

**Official Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**

Title:                   Advisory Review Panel Meeting  
                              Licensing Support System

Docket Number:     (not applicable)

Location:  
              Las Vegas, Nevada

Date:                   Thursday, May 2, 1996

Work Order No.:     NRC-647

Pages 1-158

**NEAL R. GROSS AND CO., INC.**  
**Court Reporters and Transcribers**

**1323 Rhode Island Avenue, N.W.**  
**Washington, D.C. 20005**  
**(202) 234-4433**

1 UNITED STATES AMERICA OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 ADVISORY REVIEW PANEL MEETING

5 LICENSING SUPPORT SYSTEM

6  
7 + + + + +

8 THURSDAY,

9 MAY 2, 1996

10 + + + + +

11 LAS VEGAS, NEVADA

12 + + + + +

13 The Advisory Review Panel met at Clark County  
14 Government Center, 500 Grand Central Parkway, Pueblo Room,  
15 at 8:45 a.m., John C. Hoyle, Chairman, presiding.

16  
17 PRESENT:

18 JOHN C. HOYLE

19 CLAUDIA NEWBURY

20 KIRK BALCOM

21 STEVE FRISHMAN

22 ROBER I. HOLDEN

23 LORETTA METOXEN

24 LLOYD MITCHELL

25 DENNIS BECHTEL

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 EVE CULVERWELL  
2 PRESENT: (CONTINUED)  
3 JASON PITTS  
4 PETER CUMMINGS  
5 MIKE BAUGHMAN  
6 WAYNE CAMERON  
7 PETE J. GOICHOECHEA  
8 ARLO K. FUNK  
9 FIDEL GOMEZ  
10 JAMES REGAN  
11 HEATHER ESTES  
12 JUANITA D. HOFFMAN  
13 BRAD METTAM  
14 LES BRADSHAW  
15 MALACHY MURPHY  
16 NICK STELLAVATO  
17 JAY SILBERG  
18 CHRISTOPHER J. HENKEL  
19 DAVID COPENHAFFER  
20  
21  
22  
23  
24  
25

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



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

(8:45 a.m.)

MR. HOYLE: This is a meeting of the LSS Advisory Review Panel. The panel is a federal advisory committee which operates under the rules of the Federal Advisory Committee Act. It's a meeting that's been announced as open to the public. I would at the end of the meeting give an opportunity for anyone not a member of the panel to make any comments that they'd like to make. That would be tomorrow. If anyone has a paper they would like to give me of written comments, I'd be pleased to accept them.

This is the twelfth meeting of the panel since we were established in 1989. Our last meeting was not quite a year ago in Oneida, Wisconsin. This is an opportunity to meet face to face once again as money is dwindling from the effective units of government. It might be difficult to meet as frequently as we have in the past, though I wouldn't say that was tremendously frequent, two to three times a year, but we will be talking about that later on how we might continue to communicate.

At this time I would like to ask the members at the table to introduce themselves and then we can

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 proceed. I will go over the agenda a little bit after  
2 that, but let's start with Chris Henkel.

3 MR. HOLDEN: Chris Henkel of the Nuclear  
4 Energy Institute representing the utility industry.

5 MR. SILBERG: Jay Silberg from Shaw, Pittman,  
6 Potts and Trowbridge representing the Nuclear Energy  
7 Institute.

8 MR. HOLDEN: Robert Holden with the National  
9 Congress of American Indians. We represent the tribes in  
10 some areas and provide them with information in areas such  
11 as this. This is John Dossett -- analyst NCAI  
12 (indiscernible).

13 MR. MURPHY: Mal Murphy, Nye county.

14 MR. OLMSTEAD: Bill Olmstead, NRC.

15 MR. GREEVES: John Greeves, waste management  
16 at NRC.

17 MR. LEVIN: Moe Levin, NRC and the LSS  
18 administrator.

19 MR. HOYLE: John Hoyle, NRC.

20 MR. CAMERON: Chip Cameron, NRC.

21 MR. TIESENHAUSEN: Englebrecht Tiesenhausen,  
22 Clark County and chief electrician (indiscernible).

23 MR. GANDI: John Gandi, Department of Energy,  
24 information management.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. NEWBURY: Claudia Newbury, Department of  
2 Energy.

3 MR. FRISHMAN: Steve Frishman, State of  
4 Nevada.

5 MR. DAVENPORT: Jim Davenport, State of  
6 Nevada.

7 MR. BECHTEL: Dennis Bechtel, Clark County.

8 MR. HOYLE: Okay. Dennis wants to make a few  
9 comments. He's going to make a few comments from the  
10 podium and then come down here.

11 The only other thing I wanted to say before I  
12 give Dennis an opportunity to welcome us is that the mikes  
13 on the table are those that feed into the court reporter's  
14 station. They're not tied into the house PA system. So I  
15 will ask all of the members, please, to speak up so that  
16 all in the room can hear us. If you can't hear, please  
17 raise your hand or say something and we'll try to do  
18 better.

19 At this time I will give Dennis an opportunity  
20 to say something.

21 MR. BECHTEL: Thank you very much. I'd like  
22 to welcome you all to the Clark County Government Center.  
23 We're real proud of this facility. It's been open for  
24 about a year. As I was telling these people before, until  
25 last year we were kind of all scattered over the town.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 Now we're in one place, which makes county government more  
2 efficient.

3           We're real appreciative of the LSS board  
4 meeting here. I guess it was fortuitous to combine this  
5 meeting with folks attending the high-level waste  
6 conference and hope no one had trouble finding their way  
7 down here.

8           In the future, I think, as John indicated,  
9 we're very uncertain about our funding as an effective  
10 government. In the future -- we're going to hang on for a  
11 while here but I think if, in fact -- I definitely believe  
12 there's a role for the LSS in the future and, of course,  
13 Clark County, even if we don't have a nuclear waste  
14 division, wants to be very much involved in that and, of  
15 course, you're welcome. This is a good centralized  
16 facility. You can use this facility anytime you so  
17 choose.

18           We've got some very important issues that  
19 we've been wrestling with for the last number of years. I  
20 think it's important that we, as a local government, and I  
21 think all of us feel that being able to organize data and  
22 be able to retrieve data of this very important project is  
23 important. I don't think we quite know what the future  
24 holds for the permanent storage part of it. I would like  
25 to think that that will carry on. Of course, the emphasis

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 of Congress is kind of swinging toward interim storage,  
2 but I think there definitely is a need to carry on a role  
3 for this board, even if it's informal.

4           So we've got some good things we're going to  
5 look at today. It's interesting over the years how  
6 technology has kind of evolved and we were talking about  
7 something totally different when we got started. And  
8 maybe technology has kind of caught up with us and maybe  
9 the sole process will be a lot easier.

10           Welcome. Maybe a few logical pieces of  
11 information. The restrooms are out the door to the right.  
12 We have a fine cafeteria facility here for lunch, nice and  
13 close. And I notice you've got 12:30 on the agenda for  
14 lunch. Normally we have the rush from 12:00 to 1:00. So  
15 we may even want to defer that to maybe even 1:00 o'clock  
16 so we don't get caught up in the general county order or  
17 earlier if you wanted to do it that way.

18           But welcome again. If there is anything I can  
19 do to help you out, if you need some copies made, or some  
20 advice after the meeting. If you're not familiar with Las  
21 Vegas, we can help you out with the restrooms and hotels  
22 and things like that. We'd be glad to do it. So welcome  
23 and look forward to a good meeting.

24           MR. HOYLE: Thank you, Dennis. We greatly  
25 appreciate your offer to have the meeting here this time

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 and we'll probably take you up on your offer to use it in  
2 the future if the opportunity arises.

3 Just looking at the schedule for a moment  
4 before DOE begins, Claudia, I have allotted a couple of  
5 hours -- we're running a little bit behind -- for your  
6 presentation but that can run over or run under.

7 MS. NEWBURY: I'm not sure we'll take quite  
8 that long.

9 MR. HOYLE: Okay.

10 MS. NEWBURY: We may get all excited about the  
11 computer display and spend days at it. I don't know.

12 MR. HOYLE: You never know. We were going to  
13 take a break after that and have a litigation software  
14 demonstration by the Athena Legal Automation Company. And  
15 that would be, I guess, back behind us and on the screen?

16 MR. OLMSTEAD: I haven't seen the  
17 representative yet. I told him we would have a screen,  
18 and we do have a screen, and if they can plug into it,  
19 that's probably what they'll do.

20 MR. HOYLE: It's kind of not really part of  
21 the meeting but it's an activity that Mr. Olmstead thought  
22 would be good to have us all experience. We'll see what  
23 time it is then, Dennis, for lunch, whether we're running  
24 early or late, and you can help us decide which way we  
25 want to go.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   And then the afternoon would be the NRC's  
2 report from the Senior Management Team. Mr. Olmstead and  
3 Mr. Greeves are members of the NRC Senior Management Team,  
4 along with Moe Levin. They will be making a presentation  
5 this afternoon.

6                   Unless there are comments from members -- a  
7 suggestion has been made that --

8                   MR. BECHTEL: Just one comment. I wanted to  
9 thank you. You've done a lot of work in setting up the  
10 computer side of it and Carolyn Boyle, who is not here  
11 today, is the public information person who did the room  
12 organization and stuff like that.

