

# Official Transcript of Proceedings

## NUCLEAR REGULATORY COMMISSION

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Advisory Review Panel Meeting

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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LICENSING SUPPORT NETWORK ADVISORY REVIEW PANEL

(LSNARP)

MEETING

+ + + + +

TUESDAY

DECEMBER 9, 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

LYNN SCATTOLINI, NRC, Member

HARRY LEAKE, DOE, Member

ROD McCULLUM, NEI, Member

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COMMITTEE MEMBERS PRESENT (CONT'D.):

JASON PITTS, Automation Consultant  
Lincoln & White Pine Counties, Member

ABBY JOHNSON, Eureka County, Member

IRENE NAVIS, Clark County, Member

MIKE O'MEALIA, State of Nevada, Member

MAL MURPHY, Nye County, Member

ALSO PRESENT:

JEFF CIOCCO, NRC

JOE TURNER, NRC

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

(8:37 a.m.)

CHAIRMAN BATES: Good morning everybody.

This is a meeting of the Licensing Support Network and Federal Advisory Review Panel. Notice of the meeting was published in the *Federal Register* on November 26th. We have an agenda, copies of which are in the back of the room. There's also a sign-up sheet in the back that I'd ask everybody to sign in so we have a record of the meeting. We have a court reporter here today who's recording this, and a transcript will be made available within about a week. It'll be up on the NRC website through ADAMS and available to everybody. I'd ask anybody who speaks to please state your name for the record when you do so.

We have a series of presentations today we'd like to get through. There's several periods in the agenda where we have time for discussion and comments. If there are people in the audience who have something to add to the discussion, please raise your hand, and I'll be happy to call on you during the course of the meeting or during the discussion period.

With that, I'd like to ask to go around the room and have everybody introduce themselves. Start with Dan here on my right.

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1 MR. GRASER: Dan Graser from the Nuclear  
2 Regulatory Commission. I'm with the Atomic Safety  
3 License Board and Panel, and I'm the LSN  
4 Administrator.

5 MS. YOUNG: Good morning. I'm Mitzi  
6 Young. I'm an attorney in the Office of the General  
7 Counsel of the NRC.

8 MR. LINEHAN: Good morning. I'm John  
9 Linehan. I'm the High Level Waste Business and  
10 Program Integrator. I'm within the office of NMSS.

11 MS. SCATTOLINI: Good morning. Lynn  
12 Scattolini from the Office of the Chief Information  
13 Officer at the NRC.

14 MR. LEAKE: Harry Leake with the  
15 Department of Energy. I work on the LSN.

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

18 MR. O'MEALIA: Michael O'Mealia, State of  
19 Nevada.

20 MR. MURPHY: Mal Murphy, Nye County.

21 CHAIRMAN BATES: Okay. Thank you. I  
22 guess if there are no comments from anybody on the  
23 panel to start with, I'll turn to Dan, who's got the  
24 first presentation on our agenda this morning.

25 MR. GRASER: Good morning everyone. As I

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1 said, I'm Dan Graser. I'm the LSN Administrator. I'm  
2 going to spend some time this morning bringing the  
3 members of the panel up to date on the current  
4 activities and other points of interest and other  
5 information-sharing items for your consideration.

6 The first thing I would like to talk about  
7 this morning is the progress of the automation  
8 activities that we've been involved in since the last  
9 Advisory Review Panel meeting last June. As a result  
10 of information that was provided to us over the course  
11 of last spring and the subsequent communication with  
12 other parties to confirm volume estimates and so  
13 forth, we undertook a number of activities associated  
14 with the hardware and software architecture of the  
15 Licensing Support Network system itself.

16 The first thing that I would like to cover  
17 is the progress that we have made in improving the  
18 spider performance. The spider is actually a piece of  
19 software that one computer sends out across the  
20 internet and visits targeted sites with the object of  
21 identifying materials and bringing it back to the home  
22 system for the purposes of adding it to that  
23 collection. So the spider is really a piece of  
24 software. It's a software agent, and it's an integral  
25 part of the LSN design and architecture.

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1           We've been involved in a lot of technical  
2       development activities with the objective of trying to  
3       improve the spider performance and allow multiple  
4       versions of the spider to operate so that we could go  
5       out and visit multiple sites, for example, roughly  
6       concurrently. I'd like to report on the success of  
7       that. We finished up the work in our spider  
8       performance improvement in the August 2003 time frame.  
9       The effort was fruitful from my perspective. It  
10      essentially increased the baseline performance of the  
11      spidering software -- the old version -- increased  
12      that by approximately 50 percent. It enhanced the  
13      comfortable performance level to approximately 20,000  
14      documents -- from 20,000 documents per day to  
15      approximately 30,000 documents a day, which would be  
16      approximately 150,000 documents a week that the system  
17      can go out and identify as newly added materials.

18           I would just like to emphasize, in the  
19      June presentation I tried to give you a flavor for  
20      what I mean by the comfort level. There would  
21      probably be situations where we could exceed that  
22      number of documents per day, depending on the number  
23      of pages that are associated with those documents.  
24      The best way to explain that is it's not just the  
25      number of documents; it's how big the associated files

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1 are.

2 For example, we may have situations where,  
3 if we had a large number of materials being published  
4 on a participant web server that were all relatively  
5 short page numbers, like one or two or three pages per  
6 document, we could well expect that the spider would  
7 average probably closer to 50,000 documents a day.  
8 Conversely, if documents are being put out, and the  
9 spider encounters a number of documents that have a  
10 very high page count, the number may actually go down  
11 lower than 30,000 documents a day.

12 So there are variable associated with the  
13 number of documents we can crawl per day, and those  
14 variables include not just the page count, but also  
15 the overall performance of our servers, the overall  
16 performance of the servers that we are crawling, the  
17 telecommunications protocol that we are using, the  
18 bandwidth and the availability of the bandwidth. So  
19 there are a lot of variables. So when I put a number  
20 out there, like a comfortable 30,000 documents per  
21 day, you do need to realize that there are a lot of  
22 factors that address that. But that's pretty much  
23 where we stand. As I said, that represents roughly a  
24 50 percent improvement over the 20,000 document per  
25 day number that I reported at the last ARP meeting.

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1           The next item, work is currently underway  
2       to expand the capacity of the LSN from its original  
3       high end capacity of 15 million pages up to a  
4       40-million-page capacity. This effort includes  
5       revising the server configuration architecture to  
6       provide multiple servers to handle queries, multiple  
7       servers and databases to store the text indexes that  
8       are created by the spidering process, and multiple  
9       servers to actually service the search and retrieval  
10      requests that come to the LSN website. This new  
11      environment will be labelled "Version 3" of the LSN.

12           The work is currently ongoing in all of  
13      this hardware and software work. In fact, if you  
14      visit the LSN website, you may be experiencing some  
15      degraded performance or lack of availability while  
16      we're doing this ongoing activity. And I'll discuss  
17      that a little bit more in a later chart overhead.

18           We are currently at Version 2.3 of the  
19      LSN. Those of you who may not have been following  
20      very closely the technical progress of the system,  
21      Version 2.3 brought us to an upgraded version of the  
22      Autonomy search engine from Version 3.12 of Autonomy  
23      to Version 3.11 of Autonomy. We did that in the  
24      current version in order to address some searching  
25      anomalies that were found during our original version

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1 testing. It also improved the spider performance to  
2 the level that I reported at the last ARP meeting, and  
3 it added some improved audit functionality, including  
4 the ability to review document indexing status, as  
5 well as to trap duplicate participant accession  
6 numbers.

7 The current expansion effort includes the  
8 introduction of an even newer version of the Autonomy  
9 search engine. It's Autonomy's Version 4.0. This  
10 version is essential in order to expand the capacity  
11 of the overall LSN system up to the 40-million-page  
12 threshold. Specifically, Version 4.0 of Autonomy can  
13 manage -- per instance of the database can manage  
14 ten million pages of what Autonomy calls the dynamic  
15 reasoning engine, or its database. That is a  
16 magnitude increase over the former version of  
17 Autonomy, which could only handle approximately one  
18 million pages per instance of the database. So going  
19 to the new version of Autonomy is going to give us a  
20 magnitude increase in the capacity per search engine.

21 The final note on redesign activities is  
22 that the XML header generator is still available on  
23 the LSN. Again, for those of you who have not  
24 followed the technical aspects of the LSN development,  
25 header generator is a piece of software that the LSN

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1 staff put together that is a step-by-step walk-through  
2 that would allow a party to use that software, perform  
3 bibliographic cataloging, and have the output file be  
4 delivered in XML format -- extensible markup  
5 language -- and that XML format would be, by  
6 definition, compatible with the spider engine for the  
7 LSN. I'll be talking more about that a little bit  
8 later in my presentation, as well.

9           Regarding the spidering software, this  
10 particular chart -- I presented essentially the same  
11 chart also at last June's presentation -- and it  
12 provides just some background information on what the  
13 spider software is and what it does. It is an  
14 integral part of the overall LSN system. It is the  
15 piece of the software, as I explained, that actually  
16 goes into the system, visits participant server  
17 collections, and goes through the information it finds  
18 on that server to identify bibliographic header  
19 information and the associated content files, whether  
20 they be text or image and/or text or image. It takes  
21 a look at the document that it finds and brings it  
22 back to the LSN, where the LSN database engine  
23 extracts full text index information from the document  
24 and adds it to the LSN search engine.

25           The spider process, as I mentioned

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1 earlier, is constrained by a number of factors --  
2 communications, the speeds of the servers, and the  
3 volume of the transactions that we're actually doing  
4 as we go through it. Overall, the spider needs to  
5 work in conjunction with the speed of the other  
6 components of the system. It will do us very little  
7 good at all to have multiple versions of the spider if  
8 the next piece of the architecture is not large enough  
9 to handle multiple spiders running concurrently. The  
10 entire system has that cascading effect. The spider  
11 can only operate as quickly as the indexing engine can  
12 index, as quickly as the database engine can add the  
13 items to the database, and so forth, throughout the  
14 LSN internal architecture.

15 As I noted on the previous slide, the  
16 overall current comfort level that we have has  
17 increased the spider capacity to approximately 30,000  
18 documents per day. That would be 30,000 documents  
19 across all of the potential party collections. It's  
20 not 30,000 per party.

21 Also as I mentioned earlier, the through-  
22 put varies according to the collection and the  
23 individual document attributes. The current capacity,  
24 if you multiply it out over a five-day period of  
25 performance, brings it up to approximately 150,000

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1 documents per week.

2 Rod?

3 MR. McCULLUM: Dan, Rod McCullum, NEI. Is  
4 that based on the assumption of a five-day, 40-hour  
5 workweek, or -- well, what's the operating assumption  
6 behind that?

7 MR. GRASER: It's essentially the same  
8 operating assumption, the same answer to the same  
9 question I believe you asked at the June meeting.  
10 Yes, that is assuming a five-day workweek. And I did  
11 address that issue in one of the communications that  
12 I sent back as a result of the June meeting. There  
13 are a number of factors just in terms of the system  
14 having enough time, the people working the system  
15 having enough time to work on resolving issues and  
16 things like that -- do backups and recoveries. And I  
17 did address that in one communication that I sent out  
18 after the --

19 MR. McCULLUM: Yeah, I recall that. That  
20 still stands, basically.

21 MR. GRASER: Before I leave this chart, I  
22 would just like to make some additional comments on  
23 the spidering process. First of all, I would just  
24 like to reemphasize that it represents one of the few  
25 mechanisms that we have available to catch problems

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1 that a party may not even recognize that it has with  
2 the documents it's publishing. It does an audit  
3 function, but it also performs a very valuable quality  
4 assurance function in that it is able to identify  
5 anomalies within the data. Joe Turner in his  
6 presentation is going to touch on that a little bit  
7 further in terms of identifying the sorts of things  
8 that nobody expected that the audit software, the  
9 spider, actually went out and found as a part of the  
10 process of crawling through the first significant NRC  
11 contributions.

12 In terms of its ability to identify  
13 problems within the data that parties are putting out  
14 on their servers, I would just like to draw your  
15 attention that it therefore represents an essential  
16 capability in meeting requirements of 10 CFR 2,  
17 Section 1011(c)(4), where we have the responsibility  
18 for ensuring the integrity of the data that is made  
19 available through the LSN.

20 A second note, if we look at that last  
21 bullet, and look very closely at that number, and do  
22 more than simply read that chart, but let's try to  
23 understand what that chart really means, 150,000  
24 documents per week, if everything worked perfectly,  
25 would mean, for example, that it would take 27 weeks

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1 for the spider to process four million documents.  
2 When we look at this, I think we should again go back  
3 to Subpart J, to 1011(c)(3), and if you go back and  
4 look at that, it requires that the LSN Administrator  
5 identify problems regarding the availability of  
6 individual participants' data, and to make recommenda-  
7 tions to the participants on how to resolve those  
8 issues. So I'd like to, once again, reemphasize,  
9 especially to DOE, that having that volume of  
10 materials available via the LSN, recognizing that the  
11 system in all likelihood will probably be unavailable  
12 for at least two weeks at the end of January 2004  
13 while we're doing our technology insertion,  
14 essentially that means that you should've started  
15 populating the public collection yesterday, December  
16 8th. If that doesn't happen, I feel it's my responsi-  
17 bility to provide with you, for you, some of my  
18 recommendations on some of the practical steps that  
19 could be taken sooner rather than later to address the  
20 fact that the spidering is going to take that amount  
21 of time.

22 I'd like to recommend, for example,  
23 populating the DOE test server with live documents and  
24 letting them be crawled, and then migrating them over  
25 to your production server prior to resuming the load

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1 of new materials after we insert the new technology  
2 platform. That would at least allow you to get a  
3 start on the spidering process.

4 The second recommendation would be that  
5 all of the parties need to do more than just pipeline  
6 capacity testing or connectivity testing, and putting  
7 a live document out on the LSN would be a worthwhile  
8 opportunity to test file formats for the files  
9 generated under different procedures and using  
10 different hardware and software over the years,  
11 because we have found that file formats can cause the  
12 load process to experience significant an unforeseen  
13 load problems. I think identifying those problems and  
14 trying to resolve those problems with live data, even  
15 if in small volumes, would go a long way toward  
16 ensuring that when the bulk of materials come out we  
17 have experienced and worked through the resolution of  
18 those problems. If we could do that sooner rather  
19 than later, that would identify and reduce risk  
20 associated with experiencing problems with the data  
21 that are time-consuming to work out. And Joe's going  
22 to talk a little bit more about that later in his  
23 presentation, as well.

24 Third recommendation would be to perform  
25 internal quality control as much as possible,

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1 especially in a large collection, and wherever  
2 possible, to -- wherever possible within the structure  
3 of Subpart J to de-dup. or remove the duplication of  
4 documentary materials so that we do not continue to  
5 encounter multiple versions of the same document in  
6 the LSN environment.

7 Fourth recommendation would be to consider  
8 whether the optional making available of image files  
9 where the full text is already available, whether or  
10 not that could be something that could cause further  
11 complications or slow-down in the spidering process,  
12 and possibly affect your ability to meet the basic  
13 requirements. And the basic requirements are getting  
14 the bibliographic header and the text file out there.  
15 So I guess the recommendation is, consider whether or  
16 not putting the image files out there could be done at  
17 a later time or under a different time sequence or  
18 different process if in fact it looks like that may  
19 impact your ability to get all of the materials out  
20 there as expeditiously as possible.

21 Fifth recommendation would be to consider  
22 pushing out earlier in the time line the items that  
23 the spidering software would process quicker. In  
24 other words, prioritize the materials and try to  
25 identify those materials that we anticipate the spider

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1 would handle very quickly, queue them up to the  
2 beginning of the process, and start knocking down  
3 large numbers of documents that we know will process  
4 quickly. An example of that might be items that  
5 Subpart J already requires only a bibliographic header  
6 be made available for the document. The spider will  
7 process bibliographic only header items much quicker  
8 than it will if it has to actually parse through  
9 associated files.

10 So all in all, I would like to remind the  
11 Department of Energy -- and also that the six-month  
12 availability is going to be counted from when the  
13 spider finishes crawling, and that all of the other  
14 party certification dates are keyed to the date of the  
15 DOE certification. So I think there are some things  
16 that can be done. I, once again, would urge renewed  
17 efforts to try to get the materials available as  
18 quickly as possible so the LSN staff has adequate time  
19 to work with you to ensure that the documentary  
20 materials can be processed by the LSN and by the LSN  
21 spider.

22 On the -- yes, John?

23 MR. LINEHAN: Excuse me. Could you just  
24 expand a little on that first recommendation regarding  
25 the test server.

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1 MR. GRASER: Well, we've been coordinating  
2 with the DOE technical staff in terms of ensuring that  
3 the LSN spider can identify a Department of Energy  
4 machine, that we don't have problems getting into the  
5 DOE domain through firewalls and those sorts of  
6 things. In order to do that sort of initial testing,  
7 the Department of Energy has a limited resource  
8 available -- one server that we have used for that  
9 pinging activity -- and that machine we demonstrated  
10 as far back as the end of 2001. We did demonstrate  
11 the connectivity with that machine, and it has been  
12 available on a limited basis for us to ensure that our  
13 hardware architecture and our spider and our software  
14 can continue to communicate with the Department of  
15 Energy inside the DOE domain.

