. supportable,
18 substantial.

19 And if they don't make certain DOE documents
20 available that is litigation that you are involved
21 in during the pre-license application phase. So if
22 you don't have something that kind of alleviates the
23 parties or the requirements to follow the rule to
24 the letter, then there are all sorts of different
25 consequences associated with it, and unnecessary

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1 litigation that could be clarified by a rule making.

2 MR. CAMERON: This is a good example of the
3 type of input that we want to get, in terms of any
4 rule making that we do on this. And I think that
5 Mitzi and you have pointed out some of the pros and
6 cons of having it in a rule or not in a rule.

7 But that is exactly what we want to hear, and
8 don't apologize for not being a lawyer, because we
9 get some of our best legal advice from our technical
10 staff. Is that right, John?

11 MR. LINEHAN: Absolutely.

12 MR. LEAKE: Well, clearly as a technical guy
13 and not a lawyer, one aspect that I would want to
14 call this group's attention to is that the DOE is
15 required to certify first, and there is a
16 chronological aspect to this issue.

17 As the DOE is identifying and preparing
18 potentially relevant material for its LSN website,
19 we aren't going to have the luxury of knowing what
20 other people are doing.

21 And so we are at this time -- I believe that
22 it is the intent that we are trying to identify all
23 material in our possession, and populate it on our
24 website.

25 And any proposed rule change that results in

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1 DOE needing to do some kind of a duplicate check due
2 to the reported sizes for the DOE, that would be a
3 very burdensome thing, and we would not -- and
4 depending on how the language was, it may be
5 technically impossible to implement, again due to
6 the timing issue.

7 So whatever language is ultimately crafted, we
8 need to make sure that it is implementable from a
9 technical aspect, and implementable in a reasonable
10 way.

11 And in this particular case some version of
12 keying off what is in the DOE collection, which will
13 be certified first, would probably be appropriate,
14 as opposed to asking DOE to somehow anticipate.

15 MR. CAMERON: Now that is a good thought, is
16 that since most of the duplication problem is going
17 to be for others rather than DOE, and since DOE
18 certifies first, it will give people later on the
19 luxury of knowing what is in the DOE collection.

20 MS. SCATTOLINI: I would like to make a
21 comment as well. Lynn Scattolini from the NRC. We
22 are also in a position where right now we are
23 already retrofitting our documents, and are
24 publishing them to the LSN.

25 So we anticipate that we will complete that

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1 process before DOE certifies. So we can't wait to
2 see what DOE is going to put out at its server. We
3 are planning to go to complete collection of our
4 own, including documents that DOE may have submitted
5 to the NRC.

6 MR. LEAKE: And I think as we looked at the
7 earlier numbers, the NRC collection was only one
8 percent as large as the projected DOE collection,
9 and I can't believe that one percent would be
10 technically significant.

11 So in the case of the NRC and the DOE,
12 duplicity between the NRC documents I don't see as a
13 technical issue. It seems like from a technical
14 standpoint that the interpretation of the language
15 of the rule would require people to put all of the
16 DOE and NRC material specifically to prong two
17 stuff, and from their perspective, it would be
18 extremely burdensome to them.

19 But from the NRC -- and that is where
20 duplicity would be a technical burden, because we
21 could end up with 10 versions of the DOE and NRC
22 collection.

23 MS. SCATTOLINI: Right.

24 MR. LEAKE: But in terms of just the NRC and
25 the DOE collections, I don't think that duplicity is

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1 an issue because of the relative size differential.

2 MR. CAMERON: And I think that might make
3 sense. Some of the problems that Mitzi identified
4 may only become big problems if everybody who was
5 participating.

6 MR. LEAKE: Yes.

7 MR. CAMERON: But it may not be a big deal if
8 the NRC's collection had DOE documents in it. But
9 these are good comments that we need to look at.
10 Englebrecht.

11 MR. VON TIESENHAUSEN: Yes, just a comment
12 from my limited knowledge here. Some of the
13 documents that are on the LSN will be in a format
14 that is incompatible with the electronic docketing
15 system. So they will have to be changed anyway by
16 whoever submits them to the Judge.

17 And I think that if somebody does that, it
18 would behoove them to put them on the website in
19 changed formats so that they are accessible to other
20 people in that format.

21 MS. YOUNG: Yes, that would make the process
22 more seamless.

23 MR. VON TIESENHAUSEN: Yes, and again Rod
24 asked the question -- and I have not heard it
25 answered yet -- how big is the problem? I mean, I

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1 don't know how many documents for somebody who is
2 litigating this issue would submit. I don't have a
3 clue on that. I am not a lawyer.

4 MR. CAMERON: Well, if you took say some
5 percentage of the DOE collection, and other parties
6 were required to follow the literal wording of the
7 rule, and they would as Mitzi pointed out be not
8 relying on disagreeing with those documents, then I
9 think your total collection of material on these
10 websites could really go up expedientially.

11 But we certainly have not tried to quantify
12 this in any way, but I think -- Dan, I don't know,
13 but if you could give us a rough idea of what
14 additional numbers of papers of documents would mean
15 in terms of the responsiveness of following the
16 other parties' websites.

17 MR. GRASER: Well, it is not so much a
18 question of the LSN system responsiveness up until
19 the point where we get 45 million pages, and if I am
20 able to add additional instances of the search
21 engine servers and so forth.

22 But the day that I get to 45,000,001, then I
23 come to a grinding halt, period. I cannot spider,
24 crawl, or load, or make available any more
25 documents.

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1 And if your license application happens to be
2 45,000,001, you are out of luck, because I have no
3 place to put it. So it is not so much a performance
4 degradation, although that could be anticipated. It
5 would not be so much performance degradation as
6 reaching the maximum capacity of the system, and
7 simply not being able to accept any additional
8 submitted materials.

9 MR. CAMERON: And also I suppose that the same
10 problem that was raised about how long it takes for
11 the spider to audit, if that is the right term,
12 someone's initial collection, if you had a
13 collection of a party that would be 10,000 pages
14 with only their documents, and it ended up being a
15 million and 10,000 pages because they had duplicate
16 DOE or NRC documents, then you would run into the
17 same thing.

18 MR. GRASER: Right. That is certainly the
19 case, and you can look at that and say are there
20 ways to accomplish what we are trying to accomplish
21 without having to do all the replication of
22 additional versions of the same document over, and
23 over, and over again.

24 And the focus would then have to turn on some
25 mechanism to identify the documents in your

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1 collection or other participant's collections that
2 you intend to rely on, and notify everybody which
3 ones you intend to use, and that way the discovery
4 or the objective of the discovery process is
5 fulfilled.

6 Is there an easy way to do that? I think you
7 can accomplish that by providing lists of references
8 to LSN ascension numbers, and each party would have
9 a list of the documents they intend to rely on.

10 And so 15 parties could list out all of the
11 ascension numbers much quicker, much cheaper, and in
12 much less storage space than replicating those
13 document collections across a dozen different
14 parties.

15 MS. YOUNG: That is an excellent point,
16 particularly since discovery is to identify what
17 information you plan on relying on, and information
18 that you know is contrary to the position that you
19 might take in the proceeding. It is really
20 important to know which documents fall into that
21 category.

22 And if there is a mechanism to be able to list
23 and identify them, then that would be good. Let me
24 also ask Dan if there is a way when you are crawling
25 through the various LSN collections to identify

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1 whether there is a duplicate of a document that has
2 already been entered on the LSN?

3 MR. GRASER: Not between the parties'
4 collections, no.

5 MS. YOUNG: Well, I think you asked was there
6 a technical solution to this.

7 MR. LEAKE: A couple of observations. If
8 another party takes a DOE document and posts it on
9 their website, and they index the participant
10 ascension number, the definition of the participant
11 ascension number -- well, what I was going to say,
12 and maybe this won't work, is if they did identify
13 the DOE ascension number that Dan could in fact
14 detect duplicates if they assigned their own unique
15 participant ascension number there, and of course
16 they couldn't.

17 The other thing is that your earlier comment,
18 Mitzi, about identifying a document as -- whether it
19 is prong one, two, or three, is not a requirement
20 that I am familiar with in the LSN guidelines, nor
21 is it provided in the header information.

22 And at this point that would be outside of our
23 current scope of work of our contractor, and that
24 would be a significant impact. I think if we want
25 to -- if a rule making is interchanged, or rather is

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1 entertained whereby aspects of the requirements of
2 the rule are relieved for some participants by
3 identifying material on other participant's
4 collections, such as a DOE cite that they intend to
5 rely on, thereby absolving them of the requirement
6 of putting it on their site, that would be one
7 thing.

8 But for DOE to suddenly have a new requirement
9 to identify, explicitly identify their material as
10 prong one, two, or three, is not currently required,
11 and that would certainly be significant.

12 MS. YOUNG: When you are referring to prong
13 one, two, or three, you are talking about the
14 definition of the documentary material in the LSN
15 rule?

16 MR. LEAKE: Yes. And what I was specifically
17 referring to was the earlier comments about
18 providing a list of ascension numbers of information
19 that you are not hosting on your website that is on
20 somebody else's, but that you intend to use.

21 That I think makes sense if in fact you intend
22 to exercise an option of not duplicating that
23 material in your site. But in the case of DOE, at
24 this instant, if we did exercise that option, we
25 would certainly comply with it.

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1 But we do not intend to identify the material
2 that we do put on our website as which prong it
3 refers to.