13                  MR. HOYLE: She's not here.

14                  MS. NEWBURY: She's not here at all.

15                  MR. HOYLE: Okay.

16                  MR. DAVENPORT: I notice the agenda for  
17 tomorrow is quite short. Would there be any possibility  
18 that we'll be able to entertain future LSS activity today  
19 so that we could not hold tomorrow's meeting?

20                  MR. HOYLE: That's always a possibility, Jim.  
21 I think we put that on there assuming that we'll be just  
22 initiating discussion this afternoon. And then if there  
23 are more thoughts about the afternoon discussion or this  
24 morning's discussion, we could continue it tomorrow. So  
25 it's partly that and partly to talk about how we will be

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 able to get together in the future with lack of funding.  
2 If that can occur today --

3 MR. HOLDEN: I was going to make the same  
4 point at that. I'm leaving at 4:00 today.

5 MR. HOYLE: Well, I brought enough NRC people  
6 along to have the meeting continue forever.

7 MR. DAVENPORT: If we could shorten the  
8 meeting by a day, we might give you some additional  
9 funding.

10 MR. MURPHY: Do you have extra to give --

11 MR. DAVENPORT: No. I mean, I might have some  
12 additional funding. They might have some additional  
13 funding.

14 MR. LEVIN: Here again the logic was, we were  
15 going to introduce some thoughts and ideas today. And we  
16 wanted to give people a chance to think about it overnight  
17 and discuss it and everything and then come back and  
18 really try and have a good discussion on it. But if we  
19 can think quick and do it all today, then we can wrap it  
20 up today. Or maybe we could go -- well, I don't know if  
21 we can go later tonight because this room, I think, is  
22 booked at 6:00 o'clock. But maybe we could go a little  
23 longer to wrap it up today.

24 MR. HOYLE: Okay. Two other points. Those  
25 around the room has not had an opportunity also to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 introduce themselves. So why don't we ask them to tell us  
2 who they area. Dan, do you want to start?

3 MR. GRASER: Dan Graser, Nuclear Regulatory  
4 Commission.

5 MR. CUMMINGS: Martin Cummings, TRW.

6 MR. HOYLE: I'm not sure it's important for  
7 this to be on the record.

8 (Introductions off the record.)

9 MR. HOYLE: All right. Thank you very much.  
10 I am going to hand out a sign-up sheet, please, for the  
11 record so I'll have all the names.

12 Without further comment, unless someone does  
13 have a comment, why don't we ask Claudia to begin.

14 MS. NEWBURY: In true DOE fashion, I brought  
15 view graphs but I won't make -- break it up and set up a  
16 few graph machines. There's only five of them. It would  
17 be a waste of time and you all have copies or should.

18 As you all know, in FY96 DOE deferred most of  
19 their LSS activities due to budget constraints. In  
20 January of this year, we started a process of looking at a  
21 new program plan that would focus our activities and get  
22 us to a viability assessment in 1998, aiming at a license  
23 application in 2002. So the LSS activities had to resume  
24 and we put them on the schedule for 1997. What we found  
25 is that LSS, believe it or not, and I'm sure you do, is a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 critical path activity and we had to work very hard to  
2 bring it back in to make sure that the LSS that we have  
3 been working on would be available in the 2000-2001 time  
4 frame. We plan to fund and develop the LSS in time for  
5 that 2002 application.

6           What I've provided to you a little farther on  
7 is a schedule and we'll talk about that. We decided that  
8 the technical specifications for LSS, based on the  
9 requirements that were developed by the LSSARP, would be  
10 developed by DOE. That our M&O organization would be the  
11 procuring organization and that the LSS administrator, of  
12 course, as you know, will participate in the installation  
13 test and acceptance of the LSS. And then DOE, the M&O,  
14 and NRC will all participate in the certification of  
15 whatever system is developed.

16           Our goal is to have the technical  
17 specifications for the LSS delivered to the M&O in the  
18 first quarter of FY97. The make-by analysis should be  
19 completed by the fourth quarter of FY97. That's the end  
20 of September. We need the identification of an LSS center  
21 site under the current concepts by the fourth quarter of  
22 1998, and that's an NRC responsibility but it is -- if  
23 it's not done in time is a schedule breaker. Then we  
24 expect to have the LSS acquisition and development  
25 completed in the first quarter of FY99. We plan to ask

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the NRC to certify the system by the first quarter of  
2 FY99, the installation and tests completed the third  
3 quarter 1999, and have it operational in the third quarter  
4 of 1999, and the final LSS certified by NRC first quarter  
5 2000.

6 This is a very aggressive schedule for us and  
7 we will be working very hard to meet it. You'll see some  
8 of what we've done so far when John does his demo.

9 What we did is, the system acquisition  
10 development phase had to be reduced due to a change in our  
11 make-by methodology. It's now being done by DOE. We'll  
12 incorporate more extensive evaluation of commercial  
13 products and use as much as commercially available and do  
14 it in an operational mode at DOE facilities. That's  
15 expected to reduce our acquisition development phase by  
16 about six months, but again this is still very aggressive.

17 That's basically my update on where we are.  
18 John is going to be doing a demonstration. We need to  
19 break for a couple minutes to get it up and running. Of  
20 what the RIS looks like at this point in time, we  
21 committed to you last July. Actually, I think we  
22 committed last March to putting the Records Information  
23 System, which is an index to all of our records, online  
24 and available to the LSSARP members. We've got the  
25 prototype up here. John will talk about how it will be

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433



1 available to those people who want to use it and it really  
2 looks nice. I know that most of the NRC has gotten access  
3 already to the other system we have, the ATDT, which is  
4 the index to our technical documents, and has been using  
5 it. So between these two systems, you'll have all of our  
6 records and all of our technical data indexes available to  
7 you as a first cut.

8 Are there any questions on where we are now  
9 and what we're going to do?

10 MR. TIESENHAUSEN: If the NRC has access to  
11 the ATDT, when will the other (indiscernible).

12 MS. NEWBURY: The question was, if NRC has  
13 access to ATDT, when do the other parties -- the other  
14 parties do. I think you do. I know you do. I signed the  
15 paperwork that gave you a password. All of the effective  
16 units of government have been offered access to the  
17 system.

18 MR. TIESENHAUSEN: All right. We'll need to  
19 get together because I haven't seen it.

20 MR. OLMSTEAD: I don't want to jump ahead  
21 because there are some things we want to talk about later  
22 with regard to senior management, because in discussing  
23 before this meeting with some of the participants, there  
24 was a question as to whether there would be a capability  
25 of loading documents for those who chose to have their

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 documents loaded. Has DOE made provisions for any of  
2 this?

3 MS. NEWBURY: For loading other participants'  
4 documents?

5 MR. OLMSTEAD: Other participants' documents.

6 MS. NEWBURY: That's part of the requirements  
7 for the LSS.

8 MR. OLMSTEAD: Well, I understand, but if  
9 you're up and running now and they have something they  
10 want to load, are you in a position to do that?

11 MS. NEWBURY: John, are you ready to do that  
12 right now?

13 MR. GANDI: No, not right now. I guess we've  
14 never envisioned that because of the LSS rule itself being  
15 that we would not be loading other participants'  
16 documents. That we'd be responsible for the DOE. I'm  
17 sure we could probably make provisions for that. I don't  
18 know how the state feels about DOE loading their documents  
19 or the NRC as far as the way they want to handle their QA  
20 process.

21 MR. OLMSTEAD: I also -- understand, I haven't  
22 seen this demo. That you have it on the Web.

23 MR. GANDI: Yes.

24 MR. OLMSTEAD: (Indiscernible).

25 MR. GANDI: Running under Netscape, yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. OLMSTEAD: If a participant wanted to put  
2 (indiscernible) to point to their site, would you control  
3 the security there?

4           MR. GANDI: Well, I'll give you the  
5 demonstration and show you what we're doing as far as  
6 security work. It's not a common user ID password type  
7 protected. It's more of a free Internet type access.  
8 Although we are not advertising the URL in any fashion, it  
9 will only be open to the members of this group.

10          MR. OLMSTEAD: But you're using somehow the  
11 password user's support.

12          MR. GANDI: Only in the point of delivery of  
13 the chosen documents.

14          MR. BECHTEL: If, in fact, this is a test, is  
15 it possible that say the effected parties could  
16 participate in the test to get familiar with say the  
17 process?

18          MS. NEWBURY: For the RIS?

19          MR. BECHTEL: Yes.

20          MS. NEWBURY: That's the objective here is to  
21 give everyone in LSSARP access to this system.

22          MR. BECHTEL: Yes. I mean, we're going to  
23 have to get familiar with just the process of actually  
24 doing it. And I don't know how long this test is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 envisioned, but I think we would like to participate in  
2 that just to understand the system and --

3 MS. NEWBURY: That's our attempt is to have  
4 you online and using it.

5 MR. BECHTEL: Good.

6 MR. OLMSTEAD: But that's different than  
7 saying they have your documents on --

8 MR. BECHTEL: Right.

9 MS. NEWBURY: That's right. This will just be  
10 the DOE part of the system at this point. Of course, we  
11 have a lot of documents from the state and counties that  
12 have been sent to us and those are --

13 MR. GANDI: We need to make a distinction.  
14 This is our Records Information System not the LSS. That  
15 was the intent of providing this (indiscernible).

16 MR. OLMSTEAD: No. I understand that, but  
17 also one of the savings that we could all realize is that  
18 instead of being forced to come up with records management  
19 systems for each individual party, one of the original  
20 assumptions was that there would be some shared savings  
21 associated with everybody using the same technology in  
22 loading.