16 So there is a machine and a resource that  
17 is available that we have already demonstrated the LSN  
18 can communicate with it. So the recommendation is  
19 simply that if that resource is there, perhaps DOE  
20 could consider that that resource could be used, on an  
21 interim basis at least until the full production  
22 server has been put in place, that that machine could  
23 be used to start populating live documents. That's  
24 the nature of the suggestion that I'm making, and it's  
25 really up to the Department of Energy to look at its

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1 own resources and determine whether that's feasible.  
2 But in terms of the things that I see, that is one  
3 recommendation that immediately came to my mind. And  
4 it's just a suggestion, but I did want to make sure I  
5 brought it to your attention.

6 MR. LEAKE: I think it's appropriate to  
7 note that the Department has made note of these  
8 suggestions and it will certainly consider them. As  
9 an observation, I believe many of these suggestions  
10 are tailored towards dealing with the time required to  
11 crawl the collection. In that context, they certainly  
12 have value. There are other things the Department  
13 also has to consider, issues such as cyber security  
14 and the like, where possibly our test environment may  
15 not have all the controls in place that we would want  
16 before we start putting live documents out. But  
17 nevertheless, these are valuable suggestions that will  
18 be given due consideration.

19 At the last LSNARP meeting, there was  
20 quite a bit of discussion about the availability of  
21 documents. The DOE position is unchanged from what  
22 was articulated at the last LSNARP. But we will take  
23 these back and consider them.

24 MR. GRASER: Thank you.

25 On the next chart, I would just like to go

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1 back and do a recap of where we stand with the numbers  
2 that underlie the resizing efforts. As I mentioned  
3 before, we are resizing the LSN to accommodate up to  
4 40 million pages of material. So the foundation for  
5 that expansion effort is the potential load sizes that  
6 have been provided, as I mentioned earlier, last  
7 summer and even last spring in response to my request  
8 for updated information from all the various  
9 participants.

10 The numbers that you see on the chart  
11 before you represent the current -- my current under-  
12 standing of the volumes that have been reported. I  
13 have kind of clumped together the AULGs and other  
14 interested organizational entities. And so the chart  
15 represents my current understanding, the current  
16 information I have available. This is what I have  
17 used to form the basis of going back to the commission  
18 and requesting that the LSN be resized. And I'll talk  
19 about that a little bit further.

20 Before I leave this chart, I'd just like  
21 to kind of go back and revisit a communication that I  
22 sent out to the ARP membership on the 21st of  
23 November, and to reemphasize what I communicated in  
24 that communication that I sent out. I'll read a quote  
25 from that communication just for those of you that did

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1 not have the opportunity to actually receive it. In  
2 that letter I asked:

3 "As our current resizing  
4 effort illustrates, close  
5 ongoing coordination by the  
6 high-level waste proceeding  
7 parties and potential parties  
8 with the LSN staff about the  
9 size of the party or poten-  
10 tial party document collec-  
11 tion is essential. The NRC  
12 relies on the parties and  
13 potential parties to provide  
14 official notification of any  
15 anticipated material changes  
16 in their load schedules, in  
17 the document or page volumes,  
18 or the document collection  
19 server configuration.

20 "Given the lead times in-  
21 volved in federal government  
22 budget and procurement pro-  
23 cesses, and the lead times  
24 involved in federal govern-  
25 ment -- [I'm sorry] -- and

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1 the complexities of tech-  
2 nology insertion, failure by  
3 any of the LSN program enti-  
4 ties promptly to communicate,  
5 update or routinely validate  
6 key planning assumptions  
7 could be detrimental to the  
8 overall success of the LSN.  
9 "Therefore, party, potential  
10 party LSNARP representatives  
11 are urged to notify the LSNA  
12 immediately if there have  
13 been any material changes to  
14 their organization's planned  
15 document collection since  
16 June of 2003. And I suggest,  
17 e.g., a size increase of more  
18 than five percent."

19 That's the end of the quote that I just wanted to make  
20 sure got onto the record. The five percent is a point  
21 beyond which I start to erode the cushion that we have  
22 built in to our sizing estimates.

23 We're going to come back to the theme of  
24 the sizing of the system and so forth later in the  
25 agenda today to talk to the parties about getting

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1 updates for that information. So we'll be handling  
2 that a little bit later in today's agenda.

3 MR. McCULLUM: Dan, Rod McCullum. Maybe  
4 this is a question for you, and maybe it's a question  
5 for the State. Is that zero simply a default there,  
6 or was there an affirmative response behind that?

7 MR. GRASER: There has been an affirmative  
8 response consistently when Steve Frishman on a number  
9 of occasions has gone on the record to indicate that  
10 the State does intend to comply with the requirements  
11 of Subpart J when it's clear to them that it's  
12 essential that they do so. I understand Steve's  
13 position on that. I expect it will be -- someday if  
14 a license application does get filed, and if there are  
15 proceedings, I expect someday that number will become  
16 non-zero. And if it does, again, as I said, I've  
17 sized the system for up to 40 million pages of  
18 material. So I do have some capacity to accommodate  
19 anything that the State of Nevada may bring to the  
20 table if and when that becomes necessary. So I've  
21 tried to take it into consideration, but I do  
22 understand why Steve has essentially taken the  
23 position of not reporting documents or pages at this  
24 point in time.

25 MR. MURPHY: And, Dan, I will check -- I'm

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1       sorry Elaine Ezra wasn't able to make it today, and  
2       I'll check with her, and maybe have something to  
3       report when we get back to this subject later this  
4       afternoon, and we'll certainly get you something  
5       officially in writing if she hasn't -- I don't know  
6       whether she's responded to your November 21st  
7       communication yet or not. But certainly Nye -- I  
8       think that the 1,000 documents is fairly accurate.  
9       But I think the 1,000 pages is a mistake. I don't  
10      think we told you back in June that we were going to  
11      have a thousand single-page documents.

12               MR. GRASER: Okay.

13               MR. MURPHY: You know, I think we're  
14      probably closer to 1,000, 10,000, or something  
15      along -- and it's -- still it's within your comfort  
16      zone, I think.

17               MR. GRASER: Yes.

18               MR. MURPHY: I think that's -- I'm  
19      assuming that's just a typo.

20               MR. GRASER: Well, that's exactly --

21               MR. MURPHY: I hope it's your typo and not  
22      ours.

23               MR. GRASER: I believe that's not my typo.

24               MR. MURPHY: Well, we'll fix it.

25               MR. GRASER: Either way, that is a good

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1 affirmation of exactly what I'm looking for, if we put  
2 the numbers up, and everybody has a chance to look at  
3 the numbers, and to say, oh, no, you've got that  
4 wrong, or something has changed, that's exactly what  
5 I'm looking for. So thank you very much for that  
6 comment.

7 MR. MURPHY: Yeah. We may have just  
8 messed that up ourselves, but I know we don't have a  
9 universe of single-page documents.

10 MR. GRASER: I appreciate that, Mal.

11 (Pause.)

12 I'm sorry. We went off-line there for  
13 just a second. In terms of looking at the underlying  
14 reported numbers, I would like to emphasize that just  
15 because all the other parties combined have reported  
16 somewhere in the vicinity of a thousand documents, I  
17 don't want to leave anybody with the misunderstanding  
18 that there is any sort of a cap or limitation. It  
19 could very well be that one or more of the affected  
20 units of government, for example, comes forward, and  
21 in terms of going through their materials and  
22 identifying what needs to be put out, in fact, a  
23 couple of the parties may come up with 500 or 800  
24 documents, and that's fine, too. I believe we have  
25 the planning capacity to handle that sort of

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1 situation. So I don't want it to be misunderstood  
2 that that's any sort of a cap. That's just where  
3 things stand with the current reported information.

4 MR. LEAKE: I think, sitting here looking  
5 at the numbers, I think the Department would like to  
6 note that the high end of the range is rather close to  
7 the maximum capacity of the system, especially when  
8 combined with the proposed language in the rule -- the  
9 proposed rule change that would extend the feeding of  
10 the LSN for some unspecified period of time.

11 MR. GRASER: Right. You have put one and  
12 one together. Now it's just a question of coming up  
13 with why it's important to understand that these are  
14 my current planning assumptions, and then to look at  
15 the proposed changes in the verbiage of the rule and  
16 what that means, and then go back to the shop and put  
17 pencil to paper again and figure out what that really  
18 means. So, yes, that's exactly my feeling.

19 If we can move on to the next chart.

20 In terms of planning and the resources for  
21 this growth activity on the LSN, considering the  
22 numbers that were just noted on the previous slide and  
23 the uncertainty about the size of any potential  
24 contribution from the State of Nevada, for example,  
25 NRC has added a cushion of almost three million pages

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1 of capacity. That represents almost 15 percent of the  
2 current expected high-end document and page-count  
3 estimates.

4 A 15 percent cushion is still representing  
5 multiple millions of pages of material. So again, it  
6 kind of depends on what the calculations show when we  
7 go back to the adding machine and recompute the  
8 numbers. But the plea is that we go back and do that  
9 exercise in a thoughtful manner.

10 Getting back to the development activities  
11 on Version 4 of the Licensing Support Network, we  
12 expect that version of the system to become  
13 operational at the end of January 2004. We expect  
14 that there will be an interruption of all of the LSN  
15 services for some period of time, perhaps as much as  
16 two weeks, while the old hardware and software  
17 configuration is physically disassembled and our new  
18 configuration is put in place, tested and accepted by  
19 the government. We expect this will occur late in  
20 January of 2004, approximately the last two weeks of  
21 the month.

22 It's important that the parties understand  
23 what we have to go through in order to accommodate  
24 these major gyrations, and thus why it's important for  
25 me as the LSN Administrator to have as much

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1 information about participant plans as I can possibly  
2 get. The effort to expand the system is going to cost  
3 the agency in excess of \$800,000. The funding to  
4 support the current replatforming was identified as  
5 being required in the middle of our fiscal year 2003  
6 budget execution. That budget was actually formulated  
7 in the federal budgeting process two years prior to  
8 that. It was formulated in 2001. Therefore, the  
9 money that was necessary to do the replatforming had  
10 to be found at the expense of other agency programs  
11 and activities. That involved perhaps some pain and  
12 suffering for them. But it was done because the LSN  
13 is considered by the agency to be such a high  
14 priority.

15 In addition to money, the effort required  
16 two months' worth of formal presentations and justifi-  
17 cations internally. It required formal notification  
18 to OMB because the LSN is considered a major system  
19 for the Nuclear Regulatory Commission. It required  
20 four months' worth of proposal, procurement and  
21 contract modification efforts. It involves over a  
22 month of lead time after the modification of the  
23 contract for the equipment orders to be filled, and  
24 it's going to take another couple of weeks to plug it  
25 all in, all of the equipment at the contractor's test

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1 facility to shake out the system to ensure that all  
2 the equipment works properly. And then it's going to  
3 take two more weeks of time to move it from the test  
4 facility out to the production facility.

5 All in all, this is a ten-month process.  
6 It took us ten months of lead time from when we  
7 identified the genuine realistic need to grow the  
8 system before we will be able to say we can  
9 accommodate such substantial changes in the system  
10 architecture. It took a lot of hard work from the LSN  
11 staff and from ASLBP and from other NRC organizations  
12 to make this happen. The agency was willing to make  
13 some other program funding sacrifices. We did this  
14 because NRC is committed to the LSN and to making sure  
15 that the LSN works properly. We are very, very  
16 serious as an agency when it comes to making sure the  
17 LSN is going to be a success.

18 In terms of -- next chart, please. In  
19 terms of the LSN operations, I'd like to report on  
20 some -- the current status of the LSN, the documents  
21 that are available through the LSN website. Lincoln,  
22 White Pine Counties, and Nuclear Regulatory Commission  
23 have already successfully started populating  
24 collections. The total number of documents available  
25 as of the end of November totalled out to 14,128. NRC

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1 represents a shade over 14,000. Lincoln had 23  
2 documents. White Pine had one document. They're all  
3 available via the LSN.

4 We're monitoring active participant  
5 activities for a number of different organizations.  
6 This has been ongoing in terms of my technical  
7 coordination with the various parties and organiza-  
8 tions. A number of the organizations are on the  
9 threshold of having documentary material available to  
10 be placed on the LSN. And we have been holding off a  
11 little bit on doing that until such time as we get the  
12 replatformed environment in place. Hopefully, we'll  
13 come back at those collections with the new spider,  
14 the new software, the higher speeds, the redundant  
15 environment, and more resources. So we have a  
16 successful ongoing effort with a number of the  
17 organizations that are listed on this chart. I won't  
18 read through them again.

19 I would also like to report that Matt  
20 Schmit, the project manager for the LSN, was in Carson  
21 City last week and had a very successful and  
22 productive meeting. And this is not a plug. He had  
23 a very successful and productive meeting with  
24 representatives from Churchill, Mineral, Lander,  
25 Eureka, Lincoln and White Pine representatives. The

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1 folks from Great Basin, which is an internet hosting  
2 service located in Carson City, I believe -- Carson  
3 City or Reno?

4 MS. JOHNSON: Reno.

5 MR. GRASER: Reno. I'm sorry. Okay.  
6 Thank you. And it was a very successful meeting from  
7 Matt's perspective. He came back and reported that it  
8 did seem like there is a very full understanding and  
9 appreciation of what it would take for parties to work  
10 together in that environment. Matt came back and  
11 reported that the folks from Great Basin seemed to  
12 have a very good understanding of how to go about  
13 doing it. So we were very, very happy with that  
14 effort. I think the AULGs have a very good program  
15 going forward.

16 In terms of especially the non-DOE  
17 technical environment, we do have some additional  
18 resources that are available to AULGs or other  
19 potential interested government parties, other  
20 interested organizational units. The resources -- I  
21 brought along about a half a dozen copies with me.  
22 It's a CD that we have put together containing a  
23 fairly comprehensive guide. And I brought along one  
24 paper copy. This is a new draft product that Matt  
25 Schmit and his staff have pulled together. It's a new

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1 draft guide for how to -- it's called -- entitled,  
2 "Setting Up a Licensing Support Network Participant  
3 Repository." And it's actually a step-by-step  
4 tutorial. It gives a lot of good examples, screen  
5 shots and so forth, talking about the technical  
6 infrastructure necessary. The CD also contains a copy  
7 of the most recent version of the header generator  
8 software, a copy of the Acrobat reader, a description  
9 of the bibliographic fields that can be used to  
10 populate collections, and so forth. So for  
11 organizations that are just entering the process of  
12 considering participation, we have this resource  
13 available for you, as well.

14 In terms of the -- next chart, please. In  
15 terms of the guidelines, I have a couple of items to  
16 report there. On the XML header guideline, one of the  
17 old LSN administrator guidelines that's been out there  
18 for a while, we are currently in the process of  
19 preparing, as I said, this expanded presentation of  
20 how to set up an LSN server. This document is  
21 actually probably going to overlap a number of those  
22 technical guidelines. One of the technical guidelines  
23 that it overlaps is going to be the XML header  
24 generator. And so we are going to be going back to  
25 the particular guideline on the XML generator and

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1       probably be doing a revision of that to bring it into  
2       harmony with this particular guide document.

3               The change that we're looking at there is  
4       essentially going to revise the XML structure to allow  
5       a pointer to only one object. Right now it allows  
6       pointers to more than one object, and we're going to  
7       scale that back. That's purely a techy consideration  
8       sort of thing. That guideline, the LSN administrator  
9       guideline, is currently in review, and we expect to  
10      have a consultation draft that I can send out to the  
11      LSNARP membership and the technical representatives  
12      for your initial review before the holidays. So this  
13      is kind of a heads-up that you'll have an opportunity  
14      to go back and look at some of those materials in  
15      terms of actually setting up sites and having an  
16      opportunity for input and comment on the revisions,  
17      especially on the XML generator.

18             On the second item, the LSNA guideline on  
19      the OCR quality, which is something that we had a lot  
20      of discussion about over the years, indicated that we  
21      would be monitoring the text accuracy of participant  
22      collections, and report back to those parties on any  
23      issues that were discovered with the documents that  
24      parties put out via the LSN. I'd just like to give  
25      you some feedback on the first fruits of that effort

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1       that we undertook with the Nuclear Regulatory  
2       Commission. And I want to make sure that everybody  
3       understands my comments are intended to be absolutely  
4       positive, and to point out that this is exactly the  
5       way things should work.

6               We went and placed out the first maybe  
7       2,000 NRC documents, and we started to get some  
8       feedback via the LSN webmaster e-mail, people asking  
9       about the quality of the ASCII text of the content of  
10      the DOE or the NRC materials that had been made  
11      available. We forwarded this back to our OCIO --  
12      Office of Chief Information Officer. That is the  
13      organization inside NRC that is responsible for  
14      supporting the staff in its conversion efforts of  
15      documents that are placed out on the LSN website. And  
16      we forwarded along some of the e-mails that we had  
17      received, and they took that back, and their staff  
18      went back and reviewed it. Their staff then went to  
19      their contractors, and went back and discussed the  
20      procedures and the software techniques and so forth.

21              The NRC came back to me, and we had a very  
22      fruitful and productive discussion with them about  
23      some steps that they felt they could take to address  
24      that problem. They took some very affirmative steps.  
25      They went off and they got a new version of some OCR

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1 software and set up some new procedures and processes  
2 to use the best technology available, and made a  
3 commitment to place that new software and those new  
4 procedures -- put them in effect on all the materials  
5 from a certain time on forward to try to improve and  
6 enhance the quality of the text materials.