4 MR. CAMERON: In other words, you would make
5 sure that everything that was in there was selected
6 on the basis of the three prongs, but you would not
7 for each document say that it is Prong, Prong B, or
8 Prong C?

9 MR. LEAKE: There is no requirement for us to
10 identify each document as prong one, two, or three.
11 That is correct, and as evidenced by the fact that
12 there is no such field in the LSN header field,
13 which is where we would document.

14 MS. YOUNG: No, you are correct, and that it
15 is a collection of documents --

16 MR. LEAKE: I just wanted to clarify that,
17 because again as we entertain these kinds of
18 options, these are good ideas, but we have to make
19 sure that in the midst of some of these options that
20 we don't create a new requirement.

21 So in the case of the DOE, if we meeting the
22 existing language, we see no reason to have to
23 prepare some additional lists.

24 MR. CAMERON: And again because of that, it
25 may be simpler to just tell everybody else that you

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1 don't have to put in any DOE or NRC documents,
2 rather than bothering with the ascension numbers.

3 But I think that all the pros and cons of this
4 have to be looked, but this is great, great value
5 for us.

6 MR. Frishman: I think it is fairly clear that
7 we need to have the rule clarified, and we have had
8 enough discussion to suggest that that is the case,
9 and that there is no easy fix that will assuredly
10 stick with a licensing board.

11 So for security for all, we probably need to
12 just fess up and say that it has to be fixed, and
13 now I think there is good excuses that we could all
14 make for it being there and needing to be fixed.

15 But I think that is behind us anyway, and so
16 the question is whether there is a way to in a
17 proposal for a rule making to make it work as
18 smoothly as we would all like it to work.

19 And I leave that largely to the people that
20 are famous for their rule makings, but at the same
21 time there may be some existing principle that can
22 work.

23 It may be that in the existing rule there is a
24 sequence of those that you must enter material, and
25 that sequence has rationale to it. And that

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1 sequence can probably persist.

2 And it is sort of like a hierarchy. If DOE
3 doesn't have it and the State wants to use it, the
4 State has to put it in. If DOE or the State doesn't
5 have it, and this includes the NRC in the hierarchy
6 as well, but if it is not already there by those
7 parties, then if there is a public party that wants
8 to use it, and if it is not already there, then they
9 put it in, because this keeps it most useful for
10 everybody, and this can continue to recycle and
11 recycle once you do it right the first time.

12 So I think we don't need to build an
13 unnecessary complication. We know that there is an
14 initial sequencing, and we know that the time is
15 enough to review, and we also know that there are
16 ways where if you miss it, you can make your case to
17 get it in later.

18 But in doing it that way, you eliminate the
19 possibility of the challenge of a document's use if
20 not used later, and that is the important part. Get
21 rid of the possibility of a challenge for a reason
22 that all of us knew existed and we didn't fix.

23 So I would suggest that we know that this is
24 going to need to go to a rule making, and so resign
25 ourselves to it, and try to make it a rule that is

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1 easily understood and in this case it is rare for me
2 to say, but I think that with a little bit of logic
3 applied, it may in fact be a non-controversial rule
4 making.

5 I don't think there is really a lot to argue
6 about unless as often happens that it gets really
7 onerous for somebody, and they realize it and nobody
8 else does.

9 But I don't think it is a difficult problem
10 once we understand the consequence of the back end
11 of maintaining the problem.

12 MS. YOUNG: I think your point about
13 sequencing is really interesting. For example, if
14 the NRC were to identify a hundred DOE documents
15 that we wanted to put on the LSN -- and I am just
16 putting this out hypothetically.

17 But it turned out that the DOE had only put 10
18 of those documents on, and we do our certification
19 behind you, and we have to have time to be able to
20 adjust, and to fill in the deficit.

21 Well, it may be that 30 days is not an
22 sufficient amount of time to load on the LSN server
23 all the documents that the NRC planned on relying on
24 that DOE didn't identify.

25 So there is -- it is kind of complicated. The

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1 way the rule is structured, at least in terms of my
2 reading of it, there was an expectation that people
3 would obviously load documents in the LSN before the
4 11th hour, and that would be done over time.

5 And then there would be information available
6 about what was on the various collections.

7 MR. LEAKE: Just as an observation, and
8 speaking from a technical perspective, because even
9 though I made a joke about it earlier, I am not a
10 lawyer, and I can't represent the DOE legal position
11 on this issue, and this is fundamentally a legal
12 issue.

13 However, I think again the language would be
14 key, because it is one thing to allow the existence
15 of a document to be used by all parties, and it is
16 another to require that all duplicates or no
17 duplicates be submitted.

18 And if it is simply allowed that they don't
19 have to do duplicate their collection, then you
20 don't have to go to the other extreme and require
21 that the NRC not put out some duplicate documents,
22 because even if the entire NRC collection was a
23 duplicate to the DOE, technically it is highly
24 unlikely that is going to tip Dan over the 45
25 million pages. But again the language could go a

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1 long way.

2 MR. CAMERON: And I don't think we want to set
3 up something that turns out to be complicated when
4 it does not need to be complicated.

5 MR. LEAKE: Right.

6 MS. YOUNG: Particularly since the goal is to
7 make information available, and if you made more
8 information available than you are otherwise
9 required to do, then there should not be any
10 sanctions associated with that.

11 MR. LEAKE: Right.

12 MR. CAMERON: You know, Steve's use of the
13 word non-controversial may be a good segue if we are
14 done on this particular issue now for me to just
15 talk about rule making process and schedule, and how
16 that relates to substance, and then get some
17 feedback from people.

18 MS. YOUNG: There is more than one rule
19 change.

20 MR. CAMERON: Well, we talked about large
21 document, right?

22 MS. YOUNG: Not really in this discussion, not
23 quite yet.

24 MR. CAMERON: It might be good to talk about
25 process before we talk about large document then.

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1 MR. MCCOLLUM: Chip, Rod McCollum, and I had
2 one more or a couple of clarifications on the
3 discussion that we just had, particularly with this
4 concept of sequencing and what it means to do things
5 knowing that sequence does exist.

6 The statement here that is taken out of the
7 rule, to the best of his or her knowledge
8 documentary materials specified in 10 CFR 2.1103 has
9 been identified and made electronically available.

10 Is there anything -- any words after that that
11 says by that party? In other words, is there
12 anything that says that the document has to have
13 been made electronically available on the LSN by the
14 person who is certifying, a person, party, or
15 entity?

16 Because while you are looking, if there is
17 not, it would then seem quite straightforward
18 without going into a potentially unnecessary rule
19 making, to simply certify that I identified this
20 document, and it has been made electronically
21 available by DOE.

22 That would seem like something that you could
23 address non-controversially in guidance without
24 imposing any additional requirements on DOE or
25 anybody else to do anything else differently.

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1 MS. YOUNG: Well, that rule kind of refers
2 back to 2.1003, which is the general requirement to
3 make files available, and that says that the NRC,
4 DOE, and any other governmental participant or party
5 that plans on participating in the proceedings shall
6 make documents electronically available.

7 And to look at that, you do the definition of
8 document material going back to 2.1001. And I know
9 that this is a very convoluted definition, but I
10 don't think that alone is going to get you out of
11 the certification loop, in terms of making documents
12 that could be potentially duplicates of documents on
13 other servers.

14 MR. MCCOLLUM: Well, I guess that kind of
15 answers my question.

16 MS. YOUNG: Yes. It is kind of confusing, but
17 people who wrote the rules had a long term plan in
18 mind, and now that we get closer to that long term
19 and short term, we kind of see things a little bit
20 differently.

21 And there may be some things that we can tweak
22 to just make less controversial, and work more
23 smoothly, and still fulfill the purposes of the
24 rule, in terms of making a maximum amount of
25 information available in text searchable format.

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1 And people who want to participate proceeding
2 in the NRC could have a lot of information about the
3 DOE application before it even comes in the door.

4 MR. MCCOLLUM: And I guess the short term
5 concern is where I am coming from here, and I think
6 that this is a good segue into what Chip wanted to
7 talk about.

8 You know, that rule makings can be lengthy,
9 and perhaps a burdensome process, and to introduce
10 such a process at this stage of the game, you know,
11 that is a concern.

12 MR. CAMERON: And I think that Mitzi had some
13 further slides that I didn't realize that she had
14 not gone through yet.

15 MS. YOUNG: In this rush to finish early.

16 MR. CAMERON: I never heard the LSN issue
17 referred to as poignant before.

18 MS. YOUNG: Me neither.

19 MR. CAMERON: But after being here today, I
20 can see why you would say that.

21 MS. YOUNG: Look how animated this discussion
22 has been up until now. Basically -- the next slide
23 -- we have kind of touched upon this in many
24 discussions today about the certification, and I
25 think there have been questions about what that

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1 certification had to look like.

2 Some piece of paper where the responsible
3 official indicates that they have got procedures to
4 implement the requirements of the rule, and to the
5 best of his or her knowledge that documents have
6 been made electronically available.

7 Now, obviously that is going to be subject to
8 challenge from other parties in the proceeding, and
9 particularly if documents that are in other
10 participants' possession are not made available in
11 various LSN collections.

12 So that is how everyone is vulnerable in this
13 process, and when you look at this in terms of
14 reducing your litigation risks, that could
15 potentially lead you down a path where you are kind
16 of generous in terms of the documents that you
17 included in the LSN, instead of stingy, to use that
18 depiction of the issue.