23 MS. NEWBURY: John, do you want to --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. GANDI: If we could have about 10 minutes  
2 to connect to the display unit there, it would be helpful  
3 for everybody to see.

4           MR. HOYLE: Okay. Ten minutes.

5           (Gandi presentation off record.)

6           VOICE: The thing that I try to focus on is  
7 what's the licensing relevant records. There are some  
8 transmittal memorandums that are piling the numbers of  
9 records in this thing that I think at least this committee  
10 ought to look at and say, well, we've got to have a record  
11 (indiscernible). Nobody wants a system fouled up with  
12 that kind of stuff. Do you see what I mean?

13          VOICE: I understand. In other words, the  
14 National Archives and Records Administration standard  
15 usually has you dispose of that kind of stuff because it  
16 doesn't have value beyond the time period in which it's  
17 used. And I don't think it was ever anybody's intention  
18 that that kind of stuff was --

19          MR. GANDI: No, and that's part of our  
20 reprocessing plan on this accumulation of 500,000  
21 documents is when we're reprocessing those determinations  
22 will be made (indiscernible) relevant. We're doing that  
23 based solely on (indiscernible) right now as it stands as  
24 far as exclusionary records.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   VOICE: The problem with that is that the  
2 definition of what's relevant is a definition which all  
3 the parties in the proceeding are entitled to make. Where  
4 what may be relevant to one party may not be perceived to  
5 be relevant to the other.

6                   MS. NEWBURY: (Indiscernible.)

7                   MR. WARRINER: That's why we have followed a  
8 conservative policy and putting into it things that  
9 perhaps if we had better guidelines and more precise  
10 guidelines we would not.

11                  MR. OLMSTEAD: And at the time we negotiated  
12 this rule nobody thought we were going to be sitting here  
13 13 years later worrying about this issue. Had I known  
14 that, I clearly would have wanted to deal with it. So the  
15 fact of the matter is that we need to -- and I think,  
16 John, this committee needs to deal with that issue. What  
17 the records disposition schedule ought to be on what I  
18 would call routine administrative --

19                  MR. GANDI: And the DOE greatly appreciates  
20 that.

21                  MR. WARRINER: I think the NRC people speak  
22 later of the topical guidelines that might help in that  
23 direction at least.

24                  MR. OLMSTEAD: Well, they help in identifying  
25 what everybody thinks is important, but you still have the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 problem of a contract transmittal document that refers to  
2 a subject that's in the topical guidelines that under the  
3 NARA schedule would be disposed of in two years. And I  
4 don't think anybody would really seriously want it anyway.  
5 If you actually put those documents in front of everybody  
6 and passed them around, most people probably would say  
7 destroy them tomorrow. But that's the kind of thing that  
8 I think needs to be focused on because it's vastly  
9 inflating the number of pages that you're putting in the  
10 system. And when you run searches like this, you're going  
11 to get hits that people are going to have to wade through  
12 that they're not going to be interested in.

13 VOICE: That's correct.

14 MR. CAMERON: And I would just add this is  
15 something that we've talked about before in terms of how  
16 we can refine our interpretation for the exclusions that  
17 are already in Subpart J, and also whether there is any  
18 new categories of exclusions that we might want to  
19 establish to get things out of the system that are not  
20 going to be important to licensing.

21 VOICE: The other issue I think we have is how  
22 to get at some contractor documents that you don't now  
23 have. The way those contracts are working, they submitted  
24 some final product but some intermediate documents are not  
25 submitted.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. NEWBURY: (Indiscernible.)

2 MR. OLMSTEAD: I know, but those record  
3 packages don't always have everything that a litigator  
4 would necessarily be looking (indiscernible) and the  
5 problem that we're going to get into with that is, that if  
6 we go to depositions and you say bring the documents with  
7 you and the witness you use is a contractor witness, they  
8 bring a ton of documents you don't have in the system, the  
9 whole thing falls with its own weight.

10 We'll get into that some more this afternoon  
11 on how to deal with those kinds of issues. I understand  
12 the contract requires we would submit this records  
13 package, but when you start breaking the record packages  
14 apart, what you really want to know is where is the  
15 technical data that the technical expert was relying on  
16 when they made the statement that's in the report.

17 MS. NEWBURY: (Indiscernible) is available.

18 MR. OLMSTEAD: Then I think we need to have  
19 everybody look at some of those packages.

20 VOICE: Those packages aren't on this system.  
21 All we'll get on this system is the record --

22 VOICE: Is the record?

23 VOICE: Yes, that's correct.

24 MR. LEVIN: Question John. Have you given any  
25 thought or have you matched the functionality you see

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 under this mechanism to the MSS functionality we developed  
2 in our phase one and phase two, the functional  
3 requirements?

4 MR. GANDI: To some extent, but I do want to  
5 reiterate this is just our records system as it is today.  
6 I think there's some holes in mainly the data that's being  
7 put in, but I need to get some feedback from the users  
8 that are going to use a system like this to get a better  
9 feel of what's going to be required. Some of the term  
10 enhancements we're looking at is a form for searching.  
11 Such as you could key on the author, the title, keywords  
12 and such through the document that will display the  
13 identifiers of that header information and choose among  
14 those, speed up the search somewhat, and also clarify some  
15 of the holes that we have.

16 MR. LEVIN: Under the LSS functional  
17 requirements there are aspects of two-way communication.  
18 Not just receiving information but sending information  
19 both ways. I was just wondering if when you were putting  
20 this up and when you were thinking about the future, what  
21 you might possibly be able to do, if you kind of looked at  
22 things like that along the way so you could have in the  
23 back of your mind, say, yes, if we had to, we could do  
24 that.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. GANDI: Yes, and I think, Moe, this is one  
2 of the important things about the technology that's gone  
3 forward even from a year ago when we were talking with  
4 this Web technology, the Internet itself. It's the ease  
5 of use, the functions that are built into the Web itself,  
6 and just the availability.

7           MR. LEVIN: Yes.

8           MS. SCHRECONGOST: Jill Schrecongost with the  
9 DOE. I just want to clarify that we have not been funded  
10 to do anything on the LSS as far as analysis this year.  
11 And our main efforts have been on driving the schedule to  
12 meet the license application requirements for the revised  
13 program plan that started in January. So anything that  
14 we're discussing is, of course, not formal because of the  
15 requirement for the change to the CFR to change any of  
16 those requirements.

17           MR. LEVIN: No. I understand that, but still  
18 it's kind of ordinary practice when you're developing  
19 systems and you know some things may be blooming in the  
20 future that you kind of along the way look for  
21 opportunities and think about. I know there wasn't any  
22 formal type analysis.

23           MS. SCHRECONGOST: I understand that also. I  
24 just wanted to clarify that we have not done anything that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 would take us away from the current regulatory  
2 requirements for the LSS.

3 MR. LEVIN: Understood.

4 MR. GANDI: Any other questions?

5 MR. HOYLE: So, John, what you're saying is  
6 you want the folks around the table to use this to give  
7 you feedback and you would be changing this system  
8 further?

9 MR. GANDI: Yes.

10 MR. HOYLE: Will those new thoughts that we  
11 have feed into the requirements for the LSS? I know we  
12 kind of put them to bed, but maybe there are going to be  
13 some new thoughts here.

14 MR. GANDI: I think it's important, of course,  
15 of one to think of the LSS when we're talking something  
16 that's relevant to our records and access to our records.  
17 It's natural. But we're looking at this as a pilot  
18 basically in the spirit of openness with DOE. That we  
19 hope to get some use and some relative ideas of the LSS in  
20 the future because that is a DOE task we have to  
21 consider.

22 MR. HOYLE: (Indiscernible.) I know Dennis  
23 has brought that up a few times. Give us something that  
24 we can manipulate and work with and get some thinking  
25 going on.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           So I encourage everyone as soon as they can  
2 get into it. We can hardly read the address from here. I  
3 want to be sure we all have the information that we need  
4 when we leave here.

5           MR. CAMERON: How did you plan to distribute  
6 the Web site address and all of that, John?

7           MR. GANDI: This is right off our home page  
8 (indiscernible) and the URL's an extension off of that  
9 home page.

10           MR. HOYLE: What's the home page again?

11 WWW.YM --           MR. GANDI: P.go.

12           VOICE: So anybody can get at it from that?

13           MR. GANDI: Anyone can get at it right now.  
14 There's not going to be -- it's an extension off that home  
15 page of which we're not going to publicize.

16           VOICE: Well, if they can get to the home  
17 page --

18           MR. GANDI: If you get to the home page, you  
19 can (indiscernible).

20           VOICE: When you said extension, I thought  
21 that there was --

22           MR. GANDI: (Indiscernible.)

23           VOICE: Are you going to give that to us now?

24           MR. GANDI: Yes. Before the end of the day,  
25 I'll have that out plus a list of instructions -- I'd like

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to have from you as far as what we would like to have as a  
2 mailing address.

3 VOICE: Okay.

4 VOICE: One other item on that. We intend to  
5 have a fully operational prototype with all the data by  
6 June 1, I believe, John, wasn't it?