7 We didn't go back and do any retrospective  
8 cleanup of the materials that had initially been put  
9 out, but the materials that had been going out in the  
10 LSN in the past few weeks do represent some of the  
11 fruits of that efforts. So I would just like to say  
12 that the discussions we had and a lot of the  
13 difficulty we had grappling with should it be a fixed  
14 standard versus should it be a target and so forth,  
15 still had the required outcomes in terms of everybody  
16 sitting down and looking at the data and the quality  
17 of the data that was being put out there, and  
18 recognizing that there were some things that could be  
19 done in an affirmative way to help improve the  
20 process. The NRC has done that, and I just want to  
21 recognize the efforts of the Office of the Chief  
22 Information Officer for jumping on that issue and  
23 putting their best efforts into doing some resolving  
24 of those issues.

25 The next chart, please.

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1 I'd like to report to the ARP membership  
2 about some training activities that have transpired.  
3 Margie Janney, who's on the LSN staff, attended a  
4 November 2003 workshop at the meeting of the Nevada  
5 State Librarians in Lake Tahoe, and made a  
6 presentation that was very well-received. A number of  
7 the audience, significantly, skipping out on the next  
8 session, stayed behind specifically to ask Margie for  
9 further information, and have subsequently turned  
10 around and used that information to start training at  
11 the next level within their own library organizations,  
12 based on the handout materials and the training  
13 materials that Margie left behind at that meeting.

14 So we've already started to get some  
15 indication that a second level of training is being  
16 conducted by the participants in that original  
17 workshop, and it is starting to filter down through  
18 the Nevada library organizations. And this represents  
19 a significant outreach opportunity for us to ensure  
20 that affected citizen organizations are at least aware  
21 of information resources that are available, and that  
22 the librarians are at least aware of the resource and  
23 have had some familiarity with it, so that when  
24 patrons come into the libraries and talk about, where  
25 can I find information on the Yucca Mountain

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1       licensing, that the librarians will have had some  
2       exposure to what the LSN is about beforehand.

3               The training tools and products that  
4       Margie took out there to the workshop are the same  
5       products and materials that are available for training  
6       of the parties and participants in the LSN effort.  
7       We'd be more than happy to schedule similar sort of  
8       training activities, identify key individuals, work  
9       intensively with them, hands-on basis. We are more  
10      than willing as a staff to come out to Nevada, and to  
11      do that out here, and work with you in terms of then  
12      how to filter that training down within your own  
13      organizations. So again, once again, that offer is a  
14      standing offer, that when parties get to the point  
15      where they want to start having their key staff  
16      trained in the use of the system, please give us a  
17      call and let us know. We'd be more than happy to work  
18      with you.

19              Next slide, please.

20              I'd just like to bring to the attention of  
21      the panel members that NRC has launched an audit on  
22      the Licensing Support Network. It was in their  
23      original fiscal year '04 work plan, so this is a  
24      scheduled audit. I guess as far as an OIG audit can  
25      be classified as routine, this is routine. It was

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1 planned and was scheduled.

2 The audit commenced on November 17th,  
3 2003. We had an entrance conference with the audit  
4 team. At that entrance conference with them, they  
5 identified the objectives of the audit, which were to  
6 assess if the system meets the required operational  
7 capabilities, and to determine if the system provides  
8 for confidentiality, availability and integrity of the  
9 data.

10 The members of the audit team are here in  
11 the audience today. If you'd like to find out more  
12 information about their efforts, you're welcome to  
13 seek them out during the break and during lunch.  
14 You're welcome.

15 (Laughter.)

16 I would just like to finally note that  
17 their final report is going to be due on May 17th,  
18 2004, and it will primarily, again, be focusing on the  
19 items that are listed in that second bullet under the  
20 objectives.

21 That's pretty much it for the prepared  
22 materials that I had, status reports and updates. If  
23 there are some additional items in terms of further  
24 discussions about the findings of the audit program  
25 and the types of technical issues -- and Joe Turner

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1 will be giving us a presentation on those -- and later  
2 on in the agenda today, I believe there's still an  
3 agenda item for some additional discussions about  
4 what's happening on the participant side in terms of  
5 the document volumes and the plannings and so forth  
6 that's going on with the parties. So we'll probably  
7 have more opportunity for dialogue on those items  
8 later today. But for the time being, that represents  
9 my prepared materials.

10 Are there any questions?

11 (No responses.)

12 Thank you.

13 CHAIRMAN BATES: Thank you, Dan.

14 I'll note for the record that after  
15 introductions this morning that we've had two more  
16 people join us at the table. Jason Pitts and Abby  
17 Johnson are here joining the panel. Welcome.

18 Jason?

19 MR. PITTS: I just wanted to state for the  
20 record that it was very helpful, I thought, to have  
21 Matt and Dave come up to Reno and work with Great  
22 Basin. I think we solved a lot of the little issues  
23 that we had kind of trailing in getting this stuff  
24 going. So I wanted to be on the record that it was --  
25 I'm thankful that they were able to make it, and it

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1 was very helpful I think for everybody.

2 CHAIRMAN BATES: Thank you.

3 I think the next item on the agenda is Joe  
4 Turner's presentation on some of the recent findings  
5 related to the LSN system and the auditing of the  
6 documents. Joe.

7 MR. TURNER: Thanks, Andy.

8 I'm Joe Turner with the NRC. I'm part of  
9 the LSN staff. I work with the technical guys. I  
10 work with Matt Schmit, project manager. I perform the  
11 task known as the auditor. I've been involved in the  
12 development of the LSN system.

13 I was going to talk about some of the  
14 recent findings, the LSN system, loading documents.  
15 But first I was going to cover kind of the next step  
16 of the LSN, and that's connecting to the LSN. Dan  
17 touched on some of the points earlier. You saw the  
18 list of the participants that we're currently  
19 monitoring. For those that we're not monitoring, the  
20 next step would be to connect with the LSN from a  
21 technical standpoint.

22 Basically, that's having your server  
23 communicate with the LSN server. It doesn't require  
24 documents. It can be done with maybe just a few test  
25 documents, or one or two documents. In many cases,

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1 that's where we are with some of the other partici-  
2 pants. They just have some test documents available.  
3 But it's a first step just getting communications  
4 between the servers and kind of getting the system on  
5 its way. So if you haven't taken that step, I would  
6 consider -- or I would encourage you consider taking  
7 that step.

8 The next bullet, talk about the initial  
9 testing of the document publishing. After you're  
10 connected with the LSN system, the -- Matt Schmit has  
11 prepared -- and we've worked with DOE, NRC and other  
12 parties -- a test plan that essentially just walks  
13 through some of the basic audit steps and functions.  
14 We'd have you add a document, remove a document,  
15 change a document, and just make sure the LSN is  
16 picking up all these functions.

17 I think the test is valuable for all  
18 parties. Even if you only have 50 documents, I think  
19 it helps understand the system and understand some of  
20 the functionality. So it's beneficial to walk through  
21 the steps.

22 When we do the testing, we do have a test  
23 environment. One disadvantage is that it's not hooked  
24 up to the internet. So you wouldn't actually be able  
25 to see your documents on the LSN. But we can give you

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1 results from the tests and tell you -- I mean, for  
2 example, if you were to remove a document, you  
3 wouldn't need to tell us, and then we could tell you  
4 which documents it removed. That's the way it should  
5 work.

6 And again, I have a copy of the test. If  
7 anyone's interested in seeing it, then you can contact  
8 Matt Schmit.

9 Normally it takes two to three days. It's  
10 mostly just communication and coordination to work  
11 through the testing.

12 The next bullet I have is quality  
13 assurance. I kind of put this bullet up here for --  
14 the position I work at now is known as the auditor.  
15 I feel that in the findings that I've been working  
16 through right now, it's been mostly more of a quality  
17 assurance. We do like 15- -- over 15 checks on the  
18 documents in the headers as they come through in the  
19 spider process. These -- we refer to them as audit  
20 events, but many of them are things such as, when you  
21 have a header, for example, a header has to have a  
22 pointer to the related documents. So when we go  
23 through, we fetch all the headers, and we make sure  
24 that there's a document out there that relates. If  
25 not, we report that back and say that we have a header

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1 without a relating document. It also works in  
2 reverse. Then we go through all the documents, and  
3 it's possible there could be a document without a  
4 related header. So these are some of the checks that  
5 we do during the quality assurance, and there are many  
6 others.

7 The next bullet I was going to talk about  
8 the experience of loading NRC documents. This is kind  
9 of more from the LSN side. In other slides I'll talk  
10 about from the NRC side. A couple, I guess, problems  
11 that we ran into when loading documents with NRC  
12 was -- the rule states no duplicate participant  
13 accession numbers, but we recognized early on that the  
14 publisher was actually publishing a header for a text  
15 document, and then the same header for an image  
16 document. That caused the LSN a lot of confusion and  
17 some problems. So since then, we've put some checks  
18 in to validate against that, and if we detect a  
19 duplicate accession number, we're processing out as an  
20 error, and I would report it back as an auditor -- or  
21 quality assurance, I guess.

22 Another instance that happened that  
23 affected the LSN side was we had a situation where we  
24 were not able to index documents. There was a  
25 WordPerfect document that had a .pdf extension. When

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1 the indexer saw that document, it didn't know how to  
2 treat it, so it basically hung up the system.

3 We also had a situation where a PDF  
4 document had password protection on the document. The  
5 document came from outside the agency. It was  
6 processed into the NRC document system. You could  
7 view the document through the Adobe viewer, but the  
8 password was put on the actual text of the PDF. So  
9 when our indexer went to index the document, it was  
10 unable to get past the password.

11 So again, we've made some changes to pick  
12 up any errors that happen on the indexing portion, and  
13 we report those and check them and trace them down.

14 Next, I'm going to go into the NRC  
15 collection. On the NRC side, they've processed 17,668  
16 documents. And out of those, 14,104, I believe, or  
17 -28 -- whatever the number was -- were out there on  
18 the LSN system. Out of that 17,000, we had 3,500  
19 anomalies or errors. In some cases, it was one run or  
20 two runs where we may have had like a thousand headers  
21 that weren't pointing to the document. We were able  
22 to correct that problem, repeat the run, and  
23 everything worked fine.

24 Normally my day starts off in the morning  
25 when NRC does a run, after they publish their

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1 documents that night, they send me an e-mail and ask  
2 me how come the number on the LSN doesn't match the  
3 number that they've published, or something of that  
4 nature. So I normally have to go through the reports  
5 and report back to them any events that I've found or  
6 problems.

7 Let's see. I already talked about the PDF  
8 files.

9 I have a couple other notes about -- there  
10 were a couple other audit processes that caused  
11 problems. Some of these problems are unique to NRC  
12 with their publishing software. But it just goes to  
13 show that things can creep up and happen, and they're  
14 unexpected.

15 We had a case where a document was out  
16 there on the server for about two or three months, and  
17 then one day it showed up with zero bytes, and it  
18 looked like the document had been changed. Well,  
19 obviously, it had been changed. The publisher, for  
20 some reason, detected a change in the date and time,  
21 and it republished it incorrectly, and it came out as  
22 zero. So I guess it just shows that there are some  
23 cases where an audit functions does need to be  
24 available.

25 This shows some of the things I was

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1 talking about, like broken URLs, disconnect files,  
2 removed documents. Those are all event checks that we  
3 look for -- fetch error, index errors. This chart  
4 just shows that there are times, like around June --  
5 first two or three weeks in June, we had some  
6 problems, and then we were able to correct them, and  
7 then you can see the problems kind of went away, and  
8 we were able to run it normal.

9 This is the same chart, except at this  
10 point, on the side you can see that the scale goes up  
11 to 3,000. At first, we started putting out about 500  
12 documents a night, and then we went up to a thousand,  
13 2,000 documents a night. So it's just a different  
14 scale, but it's the same type of error for a different  
15 time frame.

16 Just to talk to some things to expect,  
17 this is the process. It repeats itself. I mean,  
18 after we put out 500 documents, then we have to go  
19 through and check, and then we put out more documents.  
20 So it's not like you just put out the documents, and  
21 everything's done, and we can go away. It takes some  
22 communication, and the participants and the LSN staff  
23 need to work together and resolve the problems.

24 When problems creep up, it seems to take  
25 about a week or two to kind of resolve them, and then

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1 they tend to go away. And then something else may  
2 creep up. Frequently, the LSN spider is the only  
3 thing that can identify errors. Obviously, when they  
4 put their loads out there, they think that they --  
5 there's a header and a document that relate. But on  
6 many cases, it's not the case.

7 When things are running normal, the error  
8 rate is probably about between three and five percent.  
9 We've never had a clean run where we didn't have an  
10 error. Many of the errors are unpredictable and  
11 unexpected.

12 That's all I have. Any questions or --

13 MR. McCULLUM: Yeah. This might be more  
14 of a question for Dan. Rod McCullum, NEI. In the  
15 capacity numbers you presented earlier, what  
16 assumptions are in there regarding error anomaly rate  
17 in terms of your ability to crawl however many  
18 documents per day?

19 MR. GRASER: The throughput calculations  
20 and the estimates that I reported on earlier in my  
21 charts really do not take into account errors. So I  
22 think that's part of the message, and perhaps we  
23 needed an additional bullet to highlight that. If  
24 you're looking at putting through a certain volume of  
25 materials, and if you make the innocent assumption

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1       that because the spider can handle 30,000 per day,  
2       that all 30,000 are going to successfully load, well,  
3       I have a bridge to sell you. Okay? It doesn't work  
4       that way. So part of the message is, in your  
5       planning, you need to anticipate -- especially, for  
6       example, at the size of the DOE collection -- you need  
7       to anticipate that there will always be some number of  
8       documents that are not successfully loaded. Those  
9       numbers are not included in the calculations about the  
10      speed of the spider. The spider still goes through  
11      them. What Joe is reporting on is something that's  
12      happening after the spider does its processing. So  
13      you can still look at the 30,000 and say the spider  
14      will crawl 30,000. But the second message is, of the  
15      30,000 that are crawled, you may have a certain  
16      percentage on a regular basis that don't pass, and  
17      somebody needs to go back and spend the time and  
18      effort to figure out what happened to those documents,  
19      why they didn't load, what was the nature of the  
20      problem, let's get them re-queued into the next batch,  
21      and try loading them again.

22               So what Joe is talking about in terms of  
23      his experience with the documents that have failed  
24      through the spidering process does not have an affect  
25      on the calculation of the number of documents. And as

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1 Joe indicated, depending on the software that's being  
2 used, you know, and the procedures that are being  
3 used, the experience with the number of errors could  
4 vary from party to party. A lot of it is a function  
5 of the data that the spider is looking at, things like  
6 having a hidden password protected PDF file that NRC  
7 actually got from a different party is not the sort of  
8 thing that you can reasonably anticipate, but it is  
9 going to happen. And then once it does happen, it  
10 takes a while to figure that out.

11 MR. McCULLUM: Regarding the definition of  
12 "available" you talked about, it's not just whether  
13 the documents were crawled; it's been crawled and  
14 errors resolved, you're saying. Is that correct?

15 CHAIRMAN BATES: The court reporter is  
16 having a hard time hearing you.

17 MR. McCULLUM: Oh, I'm sorry. Repeating,  
18 Rod McCullum. In terms of the definition of  
19 availability of documents that you talked about  
20 earlier, you would not consider a document available  
21 until it has been successfully crawled, in other  
22 words, errors resolved; correct?

23 MR. GRASER: That's correct. If the  
24 spider is going through a document, and a document has  
25 some sort of a fatal flaw technically, the spidering

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1 process is really holding that in a cache, if you  
2 will, and those documents are not being indexed into  
3 the database. If they're not being indexed into the  
4 database, there's no bibliographic header, there's no  
5 full text. So there's nothing that would show up in  
6 an LSN search. It's as if the document didn't exist,  
7 because it hasn't been indexed. It could not make it  
8 to the point where the indexing engine would even try  
9 to index it inside our pipeline.

10 MR. LEAKE: Harry Leake, DOE. Do you  
11 publish these categories of errors that you're running  
12 into now that material is being loaded, like on the  
13 LSN web page or someplace, so that we can --

14 MR. TURNER: Yeah. I have some examples,  
15 and we can arrange to make -- to publish the --

16 MR. LEAKE: It just seems like it might be  
17 useful, especially in these early days of loading, as  
18 you start to run across things, just keeping a  
19 bulletized list maybe on the website, and then we  
20 could -- you know, we could hopefully profit from it.

21 MR. GRASER: We could put them up also as  
22 just a PDF page under the LSN administrator  
23 announcements or something like that.

24 MR. LEAKE: That'd be fine.

25 MR. PITTS: So, Joe, I mean, do you expect

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1       that -- I mean, I don't know -- I'm just -- out of  
2       17,000 documents, 3500 of them had some kind of  
3       problem. That's 19 percent.

4               MR. TURNER: Yeah, it's a high percentage.  
5       In some cases -- I mean, the numbers are a little  
6       deceiving. I can give you a lot of different numbers.  
7       I have a sheet here I'm kind of looking off of. There  
8       was -- in one night, we had a run of 1,997, and we  
9       weren't able to pick up any of them. They were all  
10      disconnected, which means all the documents did not  
11      have a header. That was a publishing problem. Two  
12      nights later we fixed it, and we fixed one thousand  
13      nine hundred and --

14             MR. PITTS: How many people work with you?  
15      I mean, did you have a -- when you were doing these  
16      17,000, did you have a team that --

17             MR. TURNER: No, I work alone.

18             MR. PITTS: Okay. And you're going;  
19      right? Are you going somewhere? I mean, is that  
20      true?