19 There are rule changes that probably would
20 help this process out a little bit better. Next
21 slide. In terms of large documents, we know that
22 the way the rule is written today, and again this is
23 something that they envisioned over 10 years ago,
24 that everything would be sent electronically.

25 But we know that in terms of limitations of

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1 sending documents over the internet and the various
2 formats that documents associated with the
3 repository of an electronic form would be, that
4 there are some things that may not be practical to
5 transmit due to their file size, or format
6 limitations over the internet.

7 And to cure that, we have to fix those words
8 in the regulation that talk about everything in the
9 docket being electronically transmitted. It did not
10 say submitted in an electronic form. It said
11 electronically transmitted.

12 So if you can't send it over the internet, you
13 are not following the rule the way it is written
14 today to cure that deficit between reality and the
15 best plans in writing the rule. And initially that
16 is a cure and a quick fix we think that the rule
17 could be tweaked to handle.

18 MR. MCCOLLUM: Mitzi, I think in the same vain
19 as you just did on the previous issue, could you
20 kind of break down what definition of the electronic
21 transmission might be in play here, and why DVDs
22 don't meet that?

23 MS. YOUNG: That it is not electronically
24 transmitting the document?

25 MR. MCCOLLUM: There is a definition in the

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1 rule of what electronically transmitted is?

2 MS. YOUNG: When you read the statement of
3 considerations, it is clear that there was an
4 expectation that these things would be done
5 instantaneously and not sent overnight or through
6 the mail via a CD or a disk.

7 It was the push of a button and it goes out,
8 and that saves you all of your time delays, in terms
9 of the service of documents. In other words, in
10 every litigation before the NRC, for example, there
11 are various deadlines to file pleadings.

12 We have intervention petitions, and usually
13 you get 30 days to file an intervention petition,
14 and the response time is based on the method of
15 service. Usually you can add 5 days for mailing.

16 When the Commission talked about establishing
17 an LSS or LSN, it was the expectation that we do
18 things electronically and instantaneously it would
19 appear at its destination.

20 So you would save all that time in mailing
21 that you would have without the electronic
22 transmission. So it is not submission in an
23 electronic format. It is actually electronically
24 transmitting the document, and that is clear when
25 you read the words that accompany promulgation of

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1 regulations.

2 MR. MCCOLLUM: And it specifically addresses
3 the mailing type issues then.

4 MS. YOUNG: Yes, they basically said you are
5 going to save mailing time.

6 MR. MCCOLLUM: And you can't make the
7 interpretation that the laser beam hitting the disk
8 is electronically transmitting.

9 MS. YOUNG: It is not electronically
10 transmitted. It is kind of submitted in electronic
11 format. Maybe someone can, but in terms of --

12 MR. MCCOLLUM: No, you have answered my
13 question; if it went into that level of specificity.

14 MS. YOUNG: Yes. If there was a way to
15 construe it that we didn't have to do rule making --
16 and everybody knows that rule making is a somewhat
17 time consuming process, and there are certain risks
18 associated with it.

19 But this is something that really needs to be
20 clarified and to make the alternative that we are
21 recommending work in a smooth fashion, you know,
22 without a lot of complexities.

23 Now, I can tell you that there are concerns
24 though, because even if you submit something on a
25 CD, if you don't mail it the day before, you are

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1 going to have a one day delay in the proceeding for
2 each time that you send it overnight on the last day
3 that the document was due.

4 So there are all sorts of implications, even
5 with respect to sending a CD.

6 MR. MCCOLLUM: Right. And let me ask another
7 question. If DOE had a dedicated computer, laptop,
8 or whatever, and didn't mail the CD-ROM, and just
9 effectively put them in there and they were
10 hardwired into yours, would that meet electronic
11 transmission?

12 MS. YOUNG: Explain this again? Maybe because
13 I am not a techy (sic), and I don't get it.

14 MR. MCCOLLUM: Well, it may be an absurd
15 example, but I am just trying to get it, and I am
16 going in this direction in case a rule making were
17 not to be completed at the time that DOE would be
18 ready to send in its materials, would it be
19 conceivable that DOE could simply have access to a
20 computer with a CD-ROM drive that physically was
21 connected by a wire to your computers, and in effect
22 the CD-ROM would go in there and it would be
23 transmitted through that wire, as opposed to over
24 the net?

25 MS. YOUNG: If we were to do something like

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1 that, I am sure that it would have to be made
2 available to all the parties to do it that way, and
3 so there may be problems associated with that.

4 MR. Frishman: I guess that is what we all
5 need to do, is to be all on the same network. Not a
6 suggestion.

7 MR. MCCOLLUM: You have her thinking.

8 MS. YOUNG: But in terms of what we envision
9 today, we envision using electronic information
10 exchange and that would not fit within that paradigm
11 as the method of transmitting documents that John
12 Skoczias explained earlier.

13 That you can do it from the comfort of your
14 home, and that you don't have to go to a special
15 machine hardwired to the NRC.

16 MR. MCCOLLUM: Well, I am not saying to flip
17 the requirement around so that you have to do it
18 that way. But that might be an option.

19 MR. GRASER: An option such as wiring one
20 server to another server, you would probably want to
21 pull that thread a little bit further, and look at
22 other issues, such as, well, who still maintains
23 effective control of which server.

24 And who performs maintenance, and how does a
25 party located in Nevada effect service on a database

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1 and so forth that is located in Rockville, Maryland;
2 or how does one of the parties put its server inside
3 the NRC facility.

4 And you get into records management issues, in
5 terms of custody. So it certainly is something that
6 you could look at, in terms of using alternative
7 technology solutions, but it would require a very
8 thorough vetting of all of the issues that are
9 associated with what the NRC has had to consider in
10 terms of looking at large document submission and
11 intake into the NRC environment.

12 And all of those issues would have to be
13 addressed with the same rigorousness.

14 MR. Frishman: I would note again that I did
15 not recommend it.

16 MS. YOUNG: Okay. So the other issue on that
17 slide or the other two issues, is one, requiring PDF
18 as the format for service of filings on the
19 electronic hearing docket again be current, and the
20 License Support Network rule is more specifically
21 addressed to making document collections available
22 on the various servers.

23 And there are multiple formats that you can do
24 that in, and we are interested in for the integrity
25 of a record that in hearing proceedings, and it may

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1 even go to Federal Court at some point, that there
2 be a lockdown document pagination and less confusion
3 over where information being cited in the record
4 appears.

5 And the last issue is the first one that we
6 talked about, in terms of needing a rule change to
7 address this issue of document duplication, whether
8 it is words that say parties need not make available
9 information previously made available on the LSN or
10 DOE websites, for example.

11 I think we are open to how that wording would
12 be, in terms of suggested recommendations, and even
13 where to stick it in the regulations, and we don't
14 have any preconceived notion on how best to do that.

15 We just wanted again to get feedback from the
16 panel, in terms of how it was -- you know, whether
17 we see the problem the same way that we do, in terms
18 of its potential impact, and any suggestions that
19 you have for how to best address the issue.

20 And, Rod, I understand from your comments
21 whether there is a non-rule making route to do this,
22 and obviously before we left Washington we didn't
23 think that there was one, but maybe our minds can be
24 changed on the flight back. Anything is possible.

25 MR. LEAKE: The bullet on the PDF as to

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1 format, when I saw the rule changes on the agenda
2 for today, I didn't -- there is a couple that I had
3 not anticipated, and that is certainly one of them.

4 And why wouldn't that simply be appropriate
5 for a guidance document? Especially in light of the
6 fact that at this point in time there is in these
7 two documents for submitting provisions made for
8 non-PDF graphics, in recognition that there may be
9 something that for some reason that we can't put in
10 the PDF.

11 So I would be cautious about the language used
12 in a rule change requiring PDF. I mean, it seems
13 like a file format is more appropriate to just a
14 general guidance kind of a document, a regulatory
15 guidance, as opposed to a rule change.

16 Because the consequences of missing something
17 as you get into the proceedings, knowing that we
18 don't even know the nature of all of the contentions
19 in the materials required to support them. That
20 just seems that there would be some risk there.

21 MS. YOUNG: You have to understand from our
22 standpoint that there is a risk when you stick
23 something in guidance, versus putting it in a rule,
24 it is either required or it's not.

25 Now, obviously a guidance document, the Judge

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1 in the proceeding -- and this is also supposed to
2 address that prelicense application fees when there
3 could be disputes about LSN. This is to tell you
4 what formats to submit those documents in.

5 The prelicense application presiding officer
6 could say that I order you to follow everything in
7 the guidance. If that is not done, then things in
8 the guidance are not mandatory, in terms of what has
9 been presented to you today.

10 So you have a couple of choices on how to
11 address that. If you want to require it as a basis
12 for textural documents submitted in the proceeding,
13 you have got to fix the rule, because right now the
14 rule doesn't require it.

15 You can come in with a J-Peg, and you can come
16 in with all sorts of different formats -- TIFS, HDML
17 -- because that is the way it is written. Right now
18 it says the electronic hearing docket will be
19 according to the standards addressed in 2.1011.

20 We have moved away from that based on gaining
21 more knowledge about the type of the documents that
22 would be submitted in a proceeding, and a better way
23 of preserving the integrity of the record. I know
24 that is kind of a legalistic answer, but that is the
25 world that lawyers live in.

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1 It is kind of like when you write a will, and
2 if you don't write it down, your heirs don't get it.
3 So in terms of the proceeding, if the NRC doesn't
4 write it down in some type of mandatory format, it
5 is not required.