7 MR. GANDI: That's right.

8 VOICE: At that time -- right now we only  
9 have -- well, actually what's running right here is a  
10 stand-alone system. It's not even hooked to the Internet.  
11 In fact, here on this machine you can actually play with  
12 it on the Internet (indiscernible). I just added the  
13 address to the bookmarks on there so you can actually just  
14 pull it up very easily on that machine during a break or  
15 over lunch or whatever and explore. But right now we have  
16 a subset of 1995 data there (indiscernible) and there are  
17 no images except for the one image that John brought up as  
18 a demonstration of capability. So all we have are the  
19 header information on our existing records that are in the  
20 Records Information System.

21 MR. OLMSTEAD: But one could break a records  
22 packet down?

23 VOICE: There are cross references at the  
24 bottom of the header that would link you to other relevant  
25 records.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. LEVIN: John, what's your Web server?  
2 What are you using?

3 MR. GANDI: That's the address right there.

4 MR. LEVIN: No. I mean what  
5 hardware/software?

6 VOICE: Running Windows (indiscernible) 351  
7 server and we're running process corporations  
8 (indiscernible).

9 MR. LEVIN: Are you running on an alpha or --

10 VOICE: Pentium.

11 MR. LEVIN: Just out of curiosity, when you  
12 load all 600,000 records, what platform are you planning?  
13 The same platform?

14 VOICE: The same platform.

15 MR. GANDI: Either that or moving up to an  
16 alpha search.

17 MR. LEVIN: Okay. I was just --

18 MR. GANDI: And we have budgetary plans.  
19 Hopefully it will go (indiscernible).

20 MR. LEVIN: When you go the alpha, you'd be  
21 running NT also. So it's just a matter of --

22 MR. GANDI: That's our plan right now.

23 MR. LEVIN: How many simultaneous hits do you  
24 expect -- I mean, how many transactions per second do you  
25 think you can -- any idea?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. GANDI: (Indiscernible) are you talking  
2 about this specific aspect (indiscernible)?

3 MR. LEVIN: I guess the entire thing. What  
4 would you be able to support? What do you envision even  
5 if we moved to an alpha? What are you targeting for as  
6 far as transaction levels?

7 MR. GANDI: (Indiscernible.)

8 VOICE: (Indiscernible.)

9 VOICE: So when you talk about an alpha,  
10 you're talking about a large (indiscernible) machine and a  
11 --

12 MR. GANDI: Yes, but this has to  
13 (indiscernible).

14 VOICE: Do you monitor the activity on it?

15 MR. GANDI: Yes.

16 VOICE: (Indiscernible.)

17 MR. OLMSTEAD: I guess I'm not getting totally  
18 clear. When we set up with Lawrence Livermore and we  
19 anticipated about 50 people using the serve at the same  
20 time, the problem you have is in the sequence. If I'm in  
21 the middle of this, pulling stuff off your server, and  
22 somebody else (indiscernible), how many can you sequence  
23 without having somebody start getting somebody else  
24 instead?

25 VOICE: Are you talking about --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   MR. OLMSTEAD: I'm talking about segregating  
2 the packets. If all of us hit it at the same time and  
3 started asking for information, it's got to have some  
4 mechanism to keep straight which user is which.

5                   MR. GANDI: That's not a concern at all.  
6 That's all handled by (indiscernible).

7                   MR. OLMSTEAD: It's only -- function by the  
8 Internet if you've got the software --

9                   MR. HOYLE: No, Bill. No, it keeps track of  
10 (indiscernible).

11                  MR. OLMSTEAD: When we were doing -- they told  
12 me this was a concern.

13                  MR. HOYLE: The concern might be on efficiency  
14 because of -- depending on how the cache works and  
15 everything and the hits, you may -- you know, a matter of  
16 going back to the disk. Is that what your --

17                  MR. OLMSTEAD: Yes. There was a problem in  
18 terms of the ability of the people to get reasonable  
19 responses.

20                  MR. HOYLE: But that's a different issue.  
21 He's talking about hits on the cache and those type  
22 things.

23                  VOICE: And again as your pulling images down,  
24 you may see performance degradation but it won't be  
25 because of the server. It will be because of the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 (indiscernible). I don't know the application

2 (indiscernible).

3 VOICE: Well, there's not enough people in  
4 this room to affect (indiscernible) as far as the Internet  
5 is concerned.

6 VOICE: The chain is only as strong as the  
7 weakest link. If you're --

8 VOICE: What's the CCDF on (indiscernible)?

9 VOICE: Not likely.

10 VOICE: (Indiscernible.)

11 MR. GANDI: (Indiscernible) probably more as  
12 we get involved with our inventory and the number of users  
13 that do attack the database. (Indiscernible) if the alpha  
14 system can't handle the load, we'll have to look at  
15 something better.

16 MR. HENKEL: Are you confident of the security  
17 in this system? That somebody can't hack into this and  
18 disrupt the database (indiscernible).

19 MR. GANDI: There really isn't anything they  
20 can hack up in this database. We may see something once  
21 we get into the full text, but we plan on putting more  
22 secure measures in at that time. This is basically a  
23 pilot and what we wanted was as much availability and use  
24 from the members here as we could.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. NEWBURY: John, also you have two systems,  
2 right? The system that's online is not the archive  
3 system.

4 MR. GANDI: Yes. This is not our production  
5 system. This is a feed-off of that on the separate  
6 firewall system. So we have our original production  
7 system maintained.

8 MR. DAVENPORT: You're saying this is just a  
9 clone of something else?

10 MR. GANDI: Yes.

11 MR. DAVENPORT: How often is your clone  
12 updated?

13 MR. GANDI: We're going to move into that as  
14 we go on to more production mode from this pilot. Right  
15 now I think we're looking at a weekly update to the  
16 database, which is (indiscernible) of our records.  
17 (Indiscernible.)

18 VOICE: Is what's going to the system all the  
19 documents that would be covered by NLSS?

20 MR. GANDI: That and more. That's what I was  
21 trying to --

22 VOICE: On an ongoing basis.

23 MR. GANDI: Yes.

24 VOICE: At least from DOE not necessarily --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. GANDI: From the DOE -- well, DOE and  
2 their contractors. That's our DOE record holdings.

3           VOICE: (Indiscernible.)

4           MR. GANDI: Right.

5           MS. NEWBURY: Yes, it is.

6           VOICE: (Indiscernible.)

7           VOICE: Could future participants add to this  
8 system (indiscernible)?

9           MR. GANDI: That would take a change in the  
10 rule.

11          VOICE: What was the question?

12          MR. GANDI: Could participants add into this  
13 system their records. What I'm saying is, my  
14 understanding is that would take a change in the rule.

15          VOICE: (Indiscernible.)

16          MR. DAVENPORT: What you're doing now isn't  
17 part of the rule. The fact that what the rule says is  
18 irrelevant.

19          MR. SILBERG: (Indiscernible) of the rule that  
20 it would include all parties --

21          VOICE: (Indiscernible.)

22          MR. SILBERG: What rule are you referring to?

23          VOICE: That's what I'm referring to.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. NEWBURY: This is only the records system  
2 that we are maintaining for our own purposes. This is not  
3 an LSS.

4 VOICE: Exactly.

5 MS. NEWBURY: (Indiscernible.)

6 MR. LEVIN: But if you wanted to do a pilot  
7 program, there is nothing to stop DOE from entering other  
8 parties' documents in this system.

9 VOICE: (Indiscernible.)

10 MR. GANDI: I think the rule is that under the  
11 rule, DOE doesn't enter other parties' documents because  
12 the party enters them or the LSS and district --

13 VOICE: Yes, but this has nothing to do with  
14 the rule. Sure, they could do whatever they want to do.  
15 (Indiscernible.)

16 MR. WARRINER: Could I jump in the middle of  
17 this part of it? As the Senior Management Team recognized  
18 last July -- this is Steve Warriner for the record. As  
19 the Senior Management Team for the NRC realized last July  
20 when they visited our records system, we do have in our  
21 record system documents that have been generated by other  
22 organizations outside of DOE and its contractors. We have  
23 EPA documents. We have NRC documents. When we receive  
24 something from the State of Nevada, we put that into our  
25 record system because we want to maintain those for our

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 own purposes. So we do have in our record system records  
2 generated by participants outside of the DOE  
3 organizations. So that's already there. Now if you  
4 wanted to add to that as part of this prototype, we can  
5 sit down and talk about that.

6 MR. LEVIN: (Indiscernible) work logistically  
7 and everything if somebody outside of DOE would want to  
8 enter data into the system. So that's one of the things  
9 we could learn from this pilot.

10 MS. NEWBURY: I think, too, we're making more  
11 out of this than it really is. We committed to giving you  
12 access to our Records Information System headers. This is  
13 not a pilot LSS. This is not something we're going to  
14 throw everything into and see if we like it. This is only  
15 our way of showing you what we have in our records system  
16 and how we can electronically access it. And if we go  
17 beyond that, then we're looking at a lot more work for DOE  
18 than we ever intended to do. And you're looking at things  
19 that are beyond the scope of anything we ever committed to  
20 and we don't have the resources at this point to do it.

21 MR. LEVIN: I don't think what we're looking  
22 for is a commitment. We're just exploring the possibility  
23 and maybe next year --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. NEWBURY: Well, I'm hearing a lot of great  
2 ideas, but I'm also saying that that's not what this was  
3 intended to be and let's not think it more than it was.