21             MR. TURNER: I'll still be available.

22             MR. PITTS: Okay. Because, Dan, from our  
23      standpoint, from my standpoint personally, I would not  
24      let this man go anywhere -- (laughter) -- because, I  
25      mean, when DOE loads these documents, I mean, they're

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1 going to have problems, just like everybody's going to  
2 have problems when they load them. So, I mean, is  
3 there any plan -- I mean, seriously, from the NRC  
4 staff, I mean, is there any plans to kind of  
5 coordinate that? As DOE loads their documents and  
6 that process goes on, I mean, is there ideas on the  
7 budget side to have Joe's staff kind of more than Joe,  
8 you know, at that point? Because there's going to be  
9 a lot of work; right?

10 MR. GRASER: Joe's staff has always been  
11 more than Joe. First of all, it's a collaborative  
12 effort. So for Joe being on the LSN staff side of the  
13 shop, Joe has counterparts over on the NRC staff parts  
14 of the organization. There are actually two or three  
15 people over on the NRC side of the organization that  
16 Joe interacts with. It's no one person that -- you  
17 know, Joe doesn't fix the problem. Joe identifies  
18 what his reports are showing, and Joe passes that  
19 problem back to the participant organization. So in  
20 terms of resolving the problem, it's the participant  
21 organization that puts the resources there to go track  
22 down these things, figure out what's going on with  
23 their collection.

24 The second aspect of it is Joe all along  
25 has worked as part of the LSN team. We're a staff of

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1 four individuals. That includes myself, Margie and  
2 Matt Schmit. So that we have, you know, four members  
3 of the LSN staff that are going to be available to  
4 support the big push, quote/unquote.

5 And I would say that we're already in the  
6 process of recruiting a replacement for Joe. I would  
7 also say that I've already made arrangements with the  
8 organization that pinched him away from me to ensure  
9 that Joe will have some continuing availability until  
10 a trained replacement is on board. So Joe will  
11 continue to give some time. And we have already  
12 started the process of training a person that, until  
13 the slot is filled, there's an additional person in  
14 the ASLBP staff that's going to be working on that  
15 activity, as well.

16 So as much as I appreciate your sentiment  
17 about not letting him get away, unfortunately, there's  
18 not much I can do about it at this point. But my  
19 sentiment is the same as yours. Joe's been a very  
20 valuable member of this staff, and he's been with it  
21 from the very early days. He is intimately familiar  
22 with the spider, and, you know, the organization  
23 that's getting him is getting a real good resource.

24 MR. PITTS: I agree. I'm just thinking,  
25 though, that, I mean, you're talking a collection

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1 that's not inside of NRC that's going to be orders of  
2 magnitude larger. It just seems like there's going  
3 to -- I mean, in order to successfully post that  
4 collection, it seems like it's going to be a big  
5 effort. So --

6 MR. GRASER: Yes. I would say the  
7 Department of Energy's probably got its work cut out  
8 for them. A lot of the process of identifying the  
9 errors is an automated process. It's actually the  
10 software that's going through and doing the 14 or 15  
11 different checks and processes on that material. What  
12 Joe sees from that is a report that's generated by the  
13 software that lists the types of problems by  
14 categories and so forth. And again, it kind of goes  
15 back to the participant organization that put the  
16 materials out in the first place to actually go and  
17 figure out what was wrong with their document, why --  
18 you know, what was wrong with it and what happened.  
19 So it's not the LSN staff that's resolving the  
20 problem, unless the problem happens to be we discover  
21 something in the spidering process or something on our  
22 equipment, you know, if we have an equipment problem  
23 that causes degraded performance of the spider.

24 MR. PITTS: Yeah. I mean, I get that.  
25 But I've got to tell you, I mean, since '92 we've been

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1 getting documents from DOE, and there are lots of  
2 contractors. I mean, with the ADAMS process and  
3 stuff, you guys have pretty tighter control. I'm just  
4 saying, you know, a decade of experience in getting  
5 these documents has, you know, told us that the  
6 million different formats, and a million different  
7 accession numbers -- and I know that they're cleaning  
8 that up -- but I just think that there's going to  
9 be -- obviously, the volume's going to be an order of  
10 magnitude larger, but just all the different players,  
11 all the different labs, all the different contractors,  
12 all the different prime contractors, I mean, we're  
13 talking a lot of different documents.

14 And I do realize that it's the partici-  
15 pant's -- it's my responsibility to fix my documents  
16 and do the XML. That stuff's easy. But I think when  
17 you start talking that much volume, I think it's going  
18 to be a lot of work to identify those, even though  
19 it's automated, even though you're -- some dude's  
20 going to go, well, why did this document fail? You  
21 know, I can open it on my end, I can look at it, I can  
22 see the text. Why did that document -- and then  
23 there's going to be 125,000 other documents that,  
24 yeah, were automatically identified by a spider. You  
25 know, I couldn't crawl it because the document

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1 wouldn't open, or the format didn't match what they  
2 had in the XML generator.

3 But, I mean, working through that's going  
4 to be part of the process, too. I just think that it  
5 might be a lot, and that's it. I mean, I'm just  
6 saying it could be a lot on both sides, even though  
7 it's DOE's responsibility ultimately to make sure the  
8 collection's available. So that's just my --

9 MR. LEAKE: The Department has been  
10 working with the NRC, and we've been doing extensive  
11 testing to try and mitigate that problem.

12 CHAIRMAN BATES: Okay. I think that gets  
13 through the first part of the agenda this morning. I  
14 would suggest we take probably about a 15-minute  
15 break. It's about ten minutes after 10:00, so maybe  
16 be back here at 10:30. Thank you.

17 (Recess from 10:06 a.m., until 10:33 a.m.)

18 CHAIRMAN BATES: The next item on our  
19 agenda is a discussion of the proposed changes to  
20 10 CFR, Part 2, that we recently published for public  
21 comment. We had some extensive discussion back in  
22 June and comments when we first indicated that we  
23 felt -- the NRC felt there was some need to make  
24 changes to Part 2 to accommodate the technical  
25 realities of transmitting large and complex documents.

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1 We had comments from members of the panel, which we  
2 addressed, and we are -- the agency's now at a point  
3 where we've proposed actual text changes to Part 2.  
4 We'll let Mitzi go through her presentation.

5 Any questions or comments before we get  
6 started on that? Rod?

7 MR. McCULLUM: Yeah. Excuse me. Rod  
8 McCullum, NEI. We were talking over the break, and I  
9 want to go back on the record here for something we  
10 asked about earlier this morning. Talking about Dan's  
11 slide eight where the projected collections from the  
12 different parties, and I'd asked if he had actually an  
13 affirmative response from the State of Nevada, they  
14 gave him that zero projection, and Dan alluded that  
15 that was an affirmative response, and indicated that  
16 it was consistent with Steve Frishman's long-held  
17 policy on that. I was wondering if you could be a  
18 little more specific in terms of what the reason for  
19 that is that they say zero. What was the "why" behind  
20 that affirmative response?

21 MR. GRASER: I don't want to speak for  
22 Steve. Steve's quite capable of speaking for himself,  
23 as we all know. I don't want to put any words in his  
24 mouth, but Steve has gone on the record a number of  
25 times in the past and indicated, at least according to

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1 my interpretation, that the State of Nevada is not  
2 prepared to concede anything in terms of the need for  
3 the proceedings until such time as all of their other  
4 activities have worked their way through the process.  
5 And that's my understanding, is that that has been the  
6 State's consistent position in terms of coming forward  
7 and saying, you know, here's our number of documents  
8 and so forth. And that's -- again, as I said, Steve  
9 has indicated that a number of times on the record.  
10 It's in a number of the previous transcripts.

11 Mike O'Mealia is sitting in today  
12 representing the State. Mike, if you would like to  
13 elaborate on that any more, or do you think that I've  
14 properly characterized --

15 MR. O'MEALIA: You're right. You're  
16 correct.

17 MR. McCULLUM: Thank you. That was  
18 helpful. Thank you.

19 CHAIRMAN BATES: Also, note for the record  
20 that Irene Navis has joined us at the table. Welcome,  
21 and thank you for coming.

22 MS. NAVIS: Thank you.

23 CHAIRMAN BATES: Mitzi.

24 MS. YOUNG: Good morning again. I'm Mitzi  
25 Young. And hopefully after my presentation you'll

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1 understand a little bit more about the changes that  
2 the NRC has proposed for 10 CFR, Part 2, Subpart J.

3 Unfortunately, I'd like to apologize for  
4 the main header in terms of this rule. If you read  
5 the proposed rule, as was published in the *Federal*  
6 *Register*, the contact person was Chip Cameron. He  
7 could not be here today due to other business travel  
8 he had scheduled for this week previously. So I'm  
9 pinch-hitting or backup quarterback, whatever sports  
10 analogy fits the situation.

11 The changes to Subpart J were published in  
12 the *Federal Register* November 26th, and the comment  
13 period on this rule does end January 12th. The  
14 proposed rule addresses five areas that you see up  
15 here on the slide. It's the filing and format  
16 standards for a party's submission on the electronic  
17 hearing docket for the licensing proceeding on an  
18 application for possession to -- permission to both  
19 construct a repository to receive high-level waste.  
20 The Secretary of the Commission's determination is  
21 something that's addressed in the rule in terms of the  
22 determination that the application is electronically  
23 accessible.

24 The issue we've kind of alluded to earlier  
25 in discussions today having to do with loading of

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1 potentially duplicate documents on individual  
2 Licensing Support Network site servers is addressed,  
3 and also, a continuing obligation for LSN participants  
4 to update the documentary material, as is done  
5 normally in NRC proceedings for discovery of documents  
6 in a licensing proceeding. It also identifies another  
7 category of material that may be excluded from LSN  
8 websites.

9 Specifically, the rule does add three  
10 definitions for types of documents that might be  
11 electronically filed in the licensing proceedings.  
12 There's a complex document, which, if you've read the  
13 guidance that the NRC published and was referenced in  
14 the *Federal Register* notice, it's available at our  
15 agency document management system, one of the  
16 categories is a complex document, those files that  
17 have neither textual nor image in nature. It could be  
18 something like executable software and other files  
19 that are difficult to access or transmit by normal  
20 e-mail routes.

21 There's a large document category, defined  
22 as electronic files that are larger than 50 megabytes.  
23 And a simple document would be a document that has  
24 electronic files that are 50 megabytes or less.

25 In the next slide, basically, there's an

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1 addition in what currently appears for the requirement  
2 that all documents be electronically transmitted in  
3 2.1013(c)(1), basically inserting the definition for  
4 simple documents, saying they must be transmitted via  
5 the NRC's Electronic Information Exchange system, and  
6 that large documents, those in excess of 50 megabytes,  
7 must be transmitted in multiple transmissions.

8 In recognition that there are some things  
9 that may not be easily transmitted via e-mail or  
10 through the EIE system, given the potential for  
11 timeouts and transmission interrupts, the complex  
12 documents, those portions that are amenable to  
13 transmission, are supposed to be sent via the EIE, but  
14 those portions that could not be transmitted via EIE  
15 in terms of the requirements of the rule should be  
16 provided on an optical storage media, like a CD, DVD,  
17 whatever you prefer, which includes the complete  
18 document, both those portions transmitted via EIE, and  
19 the segments of 50 megabytes or less, and the other  
20 parts of the document that you could not transmit.

21 The rule also has a submission standard  
22 for resolution of 300 dots per inch and further types  
23 of documents that are mentioned on the slide in terms  
24 of resolution.

25 As we talked about briefly in our last ARP

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1 meeting, there are basically three types of PDF  
2 formats that the rule would require. It's the  
3 formatted text and graphic, the searchable image  
4 (exact), and the image only. And the rule gives more  
5 details, for example, with respect to tagged images.

6 The rule also provides, as proposed, that  
7 electronic submissions should be free of hyperlinks to  
8 other documents or websites. But a single PDF file  
9 could contain those links within the file if they were  
10 created using PDF-authored software. And electronic  
11 submissions should be free of author-imposed security  
12 restrictions, much as the conversation with Joe Turner  
13 and Dan this morning about problems in terms of the  
14 LSN spider and crawler accessing documents that  
15 somehow have security restrictions imposed.

16 With respect to the determination of  
17 electronic accessibility, under the rule as proposed,  
18 that would be based on whether the DOE license  
19 application can be effectively accessed through the  
20 NRC's Agency Document and Management System, known as  
21 ADAMS -- and I'm sure everybody in this room is  
22 familiar with that and knows how to use it expertly --  
23 rather than the electronic hearing docket. This  
24 change in part is a recognition that moving the  
25 document into evidence is something that happens as a

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1 part of the proceeding rather than what portions may  
2 be at issue depending on the issues that are admitted  
3 in the proceedings as identified by contentions. So  
4 that's a clarification in terms of how that docketing  
5 of electronic accessibility determination is made.  
6 It's also --

7 MR. McCULLUM: Mitzi?

8 MS. YOUNG: Yes?

9 MR. McCULLUM: Rod McCullum, NEI. Could  
10 you be more specific in terms of what's the  
11 substantive difference in that regard between ADAMS  
12 and the electronic hearing docket? Why was the  
13 decision made that that had to be done through ADAMS?

14 MS. YOUNG: Well, ADAMS is the vehicle  
15 through which any application that the NRC receives  
16 for review in terms of a licensing action is done,  
17 through ADAMS. Whereas the hearing docket is created  
18 for those issues that are going to be contested in the  
19 proceeding. And under 10 CFR, Part 2, Subpart J, it's  
20 only those issues that are admitted in a proceeding  
21 that are under contest. So the entire application may  
22 or may not be moved into evidence by one of the  
23 parties. So that's kind of the rationale for that  
24 change, to kind of clarify that it's the licensing  
25 docketing determination that's more traditionally

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1 associated with the license review purview of NMSS,  
2 Nuclear Materials and Safeguard -- Safety -- in this  
3 instance.

4 MR. McCULLUM: Are there aspects to ADAMS  
5 that are substantively different things parties -- at  
6 least DOE should watch out for in that regard in terms  
7 of making a document accessible to ADAMS versus the  
8 electronic hearing docketing?

9 MS. YOUNG: I'm not an expert in that  
10 area. Perhaps someone else on the panel might want to  
11 address it.

12 MS. SCATTOLINI: The guidance document was  
13 written with an understanding that the documents would  
14 be processed through ADAMS, and then a subset of them  
15 published to the electronic hearing docket. So  
16 there's nothing specific to that.

17 MR. McCULLUM: So it's functionally the  
18 same.

19 MS. SCATTOLINI: Uh-huh.

20 MR. McCULLUM: Okay.

21 MS. YOUNG: Continuing on that slide, if  
22 there aren't any more questions, also consistent with  
23 that change about docketing of the license applica-  
24 tion, there's a deletion of the reference that was  
25 previously there about the Secretary's determination

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1 being based on the Commission's electronic docketing  
2 rules, which kind of left you with the presumption  
3 that it had to be in terms of an electronic hearing  
4 docket, not necessarily the licensing docket.

5 Another change has to do with one that, as  
6 proposed, would affect the responsibility of LSN  
7 participants, and that's to allow each participant in  
8 the LSN to forego loading a document that's already  
9 been made available by an LSN participant who created  
10 the document, or on whose behalf a document was  
11 created. For example, if DOE created the document or  
12 had a contractor that prepared a report for them, and  
13 they loaded the document on their website, other  
14 participants in the proceeding would not be required  
15 to also supply a copy of that document on their  
16 individual websites.

17 MR. McCULLUM: Another question. I think  
18 this is obviously a very helpful change. Has any  
19 thought been given to perhaps -- is it possible to  
20 even strengthen this? I mean, you're not required now  
21 to load duplicates, which is certainly reasonable. We  
22 wouldn't have thought you could have made that  
23 interpretation under the existing rule, as well, but  
24 clarifying that helps. But in terms of preventing  
25 duplicates, can the system somehow, if a party doesn't

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1 know that it's duplicating, can the system somehow  
2 discriminate and say that's already in there through  
3 the header or whatnot? In other words, is there a way  
4 to strengthen this to not only clarify that it's not  
5 required, but to prevent the system from being  
6 burdened with duplicate documents?

7 MS. YOUNG: Dan, would you like to answer  
8 that?

9 MR. GRASER: The Licensing Support Network  
10 software does not have what you're referring to, which  
11 is essentially a duplicate check, or a dup. check type  
12 routine. It does not currently have that anywhere in  
13 the software suite of capabilities. Typically, dup.  
14 checking can only be successful when it is exercised  
15 across bibliographic cataloging that has all been done  
16 in a consistent manner, because dup. check subroutines  
17 in software typically rely on maybe five fields of  
18 bibliographic cataloging. And you have to ensure that  
19 the cataloging has been done in a consistent manner,  
20 because it will look, for example, at the way an  
21 author's name has been cataloged. And if you catalog  
22 "McCullum," and you spell it one way with C-o-l-l-o-m,  
23 and another way with C-u-l-l-u-m, the dup. check  
24 programming is going to say those are two different  
25 people; this is not a duplicate document.

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1           So we don't have that module within the  
2           LSN. It may be productive and worthwhile within an  
3           individual collection to implement that, but the LSN  
4           doesn't have that. So NRC would not have a mechanism  
5           in the LSN space right now to do that dup. check  
6           identification routine.