6 MR. LEAKE: Certainly any rule change would be
7 closely looked at by DOE, and in that particular
8 case, our earlier comment on the EIE was to leave
9 flexibility in to cover the odd instance without
10 getting outside the guidance.

11 And so in the case of the rule change, we
12 would certainly look at the language closely.

13 MS. YOUNG: Any other comments from the panel
14 before we move to Chip?

15 MR. LEAKE: A similar comment on the bullet
16 above it, with CDs and DVDs, and I made it earlier,
17 but if we do or if there is a rule change that
18 allows an alternate transmission, don't tie it to a
19 media.

20 I mean, just say that it could -- because in
21 some particular case, depending on the specific
22 needs, there may be a reason that all parties agree
23 not to use the CD and the DVD.

24 MR. MCCOLLUM: Yes, I think what we are seeing
25 here is an example as technology moves ahead and

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1 people's knowledge of the technology and experience
2 with it grows, that things change.

3 And not writing the rule so that it had to be
4 continually revised to keep up with technology would
5 not make sense.

6 MS. YOUNG: And I think that we were sensitive
7 to that in terms of drafting the guidance, and
8 that's why we used Optical Storage Media, and trying
9 to use a generic term for those things without
10 necessarily narrowing it down to those particular
11 formats.

12 But just to make it easier to talk about here
13 for people who are not that engaged in technical
14 jargon, it was easier to say CDs or DVDs. Basically
15 amending the rules so that it would provide more
16 latitude in the way that you submit information.

17 MR. MCCOLLUM: Right.

18 MR. LEAKE: There are some extremely large
19 datasets that would take hundreds of CDs, and many
20 tens of DVDs, that could be accomplished on a single
21 designated number of tapes, for example.

22 So if that material did need to be put on the
23 docket for some reason, again we are tieing it to a
24 particular technology, as opposed to just a concept
25 of an out-of-band transmission on some media.

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1 MS. TREICHEL: I think one of the things that
2 you have got to keep uppermost in your mind when you
3 are making these decisions is why you are doing it,
4 and there are multiple reasons.

5 For one thing, the volumes of information that
6 people believed would be too difficult to deal with
7 as pieces of paper. But on the other hand, you
8 don't want to make changes that hurt parties,
9 because you are trying to get away from a lot of
10 paper, and in the format thing, you have to
11 recognize that maybe some of the libraries where
12 people would go to see this, they would have to be
13 able to open those files.

14 They would have to have access to them, and so
15 that should be one of the determining factors, as to
16 whether or not it is easily opened by most computers
17 that aren't bought yesterday, you know.

18 With other things, the duplication, I would
19 hate to see a rule that says that you can't have it.
20 I would think that in previous licensing hearings,
21 which I have never been a part of, which is a lucky
22 thing for us all, I guess, but there were
23 duplications; that a whole lot of the parties came
24 in with the same stuff.

25 And that may be something that just happens,

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1 but it would seem to me that if you are dealing with
2 some of the stuff that DOE has talked about as being
3 so big, people would not be eager to be loading that
4 up if they didn't have to if they knew that it was
5 already there, and they could get it as you said
6 with a touch of the button.

7 So I don't think you have to put in a
8 discipline mechanism for something that people
9 aren't going to want to do anyway. But there
10 shouldn't be a restriction against it, and it would
11 seem to me that this should be as common sense and
12 as workable as possible with the easiest access,
13 because that is the main thing, is for people to
14 have access and for people to know that the stuff is
15 there.

16 And I am not sure how you would deliver the
17 rock, but if you can do that, you should be able to
18 deliver a CD, you know, I would think. I don't
19 know. But it has got to be done so that it is
20 simple and so that people know that the stuff that
21 they want is actually there.

22 MS. YOUNG: You are absolutely right in terms
23 of proceedings. You know, different parties line up
24 their case in different ways, and I have been
25 involved in a number of proceedings where the same

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1 exhibit, the same document, had five different
2 exhibit numbers.

3 And you line up your exhibits based on how you
4 want to present your case, and you give them
5 numbers, and you are supposed to profile them with
6 the Judge.

7 You don't get together and talk to the other
8 parties with are you going to offer this exhibit.
9 You do your own case and in your own way because it
10 is the way that best presents the position that you
11 want to take in the proceeding.

12 So obviously there is always some duplication
13 that comes up, and I don't think we would be looking
14 at changing it in a way that it totally disallows
15 such things, but it was trying to maybe just avoid
16 duplication, if possible, but if it happens, it
17 happens.

18 It just doesn't seem reasonable to have a
19 process where you know that you might get five-fold
20 duplication and there is a way to reduce that, and
21 then that may even make it easier to do your
22 searches on the LSN, and just be a more manageable
23 process and just less burdensome for people in
24 general. Any comments from the audience on these
25 issues, or have we put you all to sleep?

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1 CHAIRMAN BATES: Chip.

2 MR. CAMERON: I apologize if this is more
3 about the rule making process than you ever wanted
4 to know, but obviously schedule is important, or at
5 least apparently it is important at this point, and
6 there is a tie-in between the substance of the rule
7 making, or in other words, what is in the rule and
8 the process for doing the rule making, which
9 obviously has schedule implications.

10 And also there is a tie-in between how much
11 the advisory review panel can give us on this, and
12 the rule making process, and so I wanted to go
13 through a couple of things just so you understood
14 that, and you can think about this in terms of
15 comments that you give back to us on the substance
16 of the rule making, and what role the ARP should
17 play in developing the draft proposed rule.

18 The rule making process for the NRC and other
19 Federal Agencies is guided by a number of or
20 directed by a number of Federal statutes, Executive
21 Orders, as well as internal policy to that
22 particular agency.

23 The Administrative Procedure Act, which I
24 think a lot of you may be familiar with, is probably
25 the primary legislation, but there is also things

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1 like the Regulatory Flexibility Act that have to be
2 taken into account.

3 And there is something called SBREFA, which is
4 the Small Business Regulatory Enforcement Fairness
5 Act; and NAFTA even gets involved in the rule making
6 process that Federal Agencies do.

7 And in terms of NRC policy, there are
8 requirements for rule making plans, and there are
9 criteria for what rules can be issued by the
10 Commission, as opposed to being issued by our
11 Executive Director for Operations.

12 The usual format or process for a rule making
13 is to do notice and comment rule making. In other
14 words, the Agency usually by itself develops a
15 proposed rule, and that is published in the Federal
16 Register for comment by the public.

17 We get public comment, and the Agency is
18 required to evaluate that, and to consider those
19 comments before it finalizes the rule, and the final
20 rule has in the supplementary information to the
21 rule, and that is the explanation at the front of
22 the rule making that is published as final in the
23 Federal Register, there is an explanation of how the
24 agency responded to those comments.

25 And then there is usually an effective date

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1 for the rule. There is a time period between the
2 rule, and when the rule appears in the Federal
3 Register as a final rule, and when the rule becomes
4 effective, to get people who have to comply with the
5 rule, or who are going to be affected by the rule,
6 time to get ready to comply with the rule.

7 And ultimately the text of the rule itself is
8 put in the Code of Federal Regulations. Mitzi has
9 the volume there, and all Federal Agency regulations
10 are in this Code of Federal Regulations.

11 The text of the rule only is in there, and
12 supplementary information that may explain why an
13 agency did what it did, and give you valuable
14 guidance to interpret the rule that is not in the
15 Code of Federal Regulations. That is only in the
16 version that was in the Federal Register.

17 In terms of schedule, the traditional model is
18 the proposed rule issued for comment, and the
19 comment period is not specified in the
20 Administrative Procedure Act.

21 But usually the agency will chose a comment
22 period to give you enough time to comment under
23 NAFTA, the North American Free Trade Agreement, and
24 there is a requirement for certain types of rules
25 that a Federal Agency puts out to be proposed and to

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1 be out for a 75 day comment period.

2 So say that you really wanted to move fast on
3 something. Do you fall within the NAFTA 75 day
4 requirement. Then you have to look at the effective
5 date, and there is some criteria in the
6 Administrative Procedure Act that allows you to make
7 a rule immediately effective, rather than having a
8 30 or 60 day effective date.

9 All of these things reflect schedule, and
10 probably the most important, relatively new
11 mechanism that agencies have been using, including
12 the NRC, to go from when the agency has a rule that
13 they would like to make effective to actually
14 getting it effective is something called the direct
15 final rule.

16 And this allows an agency to go directly to a
17 final rule without public comment, which can
18 eliminate several months off of the rule making
19 schedule.

20 If the NRC determines that a rule is not
21 likely to receive significant comment, they can go
22 to a direct final rule, and the direct final rule is
23 published in the Federal Register, and it is also
24 accompanied in the Federal Register by a proposed
25 rule, because if the Agency does get a significant

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1 comment on that direct final rule, then the proposed
2 rule format kicks in with the amount of time for the
3 proposed rule, et cetera, et cetera, and this is
4 what really has implications for how much the
5 advisory review panel is involved.

6 You have heard a number of potential rule
7 making issues raised; the duplication issue, and the
8 large documents issue, and to the extent that the
9 work of the advisory review panel as a reflection,
10 and I am not saying it is a reflection of the total
11 public obviously.