4 MR. CAMERON: I think don't lose sight,  
5 though, of the questions that people are putting on the  
6 floor that relate to is there a different way to handle  
7 the records, the relevant records of all the parties,  
8 through either a distributed system or through some other  
9 configuration that's not set forth in the rule at this  
10 point. I know that's a serious question but I know that's  
11 something that when we get to the Senior Management Team  
12 report, I think Bill and John and Moe are going to talk  
13 about some alternatives along those lines.

14 MR. MURPHY: Why are we concerned about other  
15 parties' records at this point in time? I think Claudia  
16 is absolutely right. How did you describe it? Aggressive  
17 schedule?

18 MS. NEWBURY: Yes.

19 MR. MURPHY: Meeting that schedule is going to  
20 be tough enough. I would prefer that they continue to --  
21 whatever resources they get out of Congress to developing  
22 the LSS rather than be shunted off on these little side  
23 streets (indiscernible).

24 MR. CAMERON: You mean developing the DOE's  
25 commitments. Keep in mind that DOE wears two hats. They

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 have two obligations under the rule. One is their  
2 obligations as a party to get all their relevant records  
3 in. The second is their obligation to develop the system  
4 that would then under the present rule be turned over to  
5 the LSS administrator to load all the other parties'  
6 documents.

7 MR. MURPHY: No. I understand that. But I  
8 would -- Claudia is going to have enough trouble getting  
9 an LSS that meets the rule online without having to worry  
10 about my records. I'm not worried about my records. I  
11 don't want her to be worried about my records. I want her  
12 to develop an LSS that I can then use for my records and  
13 her records.

14 MS. NEWBURY: Thanks.

15 MR. CAMERON: Let it be noted that Mel Murphy  
16 and Claudia agreed on something.

17 MR. SILBERG: I move we adjourn on that note.

18 MR. CAMERON: Yes. Let's quit while we're  
19 ahead here.

20 MR. HOYLE: There was no second to that  
21 motion.

22 VOICE: Second.

23 MR. HOYLE: Too late.

24 MR. GANDI: As I started this presentation,  
25 this is to make good our commitment to allow you access to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 our record system under a median that I feel is probably  
2 available to all participants -- our RIS system was  
3 developed in Basis Plus and it's a very cumbersome system  
4 for someone who is not Basis Plus wise to use. I think  
5 this is a good choice in the fact that (indiscernible) and  
6 the availability is there.

7 Any other questions?

8 MR. HOYLE: Thank you, John. Let's see if we  
9 can get some lights. I know during this portion of the  
10 meeting the court reporter was having a difficult time  
11 identifying. So when we see the transcript, we're going  
12 to probably see voice this and voice that. He's doing his  
13 best effort. We should all speak up, please.

14 It's now 10:00 o'clock. Is Kimberly Hodes  
15 here?

16 VOICE: She's the speaker at 10:00 or 11:00?

17 MR. HOYLE: At 11:00. I just didn't know if  
18 she had gotten here early.

19 VOICE: You just gave us a piece of information  
20 we didn't have. Her name.

21 VOICE: It was right there.

22 MR. LEVIN: John, I could jump in to what I  
23 was going to say and we could pick up some time there.

24 MR. HOYLE: We have a suggestion from Moe  
25 Levin that we continue on with what would have been the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 afternoon schedule. So let's go ahead and do that. I  
2 also had a recommendation earlier that if we wanted to go  
3 next door and get a sandwich, Chris thought it would be  
4 cool if we sat and had a working lunch. So let's keep  
5 that in mind, too, as we role through the day here.

6 Moe?

7 MR. LEVIN: I think everybody can hear me.  
8 It's more comfortable sitting here.

9 First thing I wanted to do is just bring you  
10 up to speed of what the LSS Senior Management Team has  
11 been doing. The activities we've been doing since the  
12 last meeting last July in Oneida, just as kind of a status  
13 check. We had a lot of things in the works and they all  
14 came to a grinding halt with the budget situation. So  
15 I'll just tell you where things were left.

16 On the LSSMOU between DOE and NRC, that was  
17 supposed to cover the development, implementation, and  
18 operations of the LSS. The first MOU we ended up with a  
19 draft that both Claudia and myself had agreed to. It was  
20 basically MOU agreed at staff level but it had not been  
21 submitted for high-level agency concurrence before the  
22 budget situation put a halt to things.

23 Also the LSS participants commitment and  
24 Compliance Assessment Program and the auditing scheme has  
25 been completed. That was done by our contractor Labat

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Anderson. That contract is now terminated and that  
2 program and the results of that work are on the shelf.

3 Also, as we've talked about, the Senior  
4 Management Team -- the DOE records management facility to  
5 research the relevancy of the documents that were there  
6 and to see if they could track the decision chain on how  
7 decisions were made on issues through the documents.  
8 We've already talked a little bit about that. You'll be  
9 hearing more about that later when Bill and John give  
10 their presentation.

11 Also we pursued two promising funding  
12 mechanisms to fund the operation of the LSS. And they  
13 were promising but here again they were not brought to a  
14 conclusion because of the budget situation.

15 MR. SILBERG: Are you going to describe what  
16 those were, Moe?

17 MR. LEVIN: I don't know. Dan, do you  
18 remember what -- to tell you the truth, we put that on the  
19 shelf and I don't remember what the details were. I  
20 didn't bring the documentation.

21 MR. CAMERON: I think it was basically instead  
22 of some of the more complicated things that we thought  
23 might be necessary, it was basically the scheme that was  
24 set forth that we were thinking about originally where  
25 there would be an agreement between DOE and NRC that DOE

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 would have money within their appropriations for funding  
2 LSS administrator activities. That's correct, right?  
3 That's basically what we were going to do.

4 MR. GRAYSON: Dan Grayson from NRC. I think  
5 the way things were pretty much left is that all of the  
6 options that were explored related from the get-go to  
7 having the money come through the normal DOE  
8 appropriation. And the different iterations or options  
9 that we were looking at were simply the internal transfer  
10 mechanism. The language of the mechanism that would  
11 actually get the money out of the DOE pot and transferred  
12 over to the Nuclear Regulatory Commission. And the  
13 variations in the wording are fairly esoteric. And again  
14 off the top of my head I can't recall the really fine  
15 distinctions that we had but they all had essentially the  
16 same starting point and they all achieved the same effect,  
17 which was to get the money to support operations into an  
18 NRC pot. And the exact nature of the transfer mechanism  
19 between the agencies -- I mean, if you wanted more detail,  
20 I'd be glad to get back to you, but I cannot recall the  
21 details.

22 MR. SILBERG: That would internal accounting -  
23 -

24 MR. LEVIN: That's it exactly, yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Also since our last meeting the inspector  
2 general of the NRC did a follow-up survey to their March  
3 1995 audit on NRC's information management needs to  
4 support high-level waste repository licensing. In that  
5 survey they concluded that the need for an LSS or LSS  
6 functionality remains despite changes in technology,  
7 funding, and DOE's program approach. And that it's  
8 critical to capture and maintain key records in decision  
9 documents. That NRC needs to keep working towards  
10 achieving the LSS goals. Finally that NRC needs to  
11 maintain its relationship with the LSSARP.

12           Following that about maintaining a  
13 relationship with the LSSARP, and given the situation we  
14 have with the budget, I would like to make a suggestion  
15 that we continue our communications but we may have to  
16 look at alternatives to meetings such as this when we're  
17 all here in person. I think we have to look at things  
18 like video conferencing capabilities. NRC, we now have  
19 three video conference team setups available at NRC  
20 headquarters so we can participate from that end.

21           Also, we can hold discussions and discuss  
22 issues in cyberspace using the Internet, we we're prepared  
23 to demonstrate if anybody's interested in what we did for  
24 a rulemaking as a pilot on our Rule Net. It's basically  
25 an interactive what you call threaded conversation on the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 Internet. If anybody is not familiar with that, we're  
2 prepared to demonstrate that. It's a very effective way  
3 to discuss issues over a long period of time, keep track  
4 of what the issues are. There is self-documenting.  
5 Everybody has a fair shot at giving their comments. It's  
6 what we call asynchronous in that you can do it in your  
7 own time whenever you want to. It's every effective and  
8 there's a lot of relatively easy to use and commercially  
9 or even free software available that allows you to do this  
10 over the Internet in the World Wide Web.

11 Then also we'd like to continue, and I think  
12 it's important that we continue to meet face to face  
13 periodically as the situation allows. But what I would  
14 like to do, and maybe we could have some discussion right  
15 now, is pursue these concepts and see if it's workable and  
16 agreeable. And then maybe talk about mechanisms that we  
17 might use and what parts different parties would play in  
18 setting this up and making it work.

19 MS. NEWBURY: Well, I did look at Rule Net and  
20 I thought it was real nice. I was very impressed with it.  
21 It's easy to use. As you said, anybody can get in and  
22 talk about things and do it at their own time and pace.

23 MR. LEVIN: Was it obvious to you how it would  
24 work in a situation like this?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. NEWBURY: Yes, it was obvious to me, and I  
2 figure if it's obvious to me, it should be obvious to  
3 almost anybody. I'm a point and click person.

4 MR. LEVIN: Has anybody else looked at Rule  
5 Net or has anybody -- does anybody else -- do you know  
6 what I'm talking about? I see some nos.

7 MR. MURPHY: Would you like me to give a quick  
8 presentation?

9 MR. LEVIN: That's what I was leading up to  
10 since we have time now. He would be very disheartened if  
11 I didn't ask him to show this.