7           MS. YOUNG: Okay. The note on the bottom  
8           of that slide basically is a summary of a couple of  
9           statements from the statements the Commission made in  
10          issuing the proposed rule, basically clarifying that  
11          in terms of the three categories of information for  
12          documenting material, the first two categories having  
13          to do with some reliance information. For example,  
14          information a participant intends to rely on or cite  
15          in support of its position, or information known to  
16          and possessed to develop by a participant that is  
17          relevant to but does not support that information or  
18          a participant's position may not be apparent until the  
19          time the contentions are admitted in the proceeding.  
20          And so the Commission stated its expectation that  
21          disputes about those two categories would largely  
22          await that time. The Commission also stated in  
23          issuing the proposed rule that it does expect all LSN  
24          participants to exercise good faith efforts to make  
25          such documents available, even before their initial

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1 certification date.

2 My next slide has to do with the addition  
3 of a category that would require participants to  
4 supplement their document material made available via  
5 the LSN, including basically an update requirement.  
6 As the rule currently is written, the only update  
7 provision specifically identified in the rule has to  
8 do with the responsibility of the Department of Energy  
9 at the time it submits the license application to  
10 update its certification that documents created  
11 between the time of the initial certification, which,  
12 assuming a December '04 submission date, would occur  
13 in the June time frame, that documents basically  
14 available or created in the interim have also been  
15 added to the LSN at the time of license application  
16 submission, so that the requirement to continue to  
17 include document material created or identified after  
18 a participant's initial certification is being added  
19 to the rule for all LSN participants, as proposed.

20 And then the addition of a category for  
21 exclusion having to do with correspondence between a  
22 potential party and interested government and the  
23 Congress of the United States being a new addition to  
24 the items identified as exclusionary material under  
25 2.1005 of the regulations.

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1 That concludes --

2 MR. MURPHY: Mitzi?

3 MS. YOUNG: -- my presentation. Does  
4 anyone have any questions?

5 MR. MURPHY: Yeah. Mal Murphy, Mitzi.  
6 What is the rationale for that last proposed addition  
7 to the exclusion? Why is that information privileged?

8 MS. YOUNG: It's not that it's privileged;  
9 it's that there's no requirement to include it on the  
10 LSN. I think the statement of considerations was in  
11 part emphasizing that it should be material that's  
12 both relevant to substantive issues in the proceeding,  
13 and that it's not readily apparent that information  
14 and correspondence with Congress may meet that test.  
15 I believe there was also some language and posed  
16 legislation with respect to budgets that identified  
17 this as a concern of congressional committees.

18 MR. McCULLUM: I think that was in the  
19 final -- Rod McCullum, NEI -- I believe that was in  
20 the final appropriations language that --

21 MS. YOUNG: But in terms of substantive  
22 information, it's not readily apparent that those  
23 types of items would be something that would be  
24 conveyed in congressional correspondence, as opposed  
25 to studies or reports done by LSN participants.

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1 MR. MURPHY: I guess I'd have to disagree  
2 with that. I think as a general rule you're probably  
3 correct. But I can see, and I know instances in  
4 other -- you know, in other areas, other proceedings,  
5 where parties have said one thing to Congress and  
6 another thing to a regulatory agency they're trying to  
7 obtain a license from. I don't see why that wouldn't  
8 be relevant. I may have missed that. As Rod pointed  
9 out, there may be some legislative language that  
10 implicates this issue, and that I didn't -- and that  
11 I haven't read the Conference Committee report that  
12 carefully maybe. But as a blanket exclusion, to say  
13 that you never under any circumstances have to  
14 identify correspondence between you as a party and  
15 Congress seems to me to be a little bit overly broad,  
16 to use a lawyer's language. There are instances where  
17 that kind of Congress (sic) might be relevant to an  
18 issue -- or that kind of correspondence, I should say.

19 MS. YOUNG: Certainly that's a comment  
20 that Nye County may want to provide on this provision  
21 in terms of the Commission's consideration. I mean,  
22 it could be generally viewed that some correspondence  
23 with Congress in large part has to do with budgets.

24 MR. MURPHY: Oh, yeah, 99 percent of it --

25 MS. YOUNG: And, you know, there is

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1 already an exclusion covering procurement type of  
2 budget issues. So --

3 MR. MURPHY: Yeah, 99 percent of it --

4 MS. YOUNG: But there's also the other two  
5 categories having to do with reliance. So if there's  
6 something in that correspondence that a party on its  
7 own felt compelled to include as a result to being  
8 information that supports their position, or contrary  
9 to their position, arguably, you could make that  
10 comment on the rule, that it should be addressed.

11 Jason.

12 MR. MURPHY: We'll think about it.

13 MR. PITTS: I just have some questions.  
14 On the electronic submission must be free of  
15 hyperlinks, I understand why that is, but I think it's  
16 going to be next to impossible to do, at least on the  
17 LSN side, because -- I don't know how that translates  
18 to the electronic docket, but you have -- like, for  
19 instance, when you create -- I mean, I know you know  
20 this -- but when you create Microsoft Word documents,  
21 they hyperlink automatically. And I know like DOE's  
22 e-mail software, Lotus Notes, when you put in a  
23 hyperlink, it asks you whether this is an LSN issue or  
24 not. If you say "yes," it captures that hyperlink,  
25 and that's captured and created in the Lotus Notes

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1 program, not in the PDF software.

2 So all of your Word documents, all of your  
3 e-mail documents, most of your WordPerfect documents,  
4 depending on the thing (sic), are all going to have  
5 hyperlink -- automatically created hyperlink --  
6 Outlook -- all of those are going to have automated  
7 hyperlink created files. So those are going to --  
8 even if you convert those to PDF, they were created in  
9 Word or in Outlook or in Lotus Notes, not in the PDF  
10 software.

11 And a lot of times, if you're converting  
12 a document, those'll be done automatically, and some  
13 of the participants aren't going to know. It'll be  
14 easy for us, because we have a small -- I mean, we can  
15 go through and try to remove them. But honestly, off  
16 the top of my head, on some of these software, I don't  
17 know, like in the new Outlook, how to turn that off --  
18 just off the top of my head. I'm sure I could figure  
19 it out. But, you know, when you type in  
20 "www.lsnnet.gov," it creates a hyperlink out of it,  
21 even in the PowerPoint presentation. I mean, do you  
22 know right off the top of your head how to turn that  
23 off? I don't.

24 And so I think that a majority of the  
25 participants -- and I bet you they have not -- I bet

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1       you DOE hasn't figured out having that turned off on  
2       the 30,000 e-mails that were created this week. So,  
3       I mean, I just think that we might want to get a  
4       different way to write that.

5               MS. YOUNG: So that would cover hyperlinks  
6       to other documents, not really a hyperlink within the  
7       document?

8               MR. PITTS: It's a hyperlink -- well, for  
9       instance, if I say -- if we're taking some notes or  
10      something in a meeting, and I referenced the LSN site,  
11      and that was referenced in the notes, and they typed  
12      in those notes in Word, it's going to create a  
13      hyperlink if they say "www.lsnnet.net," and I don't  
14      know if that -- I mean, that's going to lead you  
15      outside the document. And that's what you're trying  
16      to avoid; right? You're trying to -- because that  
17      won't be a valid link. And so you'll have lots and  
18      lots of those I think. So, I mean, somehow -- I don't  
19      know how you turn that off, and so I think you're  
20      going to get a lot a lot of people that aren't going  
21      to be able to comply with that by accident unbeknownst  
22      to them.

23              MS. NAVIS: My questions relate to slide  
24      31 related to foregoing the loading of documents  
25      already made available by another party. My question

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1 relates to how that would link to potential conten-  
2 tions. It wasn't clear to me when I read over the  
3 document that that was sufficiently addressed. So  
4 maybe you could in the revisions.

5 What if a party's contention relies on  
6 someone else's document? Does a direct link need to  
7 be made by that particular party to that document?  
8 And if so, how would you do that in the LSN context?

9 And then beyond that, would a party's  
10 contention potentially be at risk because it wasn't  
11 clearly linked or clearly identified to that other  
12 party's document?

13 MS. YOUNG: Irene, I think you're correct.  
14 As currently written, the rule does not require an LSN  
15 participant to identify documents on another  
16 participant's server that they might rely on for a  
17 position they might take in a proceeding, or it would  
18 be contrary to their position. That's something that  
19 currently, as proposed, as is not addressed, and  
20 that's a good comment to raise for consideration when  
21 the NRC goes to final.

22 MR. MURPHY: Mal Murphy again. I think  
23 that's correct. But don't earlier versions of  
24 10 CFR 2 -- I don't remember, though -- I can't cite  
25 it now -- but the provisions governing the drafting

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1 and submission of the contentions require you to  
2 identify documents that you're going to rely on in  
3 support of that contention.

4 MS. YOUNG: Certainly in terms of  
5 providing the basis and specificity for --

6 MR. MURPHY: Right.

7 MS. YOUNG: -- a contention, yes, you  
8 would. But in terms of just LSN space, I have this  
9 pile of documents, I have three categories of document  
10 information, I'm in good faith trying to identify  
11 those things I know today I might use, even if it's in  
12 advance of a contention submission, there is no  
13 requirement in the rule -- proposed rule --

14 MR. MURPHY: Right.

15 MS. YOUNG: -- that would require you to  
16 identify those at this point by some type of LSN  
17 accession number for the document on another  
18 participant's website, for example.

19 MR. MURPHY: No, that's correct. But  
20 certainly when we draft contentions, we have to  
21 identify documents that we know exist that -- whether  
22 they're created by us, or created by DOE, or State of  
23 Nevada, or Clark County, or whoever, that we might  
24 rely on in support of a contention we've put in.

25 MS. YOUNG: But it's not clear that even

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1 under that provision you have to identify every  
2 document that would fall in that category.

3 MR. MURPHY: Oh, no, I understand that.

4 MS. YOUNG: Obviously, you identify --

5 MR. MURPHY: Well, take the DOE --

6 MS. YOUNG: -- the strongest ones.

7 MR. MURPHY: Take -- I mean, I think what  
8 this -- the way I've understood this rule, and when we  
9 were talking about this earlier, avoiding duplication  
10 in posting documents on the LSN is what this rule is  
11 aimed at. So that, you know, if there are 13 parties  
12 to the proceeding, in all likelihood, all of those 13  
13 parties will rely on -- you know, assuming that 13  
14 people are -- are -- or 13 parties are opposing in  
15 some way some aspect of the DOE's license application,  
16 the TSPA is going to be relied on by everybody. Some  
17 portions of the Total Systems Performance Assessment  
18 are going to be challenged by most of the parties to  
19 the proceedings. I think what this is trying to avoid  
20 is having 13 TSPA LAs posted on the LSN site. The DOE  
21 posts their Total Systems Performance Assessment, and  
22 we all cite it, assuming we have a contention. Those  
23 parties that have a contention cite that portion of  
24 the TSPA that they're going to rely on to support  
25 their contention. But we don't -- the rest of us

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1 don't have to put up the TSPA.

2 MS. YOUNG: Correct. But I think Irene's  
3 point is, should you be identifying it, maybe by just  
4 identifying the accession number --

5 MR. MURPHY: Sure.

6 MS. YOUNG: -- from another website as  
7 part of your LSN responsibilities. And that's what  
8 the proposed rule currently doesn't address.

9 MS. NAVIS: Mitzi, that's exactly my  
10 point. I just want -- one of the things that I would  
11 like to see avoided is having to look in multiple  
12 places to piece your argument together. And, sure,  
13 when you draft contentions, you have to list what  
14 you're basing it on. But where does that link to the  
15 LSN for proceeding purposes? I want to make sure that  
16 there's a clear link so that folks aren't having to  
17 piece together a puzzle to figure out what each party  
18 is trying to accomplish.

19 MS. JOHNSON: Abby Johnson, Eureka County.  
20 I have a related question, which came up last week  
21 when we were meeting with Matt, and he deftly deferred  
22 it to this meeting. My understanding is that DOE is  
23 supposed to have everything on the LSN by June of  
24 2004. And then there's some kind of period between  
25 June and August when there would be an opportunity to

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1 know what DOE has put in. My concern is that you  
2 don't want to duplicate documents, but perhaps there's  
3 a document that -- an older DOE document that a county  
4 might want to make sure is part of the LSN. DOE may  
5 choose not to make that part of its submission. So  
6 how does that work? Should the county be providing  
7 that document? Is the county going to have sufficient  
8 time to review DOE's collection to see whether it made  
9 it into the collection or not?

10 MS. YOUNG: Based on a June loading date?

11 MS. JOHNSON: Well, I thought that was  
12 what they're supposed to do. Am I wrong?

13 MS. YOUNG: Well, the rule right now says  
14 that participants are supposed to certify by certain  
15 dates. In issuing the rule over various versions of  
16 developing Subpart J, the Commission has emphasized  
17 that, you know, load early, load often. I don't think  
18 there was necessarily the presumption that every party  
19 would wait until their initial certification date as  
20 the time to load documents.

21 MS. JOHNSON: Well, we don't have that  
22 much time between now and June of '04, at least from  
23 a practical standpoint, in terms of the DOE, in my  
24 opinion. So you're not saying that you expect the DOE  
25 to have everything loaded sooner than June?

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1 MS. YOUNG: The meeting you missed, that  
2 was one of the conversations we had where that  
3 question was raised, and the various parties stated  
4 their position.

5 MS. JOHNSON: So I still don't understand.  
6 My basic question is, if there's an older DOE  
7 document -- DOE loads first. DOE's date is first,  
8 then the other parties come after that. Is there  
9 going to be an opportunity to review what DOE has  
10 loaded so that we can see whether or not a particular  
11 document is loaded, or should it be -- or should we  
12 instead just make that document -- get that document  
13 ourselves and make it available? Can we count on DOE  
14 to load documents? No, we can't. But then we could  
15 run into the duplication and do a lot of work to put  
16 something on that DOE already has. I just -- I'm not  
17 asking a legal opinion. I'm just having a discussion.

18 MS. YOUNG: Yeah. In terms of practical  
19 consequences, you're absolutely correct. If there's  
20 a document that's DOE-authored or prepared on DOE's  
21 behalf, and has not been loaded by DOE at the time an  
22 individual participant has to certify their collec-  
23 tion, the participant, under the rule, would be  
24 required to add it to their LSN collection.

25 Obviously, the rule does not prohibit

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1 duplication. This was a proposal to kind of get rid  
2 and reduce the potential for duplication. And you're  
3 right; there are practical restraints in terms of the  
4 time period of the staggering of the certification,  
5 which basically presumed the DOE would load first, the  
6 NRC would finish loading second, and the other  
7 participants or potential participants in the  
8 proceeding would follow a couple months after that.

9 MS. JOHNSON: Okay. Thank you.

10 MS. YOUNG: Any other questions? Irene?

11 MS. NAVIS: I just need some clarification  
12 on who the ultimate party is that decides the  
13 classification of documents and which ones are  
14 appropriate for an alternate method of submission.  
15 Who decides which document is too -- when a document  
16 is too big or too complex or too something to be  
17 submitted in the LSN fashion?

18 MS. YOUNG: Are you talking about  
19 electronic filing of a document on the docket?

20 MS. NAVIS: Yes.

21 MS. YOUNG: The guidance document that the  
22 staff prepared, and basically the additions to the  
23 rule which define those, would give you broad cate-  
24 gories using the 50-megabyte cut as something that  
25 would help you make that choice. I think the guidance

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1 emphasized, I believe, that you should try to get it  
2 as close to that 50-megabyte cutoff as you can. You  
3 know, if you're dealing with something that's going to  
4 be 200 segments in 50-megabyte chunks, that may not be  
5 practical to transmit via the Electronic Information  
6 Exchange, and that's something that should be done  
7 more using optical storage media. But the participant  
8 needs to make the first cut, and the NRC will try to  
9 docket it. But follow the guidance as closely as you  
10 can.

11 MS. NAVIS: Thank you. That's helpful.

12 MR. LEAKE: Harry Leake with the DOE.  
13 Just a couple of comments. The Department will be  
14 submitting formal comments before January 12th -- on  
15 or before January 12th. So what I'm going to express  
16 are just some preliminary views.

17 First of all, we've noted the language to  
18 extend the period of submitting materials to the LSN  
19 doesn't explicitly have a termination period. And so  
20 that's just an observation right now. We'll probably  
21 address that in our formal comments. We're still  
22 considering the language within the supplemental  
23 information to the rule regarding responsibilities of  
24 LSN participants in regards to the three classes  
25 documentary material.

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1           The DOE does support NRC's attempt limit  
2           the duplication of documents in the LSN and the  
3           exclusion of congressional correspondence. The DOE is  
4           concerned with meeting the requirements for the  
5           electronic transmission and availability of large and  
6           complex documents. So we're still preparing our  
7           comments along those lines.

8           That's it for right now.

9           MS. YOUNG: Thank you.

10          MR. MURPHY: Mitzi? Could I get  
11          clarification on your first point, Harry? You're  
12          concerned that there's no termination on the responsi-  
13          bility to supplement --

14          MR. LEAKE: That's right.

15          MR. MURPHY: -- with documents --

16          MR. LEAKE: The language really doesn't  
17          have a termination point, and so that's, you know,  
18          subject to interpretation at this point.

19          MR. MURPHY: My interpretation is that the  
20          responsibility continues until the last day of the  
21          hearing, until the board rules.