12 But to the extent that the representatives on
13 this advisory review panel do represent the major
14 interests involved, if there is collaboration on
15 what should be in the rule -- and I am not saying
16 necessarily that there needs to be consensus, but if
17 there is collaboration on it, then possibly a direct
18 final rule could be issued, because we would not
19 expect any significant comment on the rule making.

20 And one thing that I have found is that it
21 doesn't necessarily have to be a controversial issue
22 to engender public comment. I think from what we
23 have seen on LSN issues that have a lot of moving
24 parts to them, that often the process -- that always
25 the process benefits from getting comment from the

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1 public and the affected interest.

2 But to the extent that the advisory review
3 panel can work on these rule making issues, then we
4 might be able to go out with a direct final rule.
5 One of the other schedule implications of using a
6 direct final rule is that the NRC, if you do a
7 direct final rule, you do not have to do what is
8 called a rule making plan.

9 And this is an internal NRC requirement, and a
10 rule making plan outlines the scope and impact of
11 the action, whether that action, i.e., a rule
12 making, is even needed.

13 So that has to be developed, and it has to go
14 to the Commission. It takes a lot of time, and it
15 serves a useful purpose in a lot of cases. The
16 Commission can short-circuit that by telling the
17 staff that we want you to go ahead and do this rule
18 without the rule making plan.

19 The direct final rule, there is no rule making
20 plan involved. Certain rules can be signed by the
21 Executive Director for Operations. They cannot be
22 -- the EDO cannot issue a rule that concerns a
23 significant question of policy.

24 Interestingly enough the EDO cannot sign out a
25 rule that affects 10 CFR Part 2, which is what we

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1 are talking about here, if the Office of the General
2 Counsel, the Atomic Safety and Licensing Board
3 Panel, or the Commission's appellate office, do not
4 concur on that particular rule,

5 If we did a direct final rule on these
6 subjects, then we probably could have a rule in
7 place 8 to 10 months after the advisory review panel
8 gave their comments to the staff, and the staff
9 could work with those comments and come up with, for
10 example, in the large document issue, a way that
11 they wanted to do this.

12 Now, I am not saying that doing a proposed
13 rule is going to be substantially longer, but it
14 could get up to twice the amount of time. So if we
15 really need certainty, for example, on the large
16 document issue, and if we are still talking about a
17 license application on the present schedule, then
18 the faster we get it done the better.

19 Now, in terms of substance, and what is in the
20 rule, we talked a lot about the various issues
21 involved. Do you have a lot of detail. When we did
22 the last LSN rule, we opted for a lot of detail
23 because we wanted that to be clear to people as
24 requirements.

25 Harry and others have noted that just as the

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1 original LSN rule, we had ASCII and things like that
2 in it, the technology moves beyond some of those
3 phrases.

4 So there is always a balance there, and at the
5 other extreme is to do something called a
6 performance based rule, or just have a rule that
7 says you have to follow what is in the guidance.

8 Now the NRC on the EIE rule took what I would
9 call "there is no their approach" on the rule, and
10 there isn't anything in the rule. Okay. Does that
11 really give you the certainly that you want to get
12 in terms of compliance.

13 So these are issues to think about. If you
14 remember back to Jimmy Blanton's presentation about
15 the transmittal letter, et cetera, et cetera, now
16 that is the type of thing that you would not
17 normally put in a rule making.

18 That would be the procedures that the Agency
19 sets to implement the rule, but most certainly you
20 would want to have probably the three definitions of
21 simple, and I forget what the second one was --

22 MS. YOUNG: Large.

23 MR. CAMERON: Large and complex, okay, in
24 there. So you have to balance, making sure that
25 compliance is going to be clear with not having to

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1 go back and revise the rule, and do a rule making
2 every time the technology changes, and you want to
3 incorporate that.

4 So I guess that is sort of the things to think
5 about here, in terms of what should be done, and
6 once you are doing a rule making on one subject,
7 then it is fairly easy to incorporate the other
8 issues in there that you want to address.

9 And keeping in mind that you may have a
10 situation where you can do a direct final rule on
11 one subject, but if you add a really controversial
12 subject in there perhaps, and that throws the whole
13 thing into a proposed rule.

14 Anyway, that is some food for thought I guess
15 on rule making process issues, and on some issues
16 related to substance, and I think Steve had a
17 comment that he was going to make about process.

18 MR. Frishman: Yes, as you described the
19 direct final rule, which I suspected the idea was
20 coming, I am a little concerned about this group
21 being the sort of philosophical basis for a direct
22 final rule, partly because of problems about the
23 participation of the group, as we talked about
24 earlier, and partly because I don't think we are
25 elite in the system, and it was suggested to the

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1 Commission that we might be.

2 And we particularly are here for the interests
3 of our own, but there are many people who are not
4 here who have compelling interests as well. I
5 understand the staff's interest in expediting, and
6 it doesn't say that I agree with it, but I
7 understand it.

8 I understand the Department's interest in
9 expediting, and the same thing; I don't necessarily
10 agree, but I understand. I do stand by my earlier
11 thought that there is a high potential for the types
12 of revisions or amendments that we are talking about
13 not really being controversial.

14 I don't know whether your process would permit
15 or trust enough to take a maybe different slant
16 towards getting the same effect, but in a more open
17 way.

18 And that would be taking the language, since
19 we have discussed at least the concepts of what
20 might be behind the language, and take the concepts
21 of that and put it into an advanced notice of the
22 first direct final rule, and based on the response
23 to that, make a decision about whether you want to
24 go forward with the direct rule if your process
25 allows that, if that allows you to not have to do a

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1 rule making plan for the Commission.

2 It seems to me that it would allow you to not
3 have to have a rule making plan going to the
4 Commission if you are just working with an advanced
5 notice that never commits you to a rule making.

6 But I think that is the way to sound the water
7 in the most open way possible to find out whether in
8 fact this is non-controversial, and if it is non-
9 controversial, and the language proposed is
10 acceptable or nearly acceptable, not just to us, but
11 to anyone who wants to comment, then I think it can
12 go forward with some confidence.

13 And achieve what you would like it to without
14 all of us being necessarily construed as
15 participants in expedition.

16 MR. CAMERON: Okay. Thank you. And I guess I
17 would like to -- I mean, that is something that we
18 seriously need to think about. I would like to see
19 if anybody else had comments on that.

20 MR. MCCOLLUM: Yes, Chip. I agree with Steve
21 that --

22 MR. Frishman: I can't believe that you are
23 agreeing with me.

24 MR. MCCOLLUM: What I am agreeing with is that
25 the -- and I had better be very specific about what

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1 I a agreeing with, of course, is that the LSNARP
2 should not be the determinant of how we go here.

3 I think what should be the determinant is
4 really the substance of the change, and I have had
5 it expressed -- I think a lot of concern here at
6 various points during this meeting is that we don't
7 get into a situation where substance becomes
8 overwhelmed by process.

9 And what we are talking about here, and it
10 should really be the substance of what is needed,
11 and notwithstanding the position that I have taken
12 here that the substance of this might not even need
13 a rule making, the substance is clear if it does for
14 all the reasons that Mitzi has eloquently explained
15 to us that exists in the record.

16 And if the substance does need a rule making,
17 what we are talking about here is some pretty
18 straightforward common sense communication of our
19 understanding of the technology. This rule is built
20 on a technology.

21 And we are talking about communicating in the
22 rule a very straight forward explanation of how that
23 technology as we now understand it is to be applied.
24 And based on that, I would think that if a rule
25 making were needed that that alone should support a

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1 case for going to a direct final.

2 I think throwing in a step where now the
3 LSNARP has to chew on it for a while before you go
4 in there, that may be as contorted as -- and again I
5 agree with Steve, less credible in the rule making
6 process.

7 I mean, to be a little more specific, you
8 mentioned this 8 to 10 months for the direct final,
9 I think. If you wanted away from this table right
10 now today, everything you thought you would need
11 from the LSNARP, you are not talking about the
12 February or April time frame.

13 I have also heard from the NRC today that they
14 would like the DOE to begin loading documents into
15 the system ahead of this supposed June-July time
16 frame.

17 So I am seeing those two expectations start to
18 collide, and in both cases, again in the issue of
19 fair and credible regulation, we need to assure here
20 that process does not overwhelm substance.

21 And I guess in that vain I would encourage
22 folks to seek out the most creditable and
23 defensible, and fair to all parties solution without
24 encumbering it with the process that is not
25 absolutely necessary, particularly this late in the

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1 game.

2 MR. CAMERON: Okay. And based on what you
3 said, maybe I should clarify that when I was
4 thinking about subjects for this rule making, I was
5 only thinking about -- that besides the duplication
6 issue, I was only thinking about things that would
7 be necessary for the Electronic Hearing Docket,
8 i.e., the large document issue.

9 And not going back and doing anything with the
10 standards that are in the rule already for LSN
11 design. I mean, that is why we wanted to have those
12 there so that people could actually start building
13 and populating their websites.

14 MS. YOUNG: And that is what the understanding
15 is.

16 MR. MCCOLLUM: And that is what I meant. I
17 was in agreement with you when I talked about these
18 changes being a very straightforward interpretation
19 of the technology of implementation.

20 In fact, the direct final, as opposed to the
21 other type of rule making, it disciplines you to
22 keep it that narrow. You can put out a proposed
23 rule making, and all of a sudden all sorts of things
24 may start to come into it. But I am in agreement
25 with that.

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1 MR. CAMERON: Okay. And let me add that there
2 is no -- that the normal rule making at the NRC is
3 supposed to take 2 years, okay? And we have been
4 going over that in a lot of cases, which is better
5 than our past track record.