12 MS. NEWBURY: That was a really good  
13 (indiscernible).

14 MR. HOYLE: I haven't heard anyone say that  
15 they do not have access to the Internet. So I'm assuming  
16 that all of the participants do have access to Internet  
17 and have an Internet address. I would hope that one thing  
18 we would leave with is that we have everybody's Internet  
19 address with us to take back.

20 Moe, I want to hear you say again that we now  
21 have a teleconferencing facility at NRC?

22 MR. LEVIN: Video conferencing.

23 MR. HOYLE: Video conferencing.

24 MR. LEVIN: John just left. The first one we  
25 did was for MSS and John should be aware of the status. I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 think we had it operational a week or so ago. I'm pretty  
2 sure it's up and running. If not, it's within days for  
3 that first one. We have two other ones in the works. The  
4 equipment is in. It's just a matter of installation. So  
5 we would be in pretty good shape there and that was  
6 another pullet I had. I would like to everybody's e-mail  
7 address or Internet address because, if nothing else, if  
8 we have to continue this discussion before we get into the  
9 more sophisticated or these interactive forms, we could  
10 still talk about things through e-mail and we just have to  
11 keep the conversation going.

12 VOICE: (Indiscernible).

13 MR. LEVIN: I hadn't really anticipated using  
14 a list serve right now. More just e-mail with YCC lists  
15 because hopefully we can jump over the list serve and go  
16 straight to the news group or the forum type thing. I'd  
17 prefer doing that rather than set up --

18 MR. HENKEL: (Indiscernible.)

19 MR. LEVIN: Sure.

20 Mr. CAMERON: One other possibility, Moe, is  
21 that we use the subcommittee working group concept. In  
22 other words, there may be some issues that we could  
23 delegate to a small but to a subset and they could meet  
24 and then put it into either the Internet context or  
25 whatever.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. LEVIN: Well, actually the Internet  
2 context allows for that. You can set up little subforums  
3 and assign certain people to working groups. This can all  
4 be managed and done electronically and then it's all  
5 there. And then when they're done with their work, they  
6 can open it up to the larger community. So this all  
7 works.

8           MR. MURPHY: (Indiscernible.)

9           MR. LEVIN: Is there an underline? Is it all  
10 run together?

11          MR. MURPHY: (Indiscernible.)

12          MR. LEVIN: No, it can't be a space. It can't  
13 be a space. It has to be some kind of a (indiscernible).

14          MR. CAMERON: (Indiscernible.)

15          MR. MURPHY: I think it's all run together.

16          MR. LEVIN: That would make sense. That would  
17 be easier. As a matter of fact, we might discuss, while  
18 Bill is setting up the demo, things like the memos, the  
19 letters that John puts out as the chairman of ARP. What  
20 if we did that by e-mail? Does anybody object? Is there  
21 a problem doing that? It would sure make things a lot  
22 easier.

23          MS. STOTLER: I'm Jan Stotler. The only  
24 suggestion I would have is that you should acknowledge  
25 receipt when you get something like that because the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 Internet is so (indiscernible) if one of the connections  
2 is down (indiscernible) get something and you won't know  
3 it unless everybody tells you they received everything.

4 MR. LEVIN: That's an excellent point. What  
5 we'll probably do is when we send these out we'll have a  
6 little boilerplate paragraph at the bottom saying please  
7 respond or --

8 VOICE: Put it at the top.

9 MR. LEVIN: Put it at the top so they'll see  
10 it.

11 VOICE: Not everybody reads all the way down.

12 MR. LEVIN: You're right. No. You're  
13 absolutely right.

14 VOICE: Half the e-mail I get I read halfway  
15 through it and say I don't care about that.

16 MR. LEVIN: No. You're absolutely right.

17 We will make that part of the heading.

18 VOICE: Perhaps you could even set it up where  
19 it automatically returns --

20 MR. LEVIN: Some systems allow that and some  
21 don't. So that depends on your own internal e-mail  
22 system. So that's not under our control. That's an  
23 excellent suggestion. So from now on if we get  
24 everybody's e-mail address we'll just do it through e-  
25 mail.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. NEWBURY: Remember, too, Moe, that you and  
2 I have trouble sometimes because I don't get your  
3 attachments. So we'll have to work out how it is for  
4 transmitting --

5 MR. LEVIN: What we -- yes. There's a lot of  
6 protocol issues that will have to be ironed out, but the  
7 easiest thing would be just don't have attachments. Make  
8 sure everything is buried in the message. And that works  
9 as long as it isn't very long. So these things generally  
10 tend not to be too long. So we'll avoid attachments.

11 VOICE: (Indiscernible.)

12 MR. LEVIN: But it depends.

13 VOICE: I have trouble opening attachments  
14 sometimes (indiscernible).

15 MR. LEVIN: One of the problems with  
16 attachments is there are several ways of encoding the  
17 attachments that will make it. And if you aren't in sync,  
18 if you can't handle the way I encode, and that's the  
19 problem we have with Claudia with the Economic Project  
20 Office. We were using different schemes for encoding. So  
21 the easiest way is not to do it until later when we really  
22 start passing around substantive large type documents.  
23 We'll work out a protocol and say, hey, here's the common  
24 denominator.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Here again, if we go to the Web technology,  
2 that's the nice thing about the Web technology. It puts  
3 everybody on the same playing field. You don't have to  
4 worry about it. If everybody is using Netscape, you  
5 already have the means to make sure that you can move  
6 files across and there's no compatibility problems. It  
7 makes it a lot easier.

8           MR. HOYLE: Moe, were you going to say  
9 anything more about video conference?

10           MR. LEVIN: No. I was just saying that we  
11 will have that capability and that may be -- all the  
12 people on the panel have that capability available to  
13 them?

14           MR. HOYLE: Yes. I was going to ask where  
15 else does the capability exist?

16           MS. NEWBURY: We have several sites that we  
17 can make available.

18           MR. HOYLE: And back at the forestall --

19           MR. HENKEL: I still move that we hold our  
20 annual winter meetings at Lake Tahoe.

21           MR. HOYLE: We came out this week not knowing  
22 it was going to be 98 degrees. This is still early day, I  
23 think.

24           MR. OLMSTEAD: This is the presentation I use  
25 to describe Rule Net to people. What the Commission asked

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 us to do in -- they asked us to investigate participation  
2 in the National Performance Review's Reg Net Project. At  
3 the time, I was the executive director of the  
4 administrative conference and the Commission and the  
5 National Performance Review staff came to the conference  
6 and asked us to start designing a process by which  
7 rulemaking could be done on the Internet using Mosaic.  
8 The idea was that there would be public participation,  
9 consensus building, and interactive text drafting. As  
10 Congress decided to do away with the administrative  
11 conference and the NRC finally took me back, the  
12 Commission asked me to help develop this concept and the  
13 Rule Net was the result.

14           What you have down in the lower left-hand  
15 corner of the screen is the home page for Rule Net on the  
16 Internet. You can get to it from our home page, the  
17 NRC.go home page or from the Lawrence Livermore site.  
18 What we did was, we developed a system which has a library  
19 of all the documents related to the rulemaking, which you  
20 see with the references button in the lower left corner of  
21 the home page screen. A news and update section, which is  
22 where the system administrators keep people apprised of  
23 what's gone on in the forums on Rule Net. And help and  
24 information section, which is where we provide frequently  
25 answered questions.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           The forum, which is made up of three parts,  
2 I'll talk a little bit later. It has a dialogue  
3 discussion area, it has a caucus area, and it has a  
4 registered participant area. Quite frankly, it was  
5 modeled on the negotiated rulemaking model, which  
6 everybody on this advisory committee is somewhat familiar  
7 with. It is not designed to get an absolute consensus,  
8 though. The tools that are developed are developed to  
9 help collaborative discussion. Then there was a feedback  
10 area, which is basically feedback on technical problems,  
11 and a purpose and vision statement, which describes what  
12 it was we thought we were all about.

13           The idea is public participation in an  
14 electronic town hall. The participation is enhanced with  
15 collaborative tools. There are caucus opportunities and  
16 there are facilitated discussions. We also use these kind  
17 of character drawings to guide people through the process.  
18 And in the discussion we have a little light bulb for  
19 bright idea. A question for question. A thumbs down,  
20 meaning I disagree. A yes but. There are a number of  
21 other icons. So that when you look at the threaded  
22 discussion, you can tell quickly what the nature of that  
23 particular comment is all about.

24           We use the Mosaic Web Browser. Many people  
25 don't realize that it was December of 1993 when the Web

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Browser first appeared. Here we are three years later and  
2 there has been no piece of software take off quite like  
3 Mosaic did. In this particular rulemaking, we had  
4 petitions for rulemaking on fire protection and she chose  
5 fire protection because -- one of the reasons we chose it  
6 was because we had reluctant participants. So we weren't  
7 going to get just people who were computer geeks  
8 participating. We were going to get people who have  
9 stakes in the outcome having to use the technology and who  
10 were somewhat negative about it. It gave us an  
11 opportunity to measure that and we're in the evaluation  
12 stage at the moment. I'm sure if I told everybody at the  
13 time if they opposed it, it meant I was going to look  
14 favorably on the project, they would have applauded it  
15 greatly.