22          MR. LEAKE: That would certainly be one  
23          interpretation.

24          MR. MURPHY: That's just my two bits  
25          worth.

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1 MR. McCULLUM: Rod McCullum. I think what  
2 everybody's concerned about, Harry, and we are, too,  
3 is that in making this clarification, the NRC should  
4 make an interpretation of that, (inaudible) when it is  
5 appropriate to turn it off.

6 MS. YOUNG: I'm sorry, Rod. I didn't hear  
7 the end of your sentence.

8 MR. McCULLUM: That NRC, in making the  
9 clarification about the requirement to update should  
10 also make an interpretation for how long, as opposed  
11 to leaving that open-ended and subject to potentially  
12 conflicting interpretations.

13 MS. YOUNG: I think trial lawyers  
14 generally are familiar with the requirement in NRC  
15 proceedings, as well as in federal court practice to  
16 seizably (sic) update discovery responses, and the LSN  
17 is a discovery tool. But that's certainly something  
18 that, if we get the comment, we'll address.

19 MR. MURPHY: Mitzi, you can't assume that  
20 all of the small participants in this process are  
21 going to be represented by experienced trial lawyers.  
22 The NRC --

23 MS. YOUNG: No, I'm not. I'm just saying  
24 it's something that could be addressed in issuing a  
25 final version of this rule.

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1 MR. MURPHY: Right. Exactly.

2 MS. YOUNG: So if we get the comment,  
3 we'll address it.

4 MR. MURPHY: Yes. And I think that's an  
5 entirely appropriate remark. But why not just spell  
6 that out and clarify it explicitly in the rule itself?

7 (Pause.)

8 CHAIRMAN BATES: Okay. If there's no more  
9 comments at this point, I'll turn to Lynn Scattolini  
10 to talk to the guidance document that we've put  
11 together for submittal under Part 2, Subpart J, and  
12 the update to that that goes along with the proposed  
13 rule changes on Part 2. Lynn.

14 MS. SCATTOLINI: Okay. Good afternoon, or  
15 almost afternoon. Just for the record, I do work for  
16 the Office of the CIO rather than NMSS.

17 During our last ARP meeting, we gave a  
18 presentation on the guidance document, and also on the  
19 proposed rule. At that point, the guidance document  
20 was in draft form. We invited the members of the ARP  
21 to provide comments on the draft guidance, which they  
22 did. We really appreciate the thoughtful comments  
23 that were received. The NRC had a working group  
24 comprised of all of the offices that are at this  
25 table, reviewed the comments in detail, and did

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1 respond to them in writing. It provided an oppor-  
2 tunity for us to better understand the issues and the  
3 concerns of the ARP and to provide more detail in our  
4 communication on what our thinking was.

5 In addition, as a result of the comments,  
6 we did in the guidance document provide an update, to  
7 include a definition of the term "courtesy copy." If  
8 you have had an opportunity to look at the guidance  
9 document, the definition is that "courtesy copy" is a  
10 non-required copy of a document provided as a useful  
11 reference copy of an official document.

12 In addition, we have, as part of the  
13 proposed rule that Mitzi has just reviewed, attached  
14 the guidance document, and there have been some  
15 updates to it that I'm going to review now. I believe  
16 that all of the members have provided -- been provided  
17 a copy of the *Federal Register* notice with the  
18 proposed changes to Part 2 in the guidance document  
19 that we just discussed. These documents are also  
20 available at our public website, and they're part of  
21 your handouts, too, that have been provided to you.

22 The guidance now includes updates to  
23 Section 3, which is entitled "Parameters for  
24 Electronic File Submission," and its subsections. We  
25 have tried to improve the clarity in the presentation

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1 of the information.

2 In addition, two subsections that were  
3 formerly marked "reserved" are now present. Those are  
4 the subsections that deal with accessibility in the  
5 content for sensitive or classified information. And  
6 if you recall, the accessibility deals with Section  
7 508 of the Rehabilitation Act, and the accessibility  
8 standards that were set forth in implementing  
9 regulations that require federal agencies to make  
10 electronic and information technology that's  
11 accessible to people with disabilities. So this is  
12 really a requirement that applies to federal agencies  
13 as a result of that legislation. In this subsection,  
14 we do encourage submitters to consider accessibility  
15 issues during the authoring of their documents.

16 In addition, the subsection on sensitive  
17 or classified information makes clear that information  
18 that is proprietary or has personal privacy  
19 information may be submitted via EIE, but those  
20 documents should in the transmittal letter be clearly  
21 marked as sensitive, identified as sensitive, and as  
22 well, the document itself should be clearly marked  
23 through, for example, a watermark, as being  
24 proprietary or personal privacy information.

25 Safeguards on classified information may

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1 not be submitted via EIE. We provide guidance with  
2 respect to how it should be submitted, which is, if  
3 you're submitting via optical storage media, and it's  
4 classified information, then it must be processed and  
5 produced on systems approved under the provisions of  
6 10 CFR 95.49. And in addition, the mailing package  
7 containing optical storage media with documents  
8 comprised of safeguards, proprietary or Privacy Act  
9 information should be appropriately marked and  
10 transmitted.

11 The last item there is it makes clear that  
12 if you're submitting optical storage media, the public  
13 and the non-public information should be submitted on  
14 separate media so that NRC can make the public  
15 information that you're submitting on optical storage  
16 media publicly available. So don't intermix the two  
17 on a single medium.

18 In terms of oath and affirmation, there  
19 have been updates to Section 4 and 5 concerning oath  
20 and affirmation. The updates lay out two methods for  
21 accomplishing oath and affirmation. One is a method  
22 in which the person affirming the oath digitally signs  
23 the electronic document and sends it via -- has it  
24 sent via Electronic Information Exchange. The other  
25 approach is that the paper copy document is signed by

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1 the individual affirming, and then digitally scanned  
2 to create a PDF exact file of the original signature  
3 change, and submitted via EIE. So that clarifies that  
4 there are two acceptable methods of accomplishing oath  
5 and affirmation rather than just a single one.

6 That concludes the summary of the changes  
7 to the guidance document, comparing it to the draft  
8 guidance document that was provided to the ARP and  
9 discussed at our last meeting. Any questions?

10 (No responses.)

11 CHAIRMAN BATES: Thank you, Lynn.

12 Now I'll turn to Jeff Ciocco with an  
13 update on the status of the topical guidelines.

14 MR. CIOCCO: Okay. Thanks, Andy.

15 A lot of you know me. My name's Jeff  
16 Ciocco, and I worked on the proposed Revision 1 to the  
17 Regulatory Guide 3.69, which is the topical guidelines  
18 for the Licensing Support Network. The outline today,  
19 I'm going to go through the background for the  
20 development of the topical guideline. I'll go through  
21 and kind of revisit what the purpose is for revising  
22 the Regulatory Guide, give you a sampling of some of  
23 the public comments that we received on Revision 1 of  
24 the Regulatory Guide, and are following steps for  
25 getting this thing published.

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1           This slide some of you have seen before.  
2           It talks about the background for the development of  
3           the topical guideline. It starts out back in 1987.  
4           And I know a lot of you were on this negotiating  
5           committee when it was established in the *Federal*  
6           *Register*. In November of 1988, the proposed rule for  
7           the new Subpart J listed these topical guidelines as  
8           an interim set of guidelines. In April of 1989, the  
9           Subpart J rule was finalized and listed the topical  
10          guidelines as an interim set of guidelines.

11                 It also stated in 1989 that the NRC would  
12          then issue -- would turn around and issue these  
13          topical guidelines as a Regulatory Guide. So that  
14          happened in July of 1993. We issued -- the NRC issued  
15          the interim topical guidelines. You may recall it was  
16          kind of a place-holder, DG-3009, and they were sent  
17          out for public comment.

18                 In September of 1996, the Regulatory Guide  
19          was issued. It was called Regulatory Guide 3.69.  
20          It's the topical guidelines for the Licensing Support  
21          Network. A lot happened after 1996.

22                 So in August 2001, there was an LSNARP  
23          meeting where it was discussed that, hey, you know,  
24          the NRC should take the initiative and update these  
25          topical guidelines. We've had changes to the

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1 Subpart J rule since then. There were changes to  
2 Part 63. And the staff had also produced a draft of  
3 the Yucca Mountain Review Plan, which is how they're  
4 going to be reviewing a license application if one is  
5 submitted.

6 So in July of 2002, we issued the Draft  
7 Regulatory Guide with its number DG-3022, put it out  
8 for public comment. We issued a *Federal Register*  
9 notice, put it up on the website, and I think I mailed  
10 it to just about everybody here, or hopefully  
11 everybody. We have a pretty wide mailing list.

12 In September of last year, the public  
13 comment period closed. We had another significant  
14 milestone in July of 2003. The Yucca Mountain Review  
15 Plan, Revision 2, was published. And that's important  
16 because Section 3 of the topical guidelines, which is  
17 the broad index of topics to be included on the LSN,  
18 is based on the table of contents of the Yucca  
19 Mountain Review Plan. So that was a significant date  
20 for us.

21 Just to briefly revisit the purpose of  
22 revising the Regulatory Guide, the first was to ensure  
23 consistency with 10 CFR, Part 2, Subpart J. As I  
24 said, in 1996 was whenever the Regulatory Guide was  
25 first published. There was updates to Part 2,

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1 Subpart J, in 1998 and 1999, and those needed to be  
2 reflected in the Regulatory Guide.

3 In November of 2001, 10 CFR, Part 63  
4 became finalized, and the old Regulatory Guide  
5 referenced Part 60 standards, so we had to include  
6 Part 63 in the Regulatory Guide. We wanted to revise  
7 the topical guidelines to be consistent with new Reg.  
8 1804, which is the Yucca Mountain Review Plan,  
9 Revision 2. And that came out in July of 2003. We  
10 also wanted to incorporate refined guidelines for the  
11 environmental assessment information.

12 We did receive comments. We received  
13 about 40 comments on the proposed Regulatory Guide  
14 from really a wide group of people. We had one  
15 individual commenter. We had comments from Lincoln  
16 County, and also submitted on behalf of the City of  
17 Caliente, comments from Eureka County, Exelon  
18 Generation, which also endorsed comments from the NEI,  
19 comments from the Nuclear Energy Institute, State of  
20 Nevada, Florida Power, and the U.S. Department of  
21 Energy.

22 What did some of these comments look like?  
23 Here's some examples. A lot of people wanted us to  
24 expand and/or clarify definitions in the Regulatory  
25 Guide, definitions that were -- a lot of definitions

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1 that are included in Part 2, Subpart J. We had  
2 comments to expand the purpose of the Regulatory  
3 Guide. That's Section B of the Regulatory Guide.  
4 This is another bullet -- it's not shown -- but we had  
5 comments regarding the listing of topics in Section C.  
6 And I have "expand/reduce," and we kind of received  
7 the gambit. For every comment, there was an equal and  
8 opposite comment. Expand it -- some commenters wanted  
9 to see more detail. Some commenters wanted to see  
10 less detail in Section C. A commenter wanted to see  
11 an expansion of the Appendix A, which is the type of  
12 documents. And the way the Reg. Guide is set up,  
13 where Section C of the Regulatory Guide lists kind of  
14 a broad scope of documents to be put onto the LSN,  
15 Appendix A in the back of the Regulatory Guide has  
16 examples of types of -- it's a non-exhaustive list of  
17 documents where you're supposed to apply what's in  
18 Section C.

19 Continuing on, some of the comments -- to  
20 remove the use of the Regulatory Guide to evaluate  
21 petitions for access to the LSN. There was an  
22 outdated reference to Section 2.1008 of Part 2,  
23 Subpart J, which was then revised, which would  
24 evaluate petitions based on the Regulatory Guide. We  
25 had comments to restructure the Regulatory Guide. We

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1 had a comment to recognize pending litigation against  
2 several different organizations which may impact the  
3 Reg. Guide. And we had a comment to add guidance on  
4 the handling of potentially sensitive documents that  
5 could be placed onto the LSN.

6 All the public comments have been  
7 carefully reviewed and considered. At this time, we  
8 only expect minor revisions to the Draft Regulatory  
9 Guide pending comments on the proposed rule. We heard  
10 in Mitzi's presentation some of what's going on with  
11 the proposed rule could impact the Regulatory Guide.  
12 Appendix A talks about congressional correspondence as  
13 a type of document that's in the proposed rule,  
14 definition of "documentary material." So we're going  
15 to wait and see what kind of comments come out on the  
16 proposed rule.

17 We do suggest that you use the existing  
18 guidance in the interim until the final Regulatory  
19 Guide is published. Most of what's in the Regulatory  
20 Guide has been out there since 1988, when it was  
21 proposed, and finalized in 1989, through the Reg.  
22 Guide in 1996, and up through this proposed  
23 Revision 1.

24 What are the next steps? We're going to  
25 consider comments that come in on the proposed rule.

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1 The public comment period closes on January 12th.  
2 We'll then formally publish Revision 1 of the  
3 Regulatory Guide, and we'll issue a *Federal Register*  
4 notice. And in that *Federal Register* notice, we'll  
5 have responses to all of the public comments received.  
6 We'll also make sure that we do the same type of  
7 mailing. I'll list the Revision 1 of the Regulatory  
8 Guide to all the parties involved to our mailing list.

9 So that's pretty much where we are right  
10 now on the Regulatory Guide. I'd be happy to take any  
11 questions anybody has.

12 MR. McCULLUM: Rod McCullum, NEI. I  
13 thought it was interesting recognizing the  
14 relationship between the Regulatory Guide and proposed  
15 rule-making. I know one of the comments that we had  
16 raised at the last meeting had to do with our belief  
17 that a lot of the changes being made in the proposed  
18 rule-making could've been addressed in the Regulatory  
19 Guide. Clearly, the decision has been made to go  
20 ahead and address these LS- -- not the electronic  
21 hearing docket things, obviously, but the LSN things,  
22 in the proposed rule-making.

23 Perhaps Jeff or Mitzi could elaborate on  
24 what type of decision-making happened in the NRC in  
25 terms of why it was felt more appropriate, the rule-

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1 making versus putting certain things in terms of the  
2 Reg. Guide.

3 MS. YOUNG: Elaborate I cannot. In terms  
4 of the Commission's proposal for adapting the LSN  
5 process in ways that would both assist the parties and  
6 the integrity of the record, the decision was made to  
7 go with revising or making proposals to revise the  
8 rule.

9 MR. McCULLUM: Okay. And I guess the  
10 schedule of these two things is now linked, and we've  
11 talked about the January 12th deadline for comments.  
12 Maybe this is also a question -- because it really  
13 hinges more towards the rule -- could you be a little  
14 bit more specific in terms of what dates and what time  
15 frames for what happens after January 12th, I guess in  
16 both cases?

17 MS. YOUNG: I'm not directly familiar with  
18 the schedule. I know that the Commission intends on  
19 proceeding expeditiously. So it depends on how many  
20 comments, how extensive the efforts are to respond to  
21 those comments, preparing a draft package to the  
22 Commission, and then having something that's approved  
23 published in the *Federal Register*. So the overall  
24 schedule, I couldn't tell you.

25 MR. McCULLUM: And we would certainly

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1 follow the expeditious agenda here of trying to get  
2 the rule finalized and trying to get the Regulatory  
3 Guide. I mean, certainly comments would have no  
4 impact whatsoever on the Regulatory Guide. We'll push  
5 those off and, you know, address what we need to to  
6 get the Regulatory Guide finalized as quickly as we  
7 could.

8 MR. McCULLUM: Do you see the Regulatory  
9 Guide being finalized within days, weeks? What kind  
10 of time frame do you see between the time the rule is  
11 finalized and the time the Regulatory Guide is  
12 finalized?

13 MR. CIOCCO: Well, I think Mitzi said it.  
14 You know, we really need to see the scope of the  
15 comments that come in on the proposed rule. There's  
16 a short amount of time needed to actually publish the  
17 Regulatory Guide through our resource organization and  
18 get it out. But I had a bullet on there based upon,  
19 you know, right now we don't see a lot of revision.  
20 But, you know, depending on the comments, expe-  
21 ditiously.

22 MR. McCULLUM: Well, I guess we just --  
23 again, given the current schedule, and again  
24 reiterating that we believe that things can proceed  
25 with the current rule and absent the current guidance,

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1 but encourage for all the parties' sake the Agency on  
2 both of these matters to move as expeditiously as  
3 possible.

4 MR. CIOCCO: Thanks, Rod.

5 MS. YOUNG: Excuse me. I think the NRC  
6 has been trying to do that. If you note, this rule-  
7 making, for example, is on a much faster track than  
8 traditionally things are done at the NRC. Sometimes  
9 it would take between one and two years. All efforts  
10 that I'm aware of at the NRC are to try to do this in  
11 an expeditious fashion, consistent with providing  
12 people an opportunity to both provide comments, and  
13 then have those comments considered by the NRC before  
14 we propose a final rule.

15 MR. LINEHAN: John Linehan, NRC. I just  
16 want to emphasize the previous slide that Jeff had up  
17 there. He's indicated that there are only minor  
18 revisions to the Draft Regulatory Guide pending the  
19 comments on the proposed rule. I think what the  
20 parties have in the current guide is something they  
21 can use to make the determinations as to what should  
22 be made available to the LSN. You know, we're not  
23 expecting any major changes as of right now. If you  
24 look at the proposed rule, it's got a certain scope.  
25 That is not going to affect a lot of the decisions

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1 that need to be made by the parties in determining  
2 what documents should be made available. So I think,  
3 as Jeff is going to show later on this afternoon with  
4 respect to the NRC collection, the guidance is there  
5 to proceed making those determinations.