6 But even though the normal process takes 2
7 years, this is where you use a proposed rule. That
8 doesn't mean that if you really want to get
9 something done, and if you really need to get
10 something done, that you can't do it earlier than 2
11 years, including satisfying what I hear Steve
12 saying, and also what I hear you saying, about
13 getting broader public comment through some vehicle,
14 whether it be an ANPR, or just say, hey, let's go
15 right to the proposed rule.

16 But what you need though is that you need to
17 have a proposal that is sufficiently well thought
18 out to go to the proposed rule. Otherwise, you get
19 into all sorts of problems, and maybe that is where
20 the ARP, and certainly not forming the philosophical
21 basis as Steve put it, but maybe that the ARP can
22 help the staff make sure that they have something
23 that is needed and well thought out, not in every
24 detail, so that they can give that to a drafter, and
25 give that to me, and I can put that into rule

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1 language, and make sure all the bases are touched.

2 And we could go with a proposed rule, but I
3 don't think that we are going to have -- whichever
4 way we go, I think we are talking about probably
5 next year sometime for a rule.

6 The question is whether concurrently with that
7 rule making, or another question I guess is
8 concurrently with that rule making, depending on how
9 comfortable people feel with the approach, can you
10 start using guidance before you have the rule
11 actually finalized. And that may be risky from
12 certain parties' points of view, but that is another
13 possibility.

14 MS. YOUNG: And I just wanted to add in terms
15 of that timing difference, that other than document
16 duplication for LSN, which may not become an issue
17 until March, April, May, or June of next year,
18 things needed to address the electronic hearing
19 docket are those tied to a time that there may be
20 disputes filed about compliance with LSN
21 requirements.

22 Now, assuming the worse possible case, or that
23 people play the deadlines to the very last day, you
24 are talking about disputes not arising until at the
25 latest June of '04.

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1 So in terms of having a rule making in place
2 that would address the format that you serve your
3 documents in, and the service of documents, and the
4 electronic hearing docket, we do have time if you
5 were to accept the 8 to 10 months, even given
6 allowance for some input from the advisory review
7 panel before that.

8 MR. MCCOLLUM: That is exactly my point, that
9 the more process we put in front of this, the more
10 you are actually increasing the probability that
11 everything is going to happen at the last minute
12 then. There is a tension between those two goals
13 there and I think that you recognize that.

14 MR. CAMERON: And Mitzi's point is a good one,
15 too, in terms of when do you need to have this large
16 document requirement so to speak in place. Mitzi
17 was referring to disputes over documents that might
18 be filed with the prelicense application presiding
19 officer.

20 And I guess the thing that we would need to
21 think about is are those disputes likely to involve
22 large documents. I suppose that they could and if
23 they did, maybe those cases could be addressed
24 through an order of the presiding officer.

25 So in other words, for the bulk of your

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1 filings, it may be that you have more time, but we
2 certainly don't want to -- and I think that your
3 point is well taken.

4 We don't want to put a lot of process
5 obstacles in the way, and Andy, I don't know what
6 you have asked the panel to submit to you, in terms
7 of comments on all of this, but maybe that is the
8 last thing that we really -- that that is the main
9 thing that we need to hear from them.

10 CHAIRMAN BATES: I think that we have a couple
11 of things still here before the end of the day that
12 we can address. One is the panel and the members of
13 the panel, and what your feeling is on when you can
14 offer us comments back.

15 We have had some comments here with regard to
16 the rule making, and we really have generated very
17 little in the way of comments earlier on from the
18 standpoint of the alternatives that we looked at and
19 the guidelines.

20 Harry indicated that DOE would have some
21 comments, and probably certainly more than 2 weeks,
22 and I am not sure how much longer you were thinking
23 about. Maybe the end of the month is appropriate.

24 And we have other members of the panel who are
25 not here at all today that we would like to get a

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1 copy of the transcript to, and then let them have an
2 opportunity to read it, and digest it, and get
3 comments back to us on the alternatives, and on the
4 guidelines, and whatever else.

5 And an opportunity for the other members of
6 the panel to give us some feedback on the rule
7 making and their thoughts there.

8 MR. MCCOLLUM: If I could make a suggestion.
9 I mean, we do have a lot of things on the table
10 here, some of which we have had a lot of discussion
11 on, and some of which we haven't.

12 To ask us verbally, even though it is on the
13 transcript, when we can comment, would it be
14 possible for you to simply within the next few days
15 write a letter to everybody who is part of the
16 LSNARP, and in that letter say here are the
17 following things that we want comments on, and take
18 the things out of these presentations that you think
19 you want comments on, and give us a date to reply
20 by.

21 CHAIRMAN BATES: I certainly can do that, and
22 I think that my initial reaction at this point would
23 be that a reasonable date would be the end of the
24 month. If I had a lot of negative comment on that,
25 then I would reconsider that.

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1 MR. MCCOLLUM: I would not want to go much
2 later than that.

3 CHAIRMAN BATES: I think given what I see at
4 this point, that that would be what I would propose.
5 Does anybody want to caucus and discuss, or think
6 about that here?

7 We do have one more presentation that we had
8 scheduled for tomorrow on the DDMS, and which I
9 think Dan can probably run through in -- I think we
10 had scheduled an hour for it, but I suspect Dan can
11 run through it in half-an-hour, and if there is not
12 a lot of questions --

13 (Multiple conversations at once.)

14 CHAIRMAN BATES: All right. I will certainly
15 commit to writing such a letter.

16 MS. YOUNG: But in addition to the
17 presentation items, getting feedback on the draft
18 guidance is real important.

19 CHAIRMAN BATES: Okay. I think that you, and
20 Chip, and John, and internally here within the NRC,
21 that we can cover everything in the letter that we
22 really want you to comment on.

23 MR. MCCOLLUM: Just to make sure that you
24 articulate in the letter what you want comments on,
25 if there is something that you don't articulate, we

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1 may choose to comment, but we want you to articulate
2 what you are looking for.

3 CHAIRMAN BATES: We can articulate everything
4 we want you specifically to comment on, and
5 certainly you are free to comment on anything else,
6 too. Dan.

7 MR. GRASER: Well, I saw half-a-dozen people
8 leave before I even started, and so I know what he
9 sentiment is, and I will try to be brief. This is a
10 follow-up report to some of the presentations that
11 we did on the digital data management system that is
12 going to be used during the course of the
13 proceedings.

14 And we made presentations at the two previous
15 NRC-DOE technical exchange meetings that Jeff Ciocco
16 alluded to this morning. The Digital Data
17 Management System is intended to provide a courtroom
18 environment that fully integrates courtroom
19 presentation technology, such as presentation for
20 exhibit materials.

21 It incorporates a court management system that
22 allows the capture and manipulation of scheduling
23 information that needs to be available to all of the
24 parties to the proceeding.

25 It incorporates a document management

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1 capability that takes the documentary material that
2 has been submitted to the electronic hearing docket
3 and moves it into a courtroom environment so that it
4 can be rapidly accessible and available reliably in
5 a courtroom environment.

6 And that capability would also act as a backup
7 capability to the electronic hearing docket should
8 the EHD become unavailable for any purpose. The
9 system also incorporates a fully searchable, real
10 time transcription that will be displayed within the
11 courtroom environment, allowing hearing impaired
12 individuals, for example, to see a real time
13 transcript being typed on the screen.

14 And it also integrates an audio-visual record
15 of each day's proceeding. In other words, we are
16 taping and -- or not even taping, but we are
17 digitally recording what the cameras are seeing and
18 synchronizing that with transcript materials.

19 The environment is planned to be made
20 available to the parties to the proceeding both in
21 the courtroom locations, as well as from remote
22 locations. The next slide.

23 The in-court information technology and A/V
24 capabilities are going to be installed at a hearing
25 facility in the Las Vegas area, as well as in the

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1 third floor hearing rooms of the Atomic Safety
2 Licensing and Board Panel, in Rockville, Maryland.

3 So that those two locations would have
4 comparable technology resources. The system will
5 provide for access and retrieval of the entire
6 record of the proceeding, and that includes any
7 documentary material that has been presented in the
8 course of the proceeding, a recording of the actual
9 audio dialogue going back and forth between the
10 various participants in a courtroom environment.

11 As I said a video presentation, exhibit and
12 simulation modeling, typed information, exhibit
13 information, and their presentation would also be
14 recorded by the courtroom digitizing process.

15 The system will allow Judges and the parties
16 to organize and prepare various types of materials
17 prior to actually bringing them into the courtroom
18 environment.

19 The system provides capability to record,
20 store, and display both the text and image versions
21 of the documents that have been prefiled in the
22 Electronic Hearing Docket.

23 The Judges and the parties will be able to use
24 an integrated comprehensive digital record of the
25 proceeding and that would be available on a next day

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1 basis.

2 So that within the DDMS environment, all of
3 the information at the end of a day would be updated
4 and the next morning, as is required by the rule,
5 for example, a next day transcript availability for
6 use in the proceeding.

7 Another feature of the DDMS architecture is
8 the ability to use the digitized information to pump
9 out that information in a web-stream type format,
10 very similar to the web-streaming that was done for
11 Senator Reed's hearings here in Las Vegas last week,
12 and quite effectively I might add.