16           The Reg Net idea was that you take distributed  
17 data from many different places and you access it with a  
18 graphical user interface like Mosaic, Netscape, SPRY  
19 Mosaic, American Online, CompuServe, your local Internet  
20 provider. All of these databases can be distributed out  
21 on the Net and you can get access to them very easily. It  
22 allows the public to participate at the low end. Very  
23 simply, with a links browser, even a blind person using a  
24 brailler can access this information and make sense out of  
25 it. You don't have to have all the pretty pictures.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           The industry is able to use whatever software  
2 forms that they may have and convert them with these using  
3 protocols like standard generalized markup language,  
4 adobe, PDF files, signature and authentication devices.  
5 And the government is able to provide the public a uniform  
6 interface across agencies. In other words, you shouldn't  
7 have to deal with the IRS and the NRC using different  
8 software. So the theory was everybody would be using the  
9 same software and the same protocols and the same  
10 interfaces and they would be able to have equal access to  
11 modeling and analytical tools.

12           Rule Net gave us an opportunity to show real  
13 live modeling. We had a video conference kickoff where we  
14 had the Commission in Rockville at a video conference  
15 center. We had our regions hooked up with video  
16 conference centers. And we had a court reporter who used  
17 a stenographic machine, pumping ascii text out onto the  
18 Internet simultaneously. And if you were in Hoboken,  
19 Iowa, you could see that conference on your computer  
20 screen at home using America Online within four minutes of  
21 the spoken words in Rockville. And we provided a form  
22 where people could submit questions at the time and those  
23 questions were fed back to us from Lawrence Livermore to  
24 Rockville and the Commission was able to respond. I'm not  
25 going to go into fire protection and thermal lag for you,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433

1 but what we learned on this was that the public on the  
2 Internet asked more questions through their computers than  
3 they did in the video conference centers around the  
4 country.

5           So our milestones where we started this  
6 project in November, we let people play with it in  
7 November and December, we brought it online in January, we  
8 closed the forum in February, and we're now in the  
9 evaluation phase. And we have it set up back here on the  
10 World Wide Net where I can actually show you the  
11 discussions. I could do it here but I can't get the phone  
12 line (indiscernible).

13           MR. LEVIN: I thought it would be very useful  
14 for everybody for people who haven't seen what the thread  
15 of discussions looks like to actually see it.

16           MR. OLMSTEAD: Right. So I think you do want  
17 to go look at one. I can probably pull one up here, given  
18 a minute or two, that's on this hard drive. But it would  
19 be better if we looked at it back here.

20           The one thing I should say is, we developed  
21 some consensus evaluation tools using John Hellie of  
22 Conflict (indiscernible) in San Francisco and patterned it  
23 somewhat on the University of Arizona's Ventana software.  
24 I don't know if any of you have ever used that, but it's  
25 designed to improve meetings where you have somebody using

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 a flipchart. And the theory is, everybody goes around and  
2 tells you what they think and you hear the same thing  
3 sometimes 20 times by the time you get around the room.  
4 With collaborative software, everybody has a pc terminal.  
5 Like the one that I'm using here. And whatever  
6 proposition is before you, you type the information in.  
7 The computer or the artificial intelligence agent then  
8 sorts it. And people then get a screen presentation of  
9 everything that people said and they can prioritize it  
10 right at their computer screen and then it's reorganized  
11 that way. And essentially you can take what would take  
12 eight hours worth of meetings and consolidate it into  
13 about 45 minutes using these software tools.

14 VOICE: (Indiscernible.)

15 MR. OLMSTEAD: What we are suggesting that we  
16 might do is, instead of having a meeting like this, we  
17 have virtual meetings using these tools where we give  
18 people three days to comment on a particular proposition.  
19 And then we provide them the sorts back and in the  
20 threaded discussions you would see the results.

21 We also had a bozo monitor tool. That anytime  
22 a registered participant used profanity, they got the e-  
23 mail returned to them asking them to clean it up before it  
24 was posted or to submit it in writing.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   We had facilitators review the threaded  
2 discussion in the facilitated area. And the theory was,  
3 if somebody was getting a little bit hot under the collar,  
4 and we had some of that, the facilitator would talk  
5 offline to the person suggesting how they could make their  
6 point and then post it after that offline discussion. I  
7 don't think for the LSSARP we would do anything quite that  
8 elaborate.

9                   We also put this in three phases. The first  
10 phase was brainstorming where everybody was asked just to  
11 pose their ideas. The second phase we had the  
12 facilitators try to structure that into subject matter and  
13 have people respond to the subjects. And then in the  
14 third phase the staff said what they thought about it.  
15 And we asked for traditional comments on that.

16                   We're not talking about anything quite that  
17 sophisticated here either. What we're really talking  
18 about it using the threaded discussion where we might pose  
19 something for people to talk about over a period of time,  
20 let everybody respond to it, and then use the facilitation  
21 tools to move on from there. We think that might be  
22 useful in the context of LSS development.

23                   MR. SILBERG: Bill, did you do an analysis of  
24 how much the process costs versus how much the typical  
25 process costs?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. OLMSTEAD: How much this process costs?

2 MR. SILBERG: Yes, your Rule Net.

3 MR. OLMSTEAD: We're in the process now of  
4 doing that analysis. I can give you some interesting  
5 feedback. We've done a statistical regression analysis of  
6 a survey we gave to all of the participants and there's a  
7 surprising support for this concept in the public. There  
8 is less support for it within the Agency. And the reason  
9 is that it probably changes the way the Agency does  
10 business more than it changes the way the public does  
11 business.

12 Normally, when the Agency puts a notice out,  
13 it doesn't have to do anything until the comments come  
14 back in. So that period of time is available for other  
15 tasks. Whereas in this type of process your technical  
16 staff actually as to be engaged while the public process  
17 is going on. They're actually engaged with the public who  
18 is commenting in order to move from phase one to phase two  
19 to phase three.

20 So it is more resource intensive within the  
21 Agency during the public comment period. It appears to be  
22 a wash, though, in the total comments analysis if you  
23 accept the legal proposition that if there's a comment and  
24 a response you don't have to further analyze that in the  
25 comments analysis on the rule. I don't know where I come

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 out on that right now. I'm still hearing everybody's  
2 argument. But those are the differences that bear on  
3 costs at the moment.

4 MR. LEVIN: Excuse me. If anybody would like  
5 to see what this threaded conversation looks like --

6 MR. GIL: April Gil, Department of Energy. I  
7 assume that you've got a concurrence process that the  
8 staff goes through when they respond to comments on the  
9 rule. How is that handled with the electronic format?

10 MR. OLMSTEAD: In Rule Net, Rule Net is a  
11 team-based management approach, which we were in team with  
12 Lawrence Livermore. I was the one that everybody looked  
13 to for the authoritative decision on this. And my  
14 decision was, we would not have authoritative agency  
15 responses during the period that Rule Net was pending. We  
16 said that nobody in the staff spoke for the Agency but  
17 anybody on the staff could speak their mind. So we didn't  
18 have any problem with that, that I could detect. What I  
19 did was, if some staffer did put something out there that  
20 I thought was ill-advised, I did attempt to get -- I used  
21 the facilitation tool to have an offline discussion with  
22 them before they actually posted what they posted. But it  
23 was largely to say do you really want to appear to be that  
24 hostile to this particular comment.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. SILBERG: What does that do to the  
2 argument that you don't have to respond to the comments if  
3 the response to the comments are not agency positions.

4 MR. OLMSTEAD: My tentative thinking on that  
5 is, I don't have to respond to commenters where the  
6 commenter doesn't expect a further response. And that  
7 becomes a judgment call. Not every commenter wants every  
8 comment that they've already got a response to responded  
9 to again if they're satisfied with the answer.

10 MR. SILBERG: The question is whether that  
11 meets APA requirements.

12 MR. OLMSTEAD: Well, it does. As you well  
13 know, all the APA requires is notice of issuance, which we  
14 gave, and a reasoned response, which I would argue those  
15 are.

16 MR. SILBERG: The question is whether it's  
17 reasoned if only one party gets it as opposed to the world  
18 at large.

19 MR. OLMSTEAD: No. Everybody gets it.  
20 Everybody can see it.

21 MR. MURPHY: Everybody who's on the Rule.

22 MR. OLMSTEAD: Anybody who has access to the  
23 Internet can see any of the comment responses.

24 MR. SILBERG: The next question is whether  
25 it's a reasoned response if it's not the Agency response.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. OLMSTEAD: Well, it is the Agency's  
2 response when we get done.

3           MR. MURPHY: (Indiscernible), but that's a  
4 good question. When does an informal comment that goes  
5 out over the Rule Net become an Agency response?

6           MR. OLMSTEAD: The problem is really -- the  
7 correct question is, when does the Agency actually propose  
8 a rule. My answer to that is, this is more into advance  
9 (indiscernible) proposed rulemaking than it is --

10          MR. SILBERG: Okay. So this is not  
11 rulemaking. This is ANPR's space.

12          MR. OLMSTEAD: Right. And the theory is you  
13 have to be tested. That when we promulgate the notice of  
14 proposed rule we'll get fewer comments.

15          MR. SILBERG: If it's ANPR, then it doesn't  
16 matter because that's nonlegal.

17          MR. HOYLE: I think we're also seeing an  
18 example of some of the conversation that might go on in  
19 the interactive --

20          MR. OLMSTEAD: Jay is just treating us to the  
21 conversation that's already gone on.

22                 In order to keep on schedule so we can make  
23 the 11:00 o'clock demonstration, here again I just want to  
24 make the offer. If anybody wants to see what we're

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 talking about, I can show you right here. You'll have to  
2 huddle around.