6 The other point I'd like to make -- and  
7 this may more relate to the discussions this  
8 afternoon -- is that one of the things we are anxious  
9 to hear in this meeting is if any of the parties, you  
10 know, have any questions or, you know, areas where  
11 they feel guidance is lacking. Because where the NRC  
12 is right now is, once we finalize this Reg. Guide, we  
13 do not anticipate putting out any additional guidance.  
14 And if there are issues, we would like to understand  
15 what those issues are from the various parties.

16 MR. CIOCCO: Okay. Thank you.

17 CHAIRMAN BATES: Thank you, Jeff.

18 I guess I would ask the panel members  
19 and/or members of the audience whether at this point  
20 people have additional questions, comments, discussion  
21 on this morning's presentations, and open it up for  
22 some additional discussion. If there's nothing  
23 further at this point, then I guess I would suggest we  
24 take a break for lunch and come back maybe -- you  
25 know, a lunch period and time for thought will

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1 generate additional questions or discussion. Panel  
2 members, anything at this point?

3 (No responses.)

4 Anybody on this side, additional comments?

5 (No responses.)

6 Audience?

7 (No responses.)

8 Okay. Let's take a break for lunch, and  
9 be back, maybe contrary to the agenda, about one  
10 o'clock. Thank you.

11 (Luncheon recess from 11:37 a.m., until  
12 1:28 p.m.)

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## AFTERNOON SESSION

(1:28 p.m.)

CHAIRMAN BATES: Before we get started with this afternoon's presentations, are there any additional comments or questions that came up during the lunch break with regard to this morning's discussions?

(No responses.)

Okay. If not, then I'll turn to Lynn Scattolini, and she will provide an update on what NRC is doing with regard to our Electronic Information Exchange program. Lynn.

MS. SCATTOLINI: Just give Jeff a few minutes -- or Joe.

(Pause.)

Okay. Good afternoon. I'm Lynn Scattolini from the Office of the Chief Information Officer at the NRC. I'm going to give a presentation on some enhancements that the NRC has underway in Electronic Information Exchange, which is the EIE capability, and also discuss testing the document submission process.

Since the guidelines have been issued, the NRC has gone back and made sure that the submittal capacity has been increased so that the submittal size

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1 for documents of 50 megabytes can be accommodated, and  
2 also that documents may be bundled together to submit  
3 documents of an even larger size.

4 The submittal form is being redesigned to  
5 make it easier to use. We're including some pull-down  
6 menus and a process for the submitter to put large  
7 documents, more than 50 megabytes, together in a  
8 logical way. So we are trying to make it much easier  
9 for the submitter.

10 In addition, we've ordered new hardware,  
11 which will shortly be installed, to handle the  
12 anticipated increase in volume of documents that we'll  
13 receive electronically.

14 The EIE database is being moved behind the  
15 NRC firewall to increase security of electronically  
16 submitted documents. The entire EIE system is  
17 undergoing a rearchitecture to make it more compatible  
18 with web-based systems and to improve capabilities and  
19 make it easier for the NRC to quickly meet any  
20 changing demands of the program.

21 Next slide.

22 During our last Advisory Review Panel  
23 Meeting, we asked the panel members whether they would  
24 participate in testing the document submission  
25 process. We received an affirmative response from the

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1 members. We're very pleased with that, and we really  
2 thank you for your interest in testing the document  
3 submission process, because we think it will be  
4 enormously helpful to both the submitter and the NRC.

5 As I mentioned, we're currently in the  
6 process of enhancing the high-level waste EHD document  
7 submission interface to fulfill recently identified  
8 requirements, and also to efficiently support the  
9 guidance document that we have out for comment, as  
10 appended to the proposed rule. Our tentative schedule  
11 is to implement the enhanced interface by March 8th,  
12 2004. Prior to March 8th, we will send out to all of  
13 the members of the LSSARP (sic) an invitation to  
14 participate in the test, and include instructions for  
15 you to apply for the EIE account. And then by March  
16 15th we anticipate that you will receive your account  
17 information and instructions for the test. So you'll  
18 be able to go ahead and install the required browser  
19 plus-in software, and submit test documents the same  
20 day that you receive your account information.

21 What you will need to participate is laid  
22 out here. As I know you're aware, the interface is  
23 internet browser-based, and it's designed to operate  
24 with either Microsoft or Netscape. The versions are  
25 Microsoft Internet Explorer 5.0 or later, or Netscape

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1 4.6 or later. In order to participate, you have to  
2 have access to the internet through an internet  
3 service provider, and your computer should be running  
4 Windows 95 or later. We recommend a contemporary  
5 Pentium processor with a minimum of 128 megabytes of  
6 RAM. I'd also like to mention that you should have  
7 free hard disk drive space equal to two times the size  
8 of the files you intend to submit. The disk space is  
9 required by the browser plug-in software for temporary  
10 work space during the submission process.

11 So we look forward to all of you partici-  
12 pating in the document submission process, and  
13 certainly will provide user support throughout this  
14 process. Any questions or comments?

15 MR. PITTS: What about Mackintoshes? Are  
16 you going to support Apple? I'm just teasing you.

17 MS. SCATTOLINI: Do you want to repeat  
18 that again for the court reporter?

19 MR. PITTS: Probably not, really.

20 (Laughter.)

21 There are some folks that I know that are  
22 still using Mackintoshes. I'm not one of them, of  
23 course, but there are some. Is there a reason for the  
24 Windows operating system?

25 MS. SCATTOLINI: That's a good question,

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1 and I don't know the answer to it. So we'll take that  
2 as a question and provide a follow-up response to the  
3 ARP members.

4 MR. PITTS: Yeah, because also with  
5 Windows 95, you might make sure that you're going to  
6 be able to secure that. I'm not sure that you'll be  
7 able to secure a 95 system with Internet Explorer 5.0.

8 MS. SCATTOLINI: We'll also take that as  
9 a question to respond to.

10 MR. PITTS: Okay. Thank you.

11 MS. SCATTOLINI: You're welcome.

12 Any other questions or comments?

13 (No responses.)

14 I would like to mention that NRC has been  
15 doing quite a bit of testing of this process on our  
16 own where we have created documents in accordance with  
17 the guidance -- complex, simple, all of the differ-  
18 ent -- and large documents -- and submitted them  
19 electronically through the internet, and then  
20 documented the results of our test. That is part of  
21 what's leading to these improvements that I just  
22 discussed. So testing out the process is very  
23 helpful, as I said, to both the submitter and the  
24 receiver to work out the kinks and make any  
25 improvements that are needed.

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1 Thank you.

2 CHAIRMAN BATES: I think the next item on  
3 our agenda now is Jeff Ciocco, who's going to discuss  
4 the NRC program of placing documents on the LSN. This  
5 is the NRC collection that the staff and the Office of  
6 the Chief Information Officer has been working to make  
7 ready and put out so that the LSN staff and the  
8 presentation you heard earlier from Joe on the LSN,  
9 and this is the NRC staff end of getting the document  
10 collection together and ready to put out. Jeff.

11 MR. CIOCCO: All right. Thanks, Andy.  
12 And good afternoon again. My name is Jeff Ciocco,  
13 with the Office of Nuclear Material Safety and  
14 Safeguards. I also work as a project manager trying  
15 to get what I call our pre-certification activities --  
16 activities that I'm sure most, if not all, of the  
17 parties, potential parties, have underway to comply  
18 with requirements of Part 2, Subpart J, particularly  
19 2.1009, which has all the procedures that you have to  
20 have. I have one slide which depicts the activities  
21 underway. And it's in no way to diminish the level of  
22 effort that we have. There's quite a few staff back  
23 at NRC in Rockville working on these activities.

24 So we are taking the necessary steps to  
25 ensure compliance with the LSN requirements. We have

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1 to certify 30 days after DOE certifies. And I call  
2 these our pre-certification activities.

3 The first activity is to use existing  
4 guidance and regulations to identify documents.  
5 2.1003 says you have to identify and make elec-  
6 tronically available all of your documentary material.  
7 So as our starting point, we look at the Part 2  
8 regulations, and we look at the guidance out there,  
9 and go from there. That's the Regulatory Guide, the  
10 topical guidelines. So that's our starting point.

11 Next, we had to put procedures in place to  
12 identify the documentary material to make it  
13 electronically available. So that includes  
14 identifying paper copies, electronic copies, anything  
15 related, anything relevant to the Yucca Mountain  
16 project. As well as procedures in place for the  
17 actual processing, we have a significant effort  
18 underway to process documentary material, that which  
19 wasn't available electronically already. So we think  
20 we have a pretty comprehensive set of procedures in  
21 place. And once again, that has a foundation in  
22 2.1009 that says you will have procedures in place.  
23 And any good project would.

24 2.1009 also requires training of staff,  
25 that your staff have to be trained on what types of

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1 documentary material they have -- everything that you  
2 need to do to comply with -- I think it's 2.1003,  
3 which is the availability of your material. Your  
4 staff has to be trained on identifying this type of  
5 material. We've done that in several different  
6 formats -- in memos, in announcements to the agency,  
7 in presentations to the NRC staff. So we have a  
8 fairly good training program underway.

9 The next bullet is a really significant  
10 one -- making documents electronically available. So  
11 after everything has been identified, we have to go  
12 through and make all this stuff available electronic-  
13 ally. And that has included the purchasing of  
14 hardware, software, pulling records from our  
15 inventories at the NRC, at our contractor in San  
16 Antonio, reviewing all these repositories, identifying  
17 it, and then after that, we have our document  
18 conversion project, putting them into a nice PDF  
19 format. So that's a really significant effort.

20 After that's done, before we get to the  
21 actual publishing stage, you know, we go through, as  
22 I told you before, the Homeland Security screening of  
23 all of our documents before they can be published out.  
24 So after everything is electronically converted, they  
25 get put into our system, into the ADAMS system --

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1 that's our document management system. That goes  
2 through Homeland Security screening before they're  
3 made publicly available.

4 Finally, we get down here to our  
5 publishing. We do daily incremental publishing of our  
6 documents. We start at -- I think Joe had a slide  
7 earlier -- probably back in June or July of this year,  
8 we started publishing, going live with our documents.  
9 To date, we have over 14,000 documents publicly  
10 available on the Licensing Support Network. And we're  
11 going to keep publishing. Dan had an estimate -- we  
12 gave Dan an estimate of 35,000 documents. So we're  
13 nearing the halfway point. We have several thousand  
14 more in the queue now that we're working on  
15 publishing.

16 So that's kind of in a nutshell. It's  
17 just a short presentation, but it gives you an idea of  
18 all of the activities that we have, these pre-  
19 certification activities.

20 Any questions? Yeah, Rod.

21 MR. McCULLUM: Yeah, Jeff, when you say  
22 using existing guidance and regulations, are you  
23 including the draft 3.69 in that?

24 MR. CIOCCO: Absolutely, DG-30- -- yeah,  
25 absolutely. That is the guidance that we're using,

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1 correct. You bet.

2 Okay. Any other questions?

3 CHAIRMAN BATES: Thank you, Jeff.

4 MR. CIOCCO: Yeah, Jason?

5 MR. PITTS: I have a question.

6 MR. CIOCCO: Sure.

7 MR. PITTS: You're saying that the NRC is  
8 required to put their documents 30 days after the  
9 DOE's collection is available.

10 MR. CIOCCO: That's in the regulations in  
11 2.1003. Correct. Certify -- we have to certify that  
12 we have made electronically -- that we have identified  
13 and made electronically available all of our  
14 documents. So that's our certification is 30 days  
15 after DOE certifies. We're assuming license  
16 application December, back up six months, DOE  
17 certifies in June, we follow in 30 days.

18 MR. PITTS: Okay. So DOE certifies that  
19 the electron- -- this is just helping me -- DOE  
20 certifies that their documents are electronically  
21 available, and they sign off on that, and that starts  
22 the clock. It's not actually when the NRC's LSN  
23 system is done spidering them? I mean, it's the  
24 certification, it's the written paper, that starts the  
25 clock? Is that correct?

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1 MR. CIOCCO: I'm not sure I understand.  
2 Is your question the interpretation of what  
3 "electronically available" is, or --

4 MR. PITTS: Yes, yes. When DOE says that  
5 they're available -- right? -- and that starts the  
6 clock, not -- because if they put all 27 to 40 million  
7 documents up at one time, and they certify that  
8 they're available, is that -- I know there's a  
9 continuing issue about the spidering process, but --

10 MS. YOUNG: Given DOE's, you know, public  
11 positions about what that date means to them vis-à-vis  
12 whether the NRC has crawled the documents or not,  
13 that's going to be something that's ultimately decided  
14 by the pre-license application presiding officer.

15 MR. PITTS: Okay.

16 MS. YOUNG: And it's going to take a party  
17 raising it before that officer to be created, unless  
18 the Commission decides in its own wisdom at some  
19 point, which it has the power to do under 10 CFR,  
20 Subpart J, to appoint a presiding officer at an  
21 earlier time to identify and handle certain issues.

22 MR. PITTS: Okay. But we should plan for  
23 six months past June. I mean, is that the safe -- I  
24 mean, for --

25 MS. YOUNG: Well, I think for like the

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1 units of local government, --

2 MR. PITTS: Right.

3 MS. YOUNG: -- and other participants it's  
4 three months past.

5 MR. PITTS: Three months. Sorry.

6 MR. CIOCCO: It's 90 days. Yeah.

7 MR. PITTS: Yeah.

8 MR. CIOCCO: And from my standpoint, as a  
9 project manager trying to get this work done, I'm  
10 assuming that June is the date that they will certify.  
11 And if it extend- -- you know, whatever -- but I need  
12 a date for my planning efforts to get the work done.

13 MR. PITTS: Thank you.

14 MR. CIOCCO: You're welcome.

15 MR. MURPHY: Excuse me. Mal Murphy. Dan,  
16 didn't you say this morning that the DOE certification  
17 would be effective only after you've crawled all their  
18 documents? You talked about the 27 weeks this  
19 morning, et cetera. I'm a little confused now with  
20 Mitzi's answer to Jason's question.

21 MR. GRASER: The communications that I  
22 have put out have consistently talked in terms of the  
23 documents become available via the LSN when the  
24 spidering is finished.

25 MR. MURPHY: Okay.

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1 MR. GRASER: Until the spider is finished,  
2 it's as if the document is not out there, because the  
3 LSN doesn't see it, nobody else can see it, you can't  
4 pull the image file up, because the LSN doesn't know  
5 it exists.

6 MR. MURPHY: Right.

7 MR. GRASER: There is no requirement in  
8 Subpart J for the party to open their document  
9 collection server up outside of the LSN spider and the  
10 LSN interface. There is no requirement to provide a  
11 search and retrieval engine on a party's server. And  
12 so in that regard, if the documents are placed on a  
13 server, and there is no way to wade through all of  
14 those files and figure out which headers belong with  
15 which text, effectively, those documents are not  
16 available. And so in my correspondence, I have  
17 consistently communicated that my understanding is the  
18 documentary material is available to the parties via  
19 the LSN.

20 MR. MURPHY: That's fine. I agree with  
21 that. I thought that's what you'd said this morning.  
22 I just wanted to clarify that.

23 CHAIRMAN BATES: Any further questions at  
24 this point?

25 (No responses.)

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1           At this point, I guess I would throw it up  
2           for discussion amongst individual panel members as to  
3           what kind of progress they see that they are making,  
4           and whether they've got some projections on schedule  
5           for identifying and making individual collections  
6           available through the LSN.

7           Harry, you're at the end of the table.  
8           We'll go with you first. You've stated for the  
9           record, I think, as of June the DOE position.

10           MR. LEAKE: That's correct. As was  
11           articulated in the last meeting, the DOE's position is  
12           that we will make our material available no later than  
13           six months prior to submitting our license applica-  
14           tion, as per the rule. Without repeating the whole  
15           position, the gist of -- or -- or one of the aspects  
16           of the DOE's position is that the DOE can only certify  
17           activities for which it has control over and can  
18           execute. Indeed DOE does not execute the spidering of  
19           the collection. So it is something that's outside of  
20           our control to certify. But we do intend to -- at  
21           this time, we do have it scheduled, and we do intend  
22           to have our collection ready six months in advance of  
23           the license application.

24           I think the slide that Jeff Ciocco put up  
25           could easily have -- you could replace NRC with DOE in

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1 terms of where are you using the guidance and  
2 regulations to identify documents. We are putting  
3 procedures in place and training staff to make our  
4 material electronically available. And that activity  
5 is well underway.

6 As has been reported earlier, we have an  
7 interagency agreement with the Department of Justice,  
8 and we're leveraging their expertise in litigation  
9 support under the '92 contract. And we have a  
10 contractor on board as of last January, CACI, and we  
11 are actively and aggressively pursuing the identifi-  
12 cation and processing of our relevant material.

13 CHAIRMAN BATES: Thank you.

14 Rod.

15 MR. McCULLUM: Yeah. From an information  
16 technology standpoint, NEI's ready. I know we've set  
17 up what will be our LSN website. It's one of 22  
18 websites we've run. I know that John McIntyre, who  
19 sometimes accompanies me to these meetings, has done  
20 some testing activities with you folks. We're fully  
21 ready to do that. We know what our population of  
22 documents will be. We certainly will not be posting  
23 through our website duplicates of DOE and NRC  
24 documents, consistent with the way we interpreted the  
25 old rule, consistent with the clarification that's now

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1 being made.