13 Those web-streaming capabilities, depending
14 again on your desktop capability, the type of
15 broadband connectivity that you have, and the speed
16 at which that is playing back, in some cases the
17 quality can be as good as very high quality video
18 conferencing capabilities, and in other cases, it is
19 a little herky-jerky.

20 But generally speaking the sound comes through
21 without any interruption and without any problems
22 and the Agency and the Commission have been pursuing
23 web-streaming technologies for quite some time now,
24 and there is very strong interest on including that
25 capability in the DDMS suite of products.

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1 And I think that is something that you should
2 anticipate. We have put it in our budget
3 submissions for implementation. The next -- oh, you
4 are already there ahead of me. I'm sorry.

5 In terms of the overall progress, the project
6 is moving along at a very good clip, and we are very
7 pleased with the performance of the project team
8 that has been assigned to the activity.

9 We have gone through since November and made
10 steady progress in identifying functional
11 requirements, and going through the design phase of
12 the project. We have completed a design concept for
13 a proof of concept demonstration capability, and we
14 are in the process right now of installing a proof
15 of concept software environment at the NRC test
16 center on the second floor of the II White Flint
17 Building.

18 One of the objectives of developing this proof
19 of concept capability is to demonstrate successful
20 integration with some of the other agency systems
21 that are critical to making the whole flow of
22 information work, which I am particularly interested
23 in.

24 We have defined the specific requirements for
25 interface as necessary to move documents from the

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1 Electronic Hearing Docket, which is the Agency's
2 formal record of the proceeding, and to move a copy
3 of that information down into the DDMS environment.

4 And subsequently once we have manipulated the
5 data in the courtroom, accepted exhibits, and
6 assigned exhibit numbers and so forth, to then
7 imprint that information on the record, and imprint
8 it somewhere in the transcript so that you can link
9 the exhibits with the point in the transcript where
10 it was introduced, as is also required in Subpart J.

11 And pass that information back to the ADAMS
12 process so that it can subsequently be posted, and
13 updated, and refreshed in the Electronic Hearing
14 Docket.

15 In addition, we have participated -- our team
16 has participated in some of the testing activities
17 with the adjudicatory EIE activities that John
18 Skoczias reported on this morning.

19 We are very much interested in making sure
20 that the pipeline from EIE into NRC and into the
21 Electronic Hearing Docket, is also a successful
22 activity. So we have been monitoring that very
23 closely.

24 The approach that we have taken is to try to
25 incorporate design concepts that have been

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1 identified both by actual use and user driven design
2 concepts. The production system requirements
3 reflect key concerns that were identified by the
4 adjudicatory staff, and by a user group, or a number
5 of user groups, that we had interviewed when we had
6 originally came up with the concept.

7 The original production system requirements
8 focused on the concerns of the reliability, the
9 availability, and the security of the information
10 that would be used in the courtroom environment, and
11 be made available to the parties to the proceeding.

12 We have followed that up, especially now in
13 the proof of concept design phase, and in designing
14 for a production system with further rounds of
15 interviews and discussions to further refine system
16 requirements that are focused on user expectations.

17 Those have been both with internal
18 constituencies within the NRC, as well as some
19 having continuing dialogues with external
20 representatives of the external stakeholders.

21 And I know, for example, that Judy and Steve
22 represented the State as well, and so we did have a
23 number of representatives come in for additional
24 discussions on how the system would operate.

25 In addition, we have attempted to glean some

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1 information on how this system would operate in a
2 daily type environment by the project management
3 team setting up a mock trial, and actually using
4 some of the pilot version of the software to record
5 a mock trial proceeding, and actually see how some
6 of the real-time court reporting software, how it
7 actually works in a real-time environment.

8 We went through the process and compared those
9 with typical court-reporter output, and we reviewed
10 the quality of the transcripts that were generated
11 from the real-time court reporting output, vis-a-vis
12 the type of transcript information that people are
13 normally expecting to see when they see a printed
14 version of a transcript, for example.

15 And we also had the opportunity to incorporate
16 a mock trial use of some actual live data, in terms
17 of exhibit type materials, to include that with the
18 transcript materials, again in order to try to
19 demonstrate how the technology will meet some of the
20 expectations of Subpart J.

21 Okay. The requirements validation with the
22 users was focused primarily on the operational
23 version of the system, which we expect to begin
24 implementing sometime in the next fiscal year, which
25 is after October of 2004.

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1 And the requirements validation focuses in a
2 production environment much more on the reliability
3 and useability of the system, and its technical
4 ruggedness, and the ability to handle the expected
5 volumes of information.

6 So the difference between the proof of concept
7 versus operational system is essentially in terms of
8 the magnitude and the scale of taking it into a
9 live, robust environment, and the sorts of things
10 that have to be added, such as security, to make
11 sure that taking it into the production environment
12 translates well from a proof of concept.

13 There have been only very few items that have
14 been identified in terms of walking through the
15 requirements for the production system, and at this
16 point in time we are fairly comfortable, expecting
17 that the items that have been identified to date can
18 be dealt with by either technical design issues, or
19 by policies and procedures that the court would put
20 in place in terms of actually having to use the
21 system.

22 One of the things that did come out of the
23 requirements validation round that we have engaged
24 stakeholders was a recommendation for forming a user
25 group of the potential users of the courtroom

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1 environment system, and our project manager, Pat
2 Smith, is going to be following up on that action
3 item.

4 And we do intend to establish a user group
5 well in advance in order to keep people posted of
6 what the status of activities is. The proof of
7 concept demonstration, the thing that we are getting
8 ready to install in our technology center actually
9 this week, it basically represents both the logical
10 and physical design of all of the identified
11 requirements, without having the flavor of full,
12 robust, and secure operational capabilities.

13 But all of the actual functionality is there.
14 The contractor is making excellent progress on this,
15 and we have got the first hardware and software
16 purchases, and were made after all of the designs
17 were approved, and the purchases, as hardware
18 typically, you have got some lag time between when
19 you order it and when the vendor finally delivers
20 the hardware. But we are moving along in a good
21 pace there.

22 As I said, the proof of concept system
23 essentially demonstrates all of the functional
24 features of the production system. It just doesn't
25 have the robustness of the full production

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1 capability.

2 Two of the things that we have found is that
3 the proof of concept system that we have and that we
4 used for the mock trial, and all the rest of that,
5 allows -- and especially the internal decision
6 makers at the NRC, and the executives, and the guys
7 with the money, allows them to see the progress that
8 we have been making on the system.

9 We have had a number of successful
10 demonstrations and I think that some of the features
11 that have been most interesting to them is actually
12 seeing a real-time video recording and the
13 transcript coming up on the screen.

14 But they have also been very much impressed by
15 the ability to use touch screen technologies, which
16 we have successfully demonstrated back in Rockville.
17 And we have a couple of Judges that I would
18 charitably say are still technologically somewhat
19 challenged, and we are trying to make the system
20 available to them.

21 And in the course of doing that, what it does
22 is that it forces us to simplify the processes so
23 that processes, entire steps, multiple step
24 processes, can be effected by somebody simply
25 touching a button that activates a whole sub-

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1 routine.

2 And which we feel is going to contribute to
3 speeding up the processing capabilities inside the
4 actual courtroom environment. We will also decrease
5 the burden on the Clerk of the Court in trying to
6 manage and keep pace with the pace of the courtroom
7 activity.

8 The proof of concept demonstration system is
9 also intended to identify any further refinements
10 that might need to be included in the production
11 system. Right now we have not come up with anything
12 that is really earth shattering in that regard.

13 And in terms of where things are going with
14 this system, we expect the audio-visual component
15 implementation, assuming that we have a successful
16 concept -- proof of concept demonstration this
17 summer, we expect to start installing audio-visual
18 components in the Rockville hearing rooms sometime
19 in the fall of 2003.

20 And have that hearing room operational by the
21 end of Fiscal Year 2004, which gives us roughly a
22 one year performance period for implementing an
23 operational capability in Rockville.

24 If we are successful in adhering to that
25 schedule, there is a good possibility that the

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1 Rockville hearing room would be available for a
2 prelicense application litigation sorts of
3 activities, and we would then also apply whatever
4 lessons learned from the Rockville installation as
5 final fine tuning if you will, the final tuning of
6 the system that gets installed in a Las Vegas
7 hearing room implementation.

8 The current planning within ASLBP is to have a
9 Las Vegas Hearing Room operational sometime in the
10 second quarter of the Government's Fiscal Year 2005,
11 and that training for the parties would be conducted
12 during the third quarter of Fiscal Year 2005.

13 There may be opportunities for using the
14 Rockville courtroom for an additional round of
15 initial training and we would certainly like to have
16 that sooner rather than later so that we have
17 multiple opportunities to work with the DDMS system
18 prior to going into real proceedings.

19 The status of the Las Vegas hearing room
20 activity, we issued a statement of requirements to
21 the General Services Administration, GSA, and worked
22 in consultation with the NRC's headquarters admin
23 office, including our security components,
24 facilities management components, and the folks from
25 our OCIO's office, in terms of telecommunications,

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1 and computer infrastructure, and so forth.

2 GSA, as the government's property manager, has
3 the lead in taking our requirements for space and
4 fulfilling them. So in that regard GSA did issue a
5 solicitation for either build to suit or
6 refurbishment type activities from existing
7 facilities in the Las Vegas area.

8 They did issue the solicitation, and a
9 substantial number of offers have been put forward
10 to GSA, and GSA has been working with the admin
11 office at the Nuclear Regulatory Commission. So the
12 bids have been received.

