

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

DOCKETED 09/20/07

Before Administrative Judges:

SERVED 09/20/07

Thomas S. Moore, Chairman
Alex S. Karlin
Alan S. Rosenthal

In the Matter of

U.S. DEPARTMENT OF ENERGY

(High Level Waste Repository:
Pre-Application Matters)

Docket No. PAPO-00

ASLBP No. 04-829-01-PAPO

September 20, 2007

NOTICE OF OPPORTUNITY FOR TRAINING
(Training for Digital Data Management System (DDMS))

The purpose of this notice is to inform potential parties of the opportunity to obtain training on the Digital Data Management System (DDMS) to be used by litigants in this proceeding. The DDMS is one of the methods that potential parties may use to access privilege logs in the proceeding.

As a background matter, we note that prior case management orders in this proceeding specify that, in certain circumstances, potential parties must file privilege logs. For example, the Revised Second Case Management Order (RSCMO) requires privilege logs for primary privileges and, in certain circumstances, privilege logs for secondary privileges.¹ Likewise, the Third Case Management Order (TCMO) requires privilege logs for sensitive unclassified

¹ Revised Second Case Management Order (July 6, 2007) at 12 (for primary privileges), 16 (for secondary privileges) (unpublished). See also Second Case Management Order (July 8, 2005) at 12-13, 16 (unpublished).

information in certain circumstances.²

Pursuant to these orders, privilege logs will be available in two formats. First, all potential parties will have access to a PDF version of each privilege log in NRC's electronic hearing docket. This version will be the electronic equivalent to a hard copy of the document. Second, potential parties who duly qualify may be granted access to the privilege logs via the Atomic Safety and Licensing Board Panel's (ASLBP's) DDMS.³ The DDMS is a system that, inter alia, will incorporate all privilege logs filed by all potential parties and will be more easily searchable and useable.⁴

The ASLBP has a finite number of licenses for the DDMS and therefore the number of users of the DDMS and access to privilege logs on the DDMS is limited. In order to be authorized to use the DDMS, an individual must satisfy the following minimum qualifications:⁵

1. Be a legal counsel or other properly designated representative of a potential party (or a paralegal or legal assistant, as specified below);
2. File an appropriate notice of appearance;
3. Submit a written request for DDMS training, as specified below;
4. Schedule and complete DDMS training; and

² TCMO (August 30, 2007) at 12 (unpublished).

³ "Potential parties, such as DOE [the Department of Energy], the NRC Staff, and the State [State of Nevada], may request access to privilege logs on the Atomic Safety and Licensing Board Panel's Digital Data Management System (DDMS) from the LSNA [Licensing Support Network Administrator] and by scheduling DDMS training. . . ." RSCMO at 13.

⁴ In addition to being a tool for using and accessing the privilege logs, the DDMS will be used as a hearing management support system by the PAPO, subsequent presiding officer Boards, and the litigants in the hearing room during the administrative litigation of the high level waste geologic repository proceeding.

⁵ An individual who has already satisfied these requirements does not need to re-submit his or her notice of appearance.

5. Represent a potential party that is in compliance with the requirements of 10 C.F.R. Part 2 and the orders issued by the Commission and this Board in this proceeding (e.g., duty to designate a point of contact pursuant to RSCMO at 8).

Each counsel and representative may designate a limited number of paralegals and legal assistants to have access to privilege logs on the DDMS by filing, via the electronic information exchange, attention the Licensing Support Network Administrator (LSNA), a designation setting forth the full name, address, and e-mail address of each designated individual and the relationship of the designated individual to the counsel or representative.

In light of statements by DOE that it intends to certify that it has made all of its documentary material available on the Licensing Support Network sometime within the next few months, the LSNA, who will also administer the DDMS, has reserved the following dates and times for DDMS training of qualified counsel and representatives of potential parties to the pre-license application phase proceeding.⁶

October 3, 2007 - Rockville NRC Headquarters (HQ) Hearing Room, 1:30-4:30 pm (Eastern).

October 17, 2007 - Las Vegas (LV) Hearing Facility, 8:30-11:30 am and 1:30-4:30 pm (Pacific).

October 24, 2007 - HQ Hearing Room, 8:30-11:30 am and 1:30-4:30 pm (Eastern).

November 8, 2007 - LV Hearing Facility, hours to be determined. If there is enough interest, training could also be provided on November 7th, the date of the DOE/NRC quarterly management meeting, during the half of the day not used for the quarterly meeting.

November 14, 2007 - HQ Hearing Room, 8:30-11:30 am and 1:30-4:30 pm (Eastern).

⁶ The LSNA reserves the right to cancel a training session if there is an insufficient level of interest in that particular session.

Training access is limited to the number of computers available at each venue. If an individual desires access to privilege logs via the DDMS, he or she should submit the a written request, including all pertinent information, to the LSNA (LSNWebmaster@nrc.gov) at least ten days before the training date that the individual wishes to attend. If the requests for training exceed the slots available, additional training may be scheduled at a later time.

It is so ORDERED.

For the Pre-license Application
Presiding Officer Board

/RA/

Thomas S. Moore, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
September 20, 2007

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing PAPO BOARD NOTICE OF OPPORTUNITY FOR TRAINING (TRAINING FOR DIGITAL DATA MANAGEMENT SYSTEM (DDMS)) have been served upon the following persons either by Electronic Information Exchange or electronic mail (denoted by an asterisk (*)).

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**PAPO BOARD NOTICE OF OPPORTUNITY FOR TRAINING
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PAPO BOARD NOTICE OF OPPORTUNITY FOR TRAINING
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[Original signed by R. L. Giitter] _____
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Dated at Rockville, Maryland
this 20th day of September 2007