2 We're operating now under the assumption  
3 that we will certify our compliance in September of  
4 2004. That's based on DOE's licensing schedule, which  
5 calls for a 2004 December license application, which  
6 means they'd have to certify their compliance in  
7 around the end of June of '04.

8 We agree with the DOE position that the  
9 clock starts when they certify compliance. That's the  
10 way we see the rule as reading, that that is the  
11 activity that is under their control. And of course,  
12 not to re-have that discussion, but that's the  
13 position we articulated at the last meeting of this  
14 panel, and that still stands.

15 So we stand ready to begin participating  
16 in the LSN anyway as a potential party to the process  
17 as early as September of '04.

18 MS. YOUNG: So, Rod, if I could ask you a  
19 question?

20 MR. McCULLUM: Sure.

21 MS. YOUNG: Do I understand you to say  
22 you're basically not loading documents on your website  
23 until September '04?

24 MR. McCULLUM: Right.

25 MS. YOUNG: When you say you're consistent

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1 with the DOE position, I'm just trying to understand  
2 what you mean.

3 MR. McCULLUM: Yeah. Now, we are -- we --  
4 we don't have some of the same issues DOE has in terms  
5 of loading. I would say we would begin loading -- and  
6 I think we already have a few things on there. I know  
7 we've tested some things. Certainly we may very well  
8 be ready before September, and may actually be loaded  
9 ahead of September of '04. But that's when the clock  
10 will say we will need to be in compliance, by no later  
11 than September '04. That's our position.

12 CHAIRMAN BATES: Thank you.

13 Jason, additional comments?

14 MR. PITTS: I don't know that there's  
15 additional comments, but I think you know with Matt  
16 coming out and stuff that we've got our site working,  
17 and we're just working right now on some fine  
18 technical details to make it -- expedite the access  
19 and kind of fix those issues. I think the stuff that  
20 we did last week was really helpful, getting Matt and  
21 the Great Basin folks together in one spot so that we  
22 could kind of -- so there's not the trickle-down  
23 effect where the e-mails go back and forth, and then  
24 you get that to the tech support. I think we cleaned  
25 up a lot of issues quite quickly. So I don't foresee

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1 any problems with Lincoln or White Pine putting their  
2 collections up -- you know, their full collections and  
3 going forward. So it just helped with the dates to be  
4 able explain that to the county on when they need to  
5 certify and that kind of stuff.

6 MS. JOHNSON: Eureka's experience is  
7 pretty similar to what Jason just said. We have hired  
8 a full-time staff person in Eureka who understands  
9 this stuff -- thank goodness -- because I really  
10 don't. So we're feeling like we're in much better  
11 shape than probably the last time I was here. We  
12 definitely found the meeting with Matt in Reno to be  
13 very helpful, and are hopeful that Great Basin will be  
14 a good host for what we need.

15 MR. O'MEALIA: I think that what Frishman  
16 has said in the past is where we stand today. I just  
17 want to thank the staff for all the work they've been  
18 doing.

19 MR. MURPHY: As most of you are aware, I  
20 think Nye County's website is up. We've communicated  
21 with the NRC. We are currently in the process of  
22 writing headers, you know, generating headers using  
23 the NRC header generation software. That work for a  
24 large segment of our documents is substantially  
25 complete. I'm actually going to be reviewing some of

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1 those headers at Elaine Ezra's office on Thursday  
2 morning. Then hopefully we will be ready to start  
3 actually posting documents shortly after that.

4 I talked to Elaine this morning on that  
5 confusion between documents and pages. We have not  
6 responded formally to your November 21st letter, but  
7 we're going to do that. Elaine has not done that yet.  
8 We'll do that shortly after we meet on Thursday.

9 It's going to be -- it's probably gone up  
10 somewhat, but, you know, from your perspective, an  
11 insignificant amount. There may be slightly more than  
12 a thousand documents now, and we're going to try to  
13 figure out, hopefully by Thursday, within a ballpark  
14 range what that represents in number of pages. It's  
15 certainly more than a thousand. Whether or not it's  
16 10,000, or less than 10,000, or more than 10,000, I  
17 don't know. But I think we're certainly not going to  
18 fill up the gap between DOE's 37 million and your  
19 40 million sizing, Dan. There'll be room for others.

20 CHAIRMAN BATES: That's comforting. Thank  
21 you.

22 (Laughter.)

23 MR. MURPHY: So that's about where we are.  
24 Hopefully we'll start putting actual documents up here  
25 within a fairly short period of time. Our plan is to

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1 have the site completely loaded and, obviously,  
2 crawled by you folks well in advance of the September  
3 deadline.

4 MR. LEAKE: Harry Leake with the DOE. One  
5 other comment. You know, one new piece of information  
6 that we received in this LSNARP meeting today was the  
7 ten-month time period it took -- it has taken NRC to  
8 perform the upgrade. As it was explained, that was  
9 very understandable, and as you looked at each  
10 individual step, was rather expeditious. However, it  
11 certainly is a concern to the DOE that the upper range  
12 of the collection, the total collection, is within ten  
13 percent of the -- ten of 15 percent of the max  
14 capacity of the system. And when you take that, and  
15 you couple it with the change to the rule to  
16 explicitly keep adding material, and you factor in a  
17 ten-month upgrade cycle, it does create a concern  
18 that, at some point in the process, there could be a  
19 delay due to the collection standing. Because in the  
20 case of the DOE collection, we have a range in there.  
21 And right now we have no basis to revise that  
22 estimate. That estimate is our best estimate at this  
23 time.

24 We appreciate the guidance that's come out  
25 to revise that estimate and make any deviations of

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1 more than five percent available expeditiously. And  
2 we will certainly strive to do that. However, when  
3 dealing with such a large collection and providing an  
4 estimate, and the time required to do an upgrade is  
5 ten months, and you're only working with ten or 15  
6 percent leeway, those numbers do collectively raise a  
7 concern, even though each is certainly understandable.  
8 So it's just an observation.

9 MR. GRASER: Good. If I can just respond  
10 to that a little bit, Harry. One of the things that  
11 I had to take into consideration in terms of looking  
12 at where the little red flags ought to be going off,  
13 and why I picked five percent growth as a point where  
14 somebody should be notifying me, it's primarily  
15 because when you look at the way OMB expects govern-  
16 ment agencies to manage major projects, OMB places a  
17 ten percent threshold on a project, whereupon if you  
18 exceed any of your project performance milestones, or  
19 your schedule, or your budget, and so forth, if you  
20 have a ten percent variance, you need to go back to  
21 OMB. So OMB is using a ten percent threshold.

22 Within NRC, our management has given us an  
23 even lower tolerance. They have given us a five  
24 percent variance. That's a sign of good management,  
25 close management -- close management on a project that

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1 you should be able to be looking at your requirements  
2 and being on top of the requirements, knowing what the  
3 requirements are, so that you can manage either to the  
4 five or ten percent reporting threshold.

5 And so I guess what I'm asking the parties  
6 to do is to, you know, give me that same benefit of  
7 the doubt in terms of, if I have to go back and report  
8 for a five or a ten percent variance, I rely on the  
9 information that I get. I can certainly understand  
10 that 14 percent, given the magnitude of the numbers  
11 that we're dealing with, doesn't seem like that big a  
12 number, but it is a pretty big number, all things  
13 considered.

14 The other aspect is, one of the reasons I  
15 brought the topic back up in conjunction with talking  
16 about the changes in the rule, is exactly for the  
17 purpose of going back and looking at any of those  
18 changes to the rule that may affect our volume  
19 estimates and to surface the issue at this time. And  
20 you did an excellent job in doing that by pointing out  
21 that the rule -- the proposed revision to the rule is  
22 putting people on notice to have an expectation for  
23 continuing ongoing population of the system.

24 And we may in fact go beyond 40 million  
25 pages over the course of however many years it takes

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1 for all the materials to get put out there. It's a  
2 lot easier for me to plan for a mid year request in  
3 fiscal year '05, or a fiscal year '06 addition to the  
4 size of the LSN in budget space if I have some advance  
5 notice that something like that is going to develop.

6 The thing I fear most is within the next  
7 ten-month window, or actually the next 12-month  
8 window, if you will, looking forward to December 2004,  
9 having exactly the same sort of out-of-right-field,  
10 you know, comes in out of the blue, and it's an order  
11 of magnitude growth in the size of the system. That's  
12 very difficult to accommodate, as I tried to point out  
13 this morning. So, I mean, that's where I'm coming  
14 from, just so that you all understand that.

15 There was one other thing that we've kind  
16 of been talking a little bit of code language here  
17 back and forth about the interpretation that the  
18 Department of Energy has versus the interpretation  
19 that has been reflected in the things that I have  
20 talked about. There are perhaps some people in the  
21 audience who haven't closely reread all of the  
22 transcripts for all the years past.

23 Perhaps just to help in your understanding  
24 of what's going on here, it's like you're making your  
25 mortgage payment on your car. And you write a check,

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1 and you pull the stub out of the book, and you put it  
2 in the mail. And it never shows up at the loan  
3 company. And they call you back about a month later  
4 or two months later, and they say your car is being  
5 repossessed because we never got your check. Now, you  
6 may or may not be persuasive with the mortgage company  
7 or with the car loan company that you did in fact put  
8 the check in the mail a month and a half ago. That's  
9 entirely up to your own estimation as to whether or  
10 not you think you can persuade those people not to tow  
11 your car away.

12 That's my perspective, you know. Is it  
13 there, or is it not there?

14 MR. LEAKE: In that particular analogy, I  
15 believe if that event did occur, and the mortgage  
16 holder went to court, I think there would be some  
17 expectation that the mortgage company had a limited  
18 period of time to process the mail.

19 MR. McCULLUM: And then I guess I'd like  
20 to propose that I see that as a slightly different  
21 analogy. I see that as a situation where you mail in  
22 your mortgage check, it's received at the bank, it's  
23 stamped "received," you get a cancelled check back,  
24 but the bank's internal accounting processes take so  
25 much time that the appropriate department does not

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1 credit the balance against your loan, and then tries  
2 to repossess your house.

3 MR. GRASER: And at least you've got the  
4 check in your hand.

5 Enough on that topic.

6 MS. YOUNG: Yeah, I'm going to move away  
7 from the banking thing.

8 MR. GRASER: Yeah, away from the banking  
9 thing.

10 MR. MURPHY: These are all interesting  
11 academic discussions. Everybody's point is valid.  
12 But as a practical matter, the earliest date on which  
13 DOE can receive a construction authorization is going  
14 to be determined by the earliest date that you can get  
15 the NRC to agree with you that your documents are  
16 electronically available. And I suspect that you  
17 might very well win that argument in court, Rod. But  
18 it is not going to get you a construction authoriza-  
19 tion any date earlier than the NRC is going to be  
20 willing and ready to give you one. And that will be  
21 controlled by Dan Graser's willingness to agree that  
22 your site, that your documents are electronically  
23 available.

24 I mean, it seems to me that's got to be  
25 your motivation, not whether or not you could win a

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1 sophisticated argument before the presiding judge on  
2 the Atomic Safety and Licensing Board Panel. Your  
3 goal has got to be to get the CA. The earliest  
4 possible date you can acquire that CA is going to be  
5 initially controlled by the earliest date you can get  
6 your documents electronically available, because, you  
7 know, we can all say -- you know, we can argue until  
8 hell freezes over when the clock started running. But  
9 you can't start turning dirt until you get a construc-  
10 tion authorization. And that's what this program is  
11 all about.

12 MS. YOUNG: Harry, I had a comment on  
13 something you said earlier. I think both you and Rod  
14 expressed concern about the capacity of the LSN being  
15 kind of close to the three million buffer we have. I  
16 think also you should recognize that the supplementa-  
17 tion requirement in terms of making documents  
18 available may be somewhat cancelled out -- to what  
19 extent, I can't tell you -- by the provision in the  
20 proposed rule that would remove duplicates. Because  
21 I'm not so sure that the estimates that individual  
22 participants and potential participants were giving  
23 ever gave any thought to the situation where documents  
24 they may be identifying would also be the same  
25 documents that other parties and potential

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1 participants would identify. So I think you have to  
2 take all those things together, and it may totally  
3 cancel out each other, or it may only make the  
4 increase more modest. So that's something to give  
5 thought to, too, in whatever comments you raise on  
6 that point.

7 MR. LEAKE: I understand. It may well not  
8 turn out to be a problem. It's just that there is a  
9 certain uncertainty factor there. But your comments  
10 are noted.

11 MR. LINEHAN: I just wanted to follow up  
12 on the comment you made earlier, Harry, when you were  
13 talking about the capacity of the system. Were you  
14 inferring that even without going into the hearing and  
15 later discovery, that the DOE collection could be  
16 greater than four million? I wasn't quite sure what  
17 you were saying.

18 MR. LEAKE: The DOE is still in the  
19 process of executing its plan for preparing its LSN  
20 materials. The information we've provided previously  
21 was our best estimate. We have -- at this time, our  
22 estimates still fall within that range. But it is not  
23 outside the realm of possibility that we will have to  
24 come back and revise that estimate at a future time.  
25 And as soon as we had a basis for that, we would do so

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1 to maximize your ability to respond. But what we've  
2 provided was an estimate, and we are in the act of  
3 going through a large quantity of material and doing  
4 these tasks.

5 MR. LINEHAN: You know, I think as early  
6 as DOE can get back to us, because, you know, as Dan  
7 indicated, the increase that we became aware of -- I  
8 don't know if it was within the last year or what the  
9 time frame was -- created a tremendous burden on the  
10 agency because we have nuclear waste fund money that  
11 supports Dan's activities and the technical  
12 activities, and we're required to take money from  
13 places, you know, where we really need to be spending  
14 it to get ready for the hearing. You know, the sooner  
15 we know -- I mean, hopefully there will not be an  
16 increase -- but the sooner we know, the better it will  
17 be for us to be able to decide how we can deal with  
18 it.

19 The only thing that bothers me is I've  
20 heard in the June meeting and this meeting that, you  
21 know, it takes a while to go through these documents.  
22 Everyone has known for years that the documents were  
23 out there. You know, we had versions of the Reg.  
24 Guide out there. You know, it's not something that  
25 has just come up all of a sudden. What's frustrating

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1 to us is the fact that folks don't have a handle on  
2 it, and it's putting us in this budget position -- or  
3 budget execution position, which is causing problems  
4 within the agency trying to deal with this.

5 MR. MURPHY: Harry, is it possible that  
6 you might revise your estimate downward as well as  
7 upward? I mean, it seems to me that your upper end of  
8 four mill- -- or both the three and the four million  
9 may be based on some fairly conservative interpre-  
10 tations of the definition of "documentary material"  
11 and your requirements under 1003. I mean, I think  
12 it's maybe not likely, but possible that, upon further  
13 analysis, DOE might conclude that they don't really  
14 have four million documents to post, they have two and  
15 a half.

16 MR. LEAKE: And that is quite possible.

17 MR. MURPHY: I mean, am I right about  
18 that?

19 MR. LEAKE: It is possible.

20 MR. MURPHY: It could go down as well as  
21 up.

22 MR. LEAKE: That is possible.

23 MR. GRASER: I do want to thank you all  
24 for that update. And if I can just take this  
25 opportunity to raise just -- or not so much raise an

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1 issue or question -- just take this opportunity to go  
2 back on the record. There were a number of items  
3 that -- questions that were asked at the last ARP  
4 meeting. In one of my responses earlier this morning,  
5 I referenced back to the fact that, after that June  
6 meeting, we did go back through the transcript, and we  
7 identified two items, two questions that were raised  
8 at the June ARP meeting. I just want to reemphasize  
9 that we did send that out in writing. We sent that  
10 off to the parties.

11 At this point in time, my reading of  
12 things is that there are no outstanding questions that  
13 have been asked of the LSN administrator for  
14 additional clarification or response, that I handled  
15 all of the items from the last ARP meeting. We will  
16 go through the transcript of this meeting again. And  
17 if there are additional questions that need to be  
18 addressed, if there are things that are still believed  
19 to be open or outstanding issues, we will be glad to  
20 again respond to those in writing and send it out to  
21 all of the ARP members. I'll do that for the  
22 transcript. But again, just to reiterate, my  
23 understanding is that after the June meeting, the  
24 items that were on the table at the June meeting have  
25 been closed out to everybody's satisfaction.

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1 MR. McCULLUM: Well, without getting into  
2 all the discussion, I will agree and thank you for  
3 your efforts. You did respond thoroughly to all the  
4 questions that were raised. I would not put the term  
5 "to everybody's satisfaction" on the end of  
6 everything. But I don't think that has to be the  
7 case.

8 MR. GRASER: You got an answer.

9 MR. McCULLUM: Yes. We were satisfied  
10 that we got an answer, as opposed to being satisfied  
11 with the answer.

12 MR. GRASER: It's a question of degrees of  
13 satisfaction, then; right?

14 CHAIRMAN BATES: Additional comments?

15 (No responses.)

16 Anybody in the audience have any?

17 (No responses.)

18 Well, if not, I thank all of you for  
19 attending today. I think it was a worthwhile set of  
20 discussions and comments. We're looking forward to  
21 your formal comments on the proposed rule, and we'll  
22 take them into consideration. We're looking forward  
23 to moving forward in the springtime with actual  
24 testing of the EIE system.

25 Thank you.

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1 (Whereupon, at 2:15 p.m., the meeting  
2 adjourned.)  
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