13 And where we stand right now is that the
14 General Services Administration and the NRC are --
15 they have performed site visits to review some of
16 the potential locations that were bid, and the
17 agencies are currently in the process of selecting a
18 qualified developer.

19 And an award is anticipated sometime in the
20 late summer, and that is about all that I can say,
21 because it is in the award phase of a procurement
22 activity.

23 As I indicated, we have been working very
24 closely with our Office of the Chief Information
25 Officer, as well as the DDMS project team, to try to

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1 identify and narrow down the desktop requirements
2 and the infrastructure, IT infrastructure, that will
3 be required for that facility.

4 And so far everything is going according to
5 plan in that regard. One of the things that you may
6 find helpful is that we have tried to identify the
7 sort of work station capabilities that a party to
8 the proceeding may need to have if they expect to
9 access the DDMS from a remote location.

10 It would be internet-based access, and that
11 would have to go through a log-in, password, ID
12 security type things, once you get there in order to
13 operate the software in the DDMS site, because it is
14 so highly audio-visual and high technology, current
15 technology, type capabilities.

16 And we wanted to give you an early notice of
17 the type of desktop technologies that you should be
18 anticipating. And so we have provided a chart here
19 on page 132 identifying the hardware and software
20 requirements that we have been looking at.

21 These would be in addition to whatever
22 requirements, in terms of software or processing
23 capability, that you might be looking at to
24 implement the use of the EIE capability.

25 At the hardware level, it is what has been

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1 characterized by the contractor as low end industry
2 processor configuration that is currently available.
3 It is probably a minimum of a 2 gigahertz CPU
4 clockspeed, with 256 megs of RAM, 30 gigabytes of
5 hard drive.

6 And probably the sort of configuration that
7 you can buy for under a thousand dollars right now.
8 In terms of the software capability, the system is
9 based on Microsoft Windows 2000 Operating System
10 Platform, and it incorporates Microsoft Internet
11 Explorer, Version 6 or later; and Macromedia Flash
12 Player, Version or later; and Microsoft Windows
13 Media Player, Version 9 or later.

14 So as you can see it is primarily on the type
15 of desktop environment that you would need for
16 multimedia type applications. The points of contact
17 for this activity, I don't wear my LSN administrator
18 hat when I work on the DDMS system.

19 In this capacity, I also serve the Chief
20 Administrative Judge as an IT Team Leader, and so in
21 that regard I happen to be the program manager for
22 this DDMS courtroom activity.

23 The technical project manager is Pat Smith,
24 and I have included Pat's contact information on
25 this chart as well. Pat is doing a marvelous job

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1 riding herd on contractors, internal constituencies,
2 external stakeholders, lots of technical
3 coordination, and a very aggressive schedule, and
4 other duties as assigned as I think of them.

5 So Pat is doing a wonderful job on the
6 project, and we are essentially on schedule and on
7 budget right now, and we expect to have this
8 courtroom ready to roll when it is time for the
9 proceedings to begin. Are there any questions? If
10 not, thank you.

11 CHAIRMAN BATES: I think I would like to take
12 a few minutes here to confer with my other NRC
13 colleagues and then maybe come back for a short
14 recap, and so I would suggest maybe a 5 or 10 minute
15 break.

16 MR. VON TIESENHAUSEN: Does that mean that
17 there will be no meeting tomorrow?

18 CHAIRMAN BATES: At this point, I think we
19 have been through what we had planned on the agenda
20 for both today and tomorrow. So I think we can
21 avoid in having to pull back everybody tomorrow.

22 MR. GRASER: One other comment before we break
23 there, Andy. I neglected to mention that I have
24 included a number of screen shots as background
25 information.

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1 The screen shots essentially walk you through
2 a portal type website, using portal software, and it
3 walks you through the various views of information
4 that are provided either to the Judges, to the Clerk
5 of the Court, or to the various parties to the
6 proceeding.

7 And it provides a number of snapshots as to
8 how the access to the information is structured in
9 different ways to facilitate the different jobs that
10 the various parties need to do with the software.

11 And I won't bore you by walking you through
12 all of the screen shots, but if anybody has a
13 particular interest, I will be here for hours, and
14 hours, and hours still today, and probably tomorrow,
15 and I would be glad to walk anybody through these if
16 you would like.

17 CHAIRMAN BATES: Thank you, Dan. Any
18 questions, any immediate questions on Dan's
19 presentation, or any comments or questions? If not,
20 then we will take 5 to 10 minutes here for people to
21 collect their thoughts, and we will come back for
22 maybe a short wrap-up.

23 (Whereupon, at 4:37 p.m. the meeting was
24 recessed and resumed at 5:03 p.m.)

25 CHAIRMAN BATES: If we could come back to

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1 order. Are there any comments before we adjourn?
2 John, you have a few additional comments that you
3 wanted to make, and then I will throw it back to
4 other members of the panel.

5 MR. LINEHAN: Okay. Thanks. John Linehan,
6 NRC. As Andy indicated, the first item is that he
7 will be sending out a letter next week laying out
8 the various items where we need feedback.

9 Along with that letter, based on the
10 indication that we could have the transcript -- I
11 believe it was next Monday, we would send that
12 package out and we would be looking for a turnaround
13 on the issues identified there by the end of the
14 month.

15 And depending on how these play out, there is
16 a long lead time on some of them and we need to get
17 some indication as to how we are going to proceed.
18 With respect to the suggestions that were made with
19 respect to ways to make documents available through
20 the LSN in a speedier fashion, or to the LSN in a
21 speedier fashion, we heard those, and we want to
22 consider them.

23 We really need more specifics on exactly how
24 some of those things would work. There was an
25 alternative of providing an index, and there were

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1 some suggestions that -- and I believe it was NEI
2 that might be able to provide some suggestions or
3 some consultation on different methods to speed
4 things up.

5 We need some specifics on those ideas so that
6 we can better consider them, and one of the things
7 that we would ask you to consider as you provide
8 that information is how it would affect the auditing
9 that needs to be done. So that the LSN administrator
10 can determine the integrity of the collection that
11 is going to be available through the LSN.

12 The other thing that we wanted to emphasize is
13 that we mentioned a number of times I think during
14 this morning's presentations is the need we feel
15 that DOE needs to strive to make documents available
16 as soon as possible, regardless of the final
17 technical solution.

18 There is a lot of issues that need to be dealt
19 with when you are publishing that large a number of
20 documents, and as we indicated, the intent was to
21 try to make the documents available as early as
22 possible.

23 And given the massive amount of documents, we
24 would like to assure that the various parties have
25 enough time to be able to utilize the LSN collection

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1 as it was intended.

2 So while we think there is some merit to
3 consider options, technical options, that different
4 groups want to put on the table, we also think that
5 DOE needs to keep moving to try to make documents
6 available as soon as possible. I don't know if
7 there was anything else from the NRC.

8 CHAIRMAN BATES: I will also, in addition to
9 the letter asking for comments on the various
10 points, also send out a package with regard to
11 testing with John Skoczias and EIE, and looking for
12 feedback on the guidelines that we have put
13 together, and perhaps some participation in testing
14 there to find out whether document submittal through
15 these guidelines is workable, and what needs to be
16 tweaked, and what needs to be changed. Panel
17 Members? Judy.

18 MS. TREICHEL: I think I would like follow-up
19 from the NRC regarding the empty chairs that are
20 here today. I mentioned it before, but I certainly
21 wouldn't say that this meeting was invalid, because
22 you didn't know what was going on and you are going
23 to follow up by sending all of this stuff out and
24 everything.

25 But way back years and years ago when this

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1 advisory panel was put together, it was felt that it
2 was important to have the affected counties as a
3 part of it, and it was so long ago that I can't
4 remember all of what went into it.

5 But I believe that it was important and that
6 they have always played a major role in these
7 meetings, and I don't think the meetings should
8 continue on and be called advisory meetings,
9 advisory panel meetings, without those people here,
10 if indeed they can't come.

11 So I think you need to find out what should
12 happen and possibly make proposals about that as
13 well, because it is not the same group, and it is a
14 very different group without them, and it operates
15 very differently.

16 And it is also pretty important that it is the
17 potential or possible applicant here that got rid of
18 them. So that just can't be allowed to happen in
19 that way. And we have always been worried about
20 whether or not people could have an adequate chance
21 to be involved in this whole process, and it has
22 always been my opinion that we couldn't.

23 And to see the people who were really working
24 at it and had the kind of funding in order to have
25 offices, and have access far more than a public

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1 interest group like the one that I am with can do,
2 be suddenly be taken out by the applicant.

3 And I don't know what the NRC can do about it,
4 but I would think that they can do a lot, and I
5 think you should look at that.

6 CHAIRMAN BATES: The point is well taken,
7 Judy, and I think that the NRC has got to go back
8 and look and see whether we can do something and how
9 the panel would continue to function, and operate,
10 and to bring participation back into it, or how it
11 could be effective with the lack of participation.

12 And I take your point that without those other
13 affected parties, potential parties, participating
14 that our focus is very limited.

15 MS. TREICHEL: Or maybe the idea of the
16 Advisory Panel just goes down, because if they are
17 not there, then we don't do it.

18 CHAIRMAN BATES: Yes. Anybody else? Anybody
19 else in the audience? Well, with that, I thank you
20 all and the meeting is adjourned.

21 (Whereupon, at 5:15 p.m., the meeting was
22 concluded.)

23

24

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