3 MR. HOYLE: What I would propose to do, Moe,  
4 is invite us to take a break and utilize your  
5 demonstration at that time.

6 We're expecting Kimberly Hodes in before 11:00  
7 we hope and set up this other demonstration. So let's  
8 take a break at this time and hopefully get back together  
9 around 11:00 o'clock.

10 (Whereupon, a brief recess was taken.)

11 MR. HOYLE: We're back on the record. At this  
12 time we will take our lunch recess.

13 (Whereupon, at 12:28 p.m., the above-entitled  
14 matter recessed to reconvene at 1:40 p.m., the same day.)  
15  
16  
17  
18  
19  
20

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

(1:40 p.m.)

MR. HOYLE: We're back in session now. I'm going to ask Moe, the LSS administrator, to enlighten us to pick up where he left off this morning.

MR. LEVIN: This afternoon John is going to discuss the status of the topical guidelines and also the decision capture process and procedure issues. And Bill is going to talk about assessment of licensing support technology and options for the future.

This morning has kind of started to set the stage for what we're going to discuss this afternoon. I'd just like to run through a few ideas that are the underlying theme for the discussion about LSS technology this afternoon.

What we've been discussing internally at NRC, the Senior Management Team, is that the centralized monolithic original concept for the LSS, basically an early 1980s type of concept, is no longer cost effective or even desired given the current state of technology. That computer technology now is available to everybody. Not like it was back in the early 1980s. And that litigation support software is now commonplace and off the shelf as we saw with this presentation this morning on summation. Also, we now have the Internet, which is a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

(202) 234-4433



1 relatively new technology that has just recently come on  
2 the scene. And the World Wide Web makes many separate  
3 databases appear as one, can tie it all together, and  
4 basically provides a common playing field for everybody to  
5 get to very easily.

6           On the surface one could think that the LSS  
7 could just be an agreement between everybody involved on  
8 structures, procedures, and protocols we all would use  
9 over the Internet using the World Wide Web. And there are  
10 many real life examples of what we're talking about using  
11 the Web. For instance, there is a search engine on the  
12 Web, which is called Alta Vista. It's by Digital  
13 Equipment Corporation. And it allows you to do freeform  
14 searches much like you would do in the LSS. Currently it  
15 represents 21 million pages of information, eight billion  
16 words of text. This is all done under a VAX-based system  
17 under the operating system OSF-1. And if you looked at  
18 and did any of these searches, you'd look at this and  
19 you'd say, hey, this is a lot of functionality already  
20 from the LSS. We saw this morning with the demonstration  
21 on RIS. It doesn't take a great intellectual lead to put  
22 it all together and say this could be the basis for the  
23 LSS.

24           And this is basically what our thinking is.  
25 And what you're going to hear we're going to present for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 discussion this afternoon. Not to say that there won't be  
2 a lot of problems doing it this way. We've started  
3 thinking about what it would take to administrate this  
4 from the LSS administrator's perspective. And things like  
5 the Compliance Assessment Program, the auditing, the  
6 guaranteeing of availability and up time and those kind of  
7 issues.

8           Looking at the original LSS requirements as  
9 they were developed, I'm not sure that all those  
10 requirements could even be met under an Internet-based  
11 approach. But if we think it's the way to go, we may want  
12 to go back and look at some of those requirements and say  
13 what requirements are really necessary and what  
14 requirements have just kind of been added on as a nicety  
15 as time has gone on. If we agree this is the way to go  
16 and we look at it and we can get reasonable in what our  
17 functional requirements are, I think we have a real good  
18 shot at putting together a system that will work for  
19 everybody and will be very cost effective.

20           So this was just all. We're going to now, as  
21 a part of these discussions, get into more detail in this.

22           Bill? Who is first? John's going to --

23           MR. GREEVES: Why don't I -- yes.

24           MR. LEVIN: Okay.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. GREEVES: Bill is playing catchup over  
2 there. Playing maybe. I don't know.

3 I've really got a set of talking points. I  
4 laid a bunch of copies over there. Hopefully people have  
5 been picking them up. Do people around the table have  
6 this set of notes?

7 MS. NEWBURY: Yes.

8 MR. GREEVES: Okay. Good. If you don't,  
9 we've got like three over here. It's just points that I  
10 thought would be useful to get through.

11 Many of you were at the High-Level Waste  
12 Program this week but a few of you were not. So I'll just  
13 give a little bit of background.

14 Again, I'm the director of the High-Level  
15 Waste Program at NRC. The changes that are affecting the  
16 program are having a large impact on me, my program, DOE,  
17 others, and I think most are familiar with the fact that  
18 DOE is coming out with a new program plan. It was a 1994  
19 program plan. Now there's a 1996 program plan. A lot of  
20 this was caused by budget cuts. Doctor Dreyfus is talking  
21 about his viability assessment in 1998. At one point in  
22 time the license application was due in 2001. Then it was  
23 no date at all in mind. And very recently the date that  
24 is being talked about is 2002. Well, separately, there's  
25 two pieces of legislation on the hill.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           So with these real time impacts, it's very  
2 difficult to sort of understand what is it that I, and  
3 whoever the I is, whether it's NRC or DOE, what is it that  
4 I need to be doing. So sort of in self-defense, our  
5 approach is, we need to keep our focus on the disposal  
6 issue. There's a lot of attention being paid to the  
7 storage issue. Well, my program has to focus on the  
8 disposal issue.

9           Also, our resources are cut. We had a \$22  
10 million program. Budget cut it to 11. Fortunately we  
11 have some carryover funds that allow us to operate a  
12 little bit above 11. So with that, I've had to slim down  
13 my staff and try and focus on the important issues. We  
14 did a number of papers at the conference here to try and  
15 identify what those issues are. And we refer to what we  
16 call the 10 key technical issues and the staff sitting  
17 around the table are familiar with that. So I just do  
18 this as a little background.

19           But for lots of reason, I, my staff, we need  
20 to streamline our efforts. We've done that in terms of  
21 defining what we think the issues are. I think these  
22 techniques, that we have video conferencing, use of the  
23 World Wide Web, are tools that I need to, my staff needs  
24 to get better at utilizing. So that's sort of the  
25 background.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 I come to this LSS topic. I wasn't there at  
2 the beginning, but coming to it, there's a recognition  
3 that we need to document decisions. Now where we are at  
4 some point in time, what that decision is, document it.  
5 It doesn't mean it can't change, but I think a need that  
6 we have is to have an agreement with DOE that they will  
7 document the decision process that they're going through.  
8 There's a number of things in the past that weren't  
9 documented as well as they should be. My point at this  
10 point in time is, I'd like to come to some agreement as to  
11 how we're going to document the decisions moving forward.  
12 We can talk about past decisions but minimum at least  
13 document the decisions moving forward. I'd like to just  
14 throw that out for discussion, one of the discussion  
15 items.

16 When the Commission staff puts together  
17 papers, makes recommendations, the Commission comes back  
18 to us and not always, but frequently they agree with the  
19 recommendations that we have and all that is a matter of  
20 record. I think if we could agree on what level of  
21 decision needs to be documented, how it's going to be  
22 documented, that that is an important step that will help  
23 us in the licensing process.

24 So I'll just throw that open to the floor. I  
25 know Bill's got some views on this. And I won't ask him

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to go over his old views but maybe his views of how we can  
2 constructively work this in the future. Bill, you want to  
3 help me out here in terms of -- that's a small --

4 MR. OLMSTEAD: You don't want me to do this.

5 MR. GREEVES: Not yet. No. Just the topic of  
6 documenting decisions.

7 MR. OLMSTEAD: Well, one of the problems I had  
8 when I -- there's a story I like to tell that some of the  
9 people in this room have probably heard me tell about.  
10 It's a Russian folktale and it has to do with the cold  
11 winter in Siberia when this bird was freezing to death.

12 MR. GREEVES: This was a small bird, Bill.

13 MR. OLMSTEAD: And a Russian peasant comes  
14 along and the bird is lying on the ground and is about to  
15 freeze to death. He'd like to do something to help it,  
16 but he looks around and he can't find anything to help the  
17 bird except that he sees a steaming cowpat over in a field  
18 and he sticks the bird in it and goes on his way. Pretty  
19 soon the bird warms up. The bird starts feeling pretty  
20 good and starts to sing a little song. And as the bird is  
21 singing a little song, another peasant comes along and  
22 sees the bird in this cow manure. He takes it out, cleans  
23 it off, and very delicately puts it on its back and  
24 continues on the path. Then the bird dies. The moral of  
25 the story is, it isn't always your enemies who you in it,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 it isn't always your friends who get you out of it, but  
2 when you're up to here in it, for God's sake don't sink.

3 I think the story is apocryphal for the High-  
4 Level Waste Program because everybody has good intentions  
5 and people's intentions aren't always interpreted the way  
6 that they ought to be. But the fact is that people are  
7 trying to do a good job with respect to their particular  
8 piece of the program, whatever that may be. Whether it's  
9 the state's interest, the federal interest, the local  
10 interest or not. But the time frames involved are much  
11 longer than the political institutions and the consensus  
12 available to support them. And we've had that problem.

13 When I first came into government in 1974 from  
14 the State of Kansas, I was told, gee, we're going to put a  
15 young, ambitious lawyer on high-level waste because by the  
16 end of your career you can have this done. And I am now  
17 going to retire in a few years and pass it on to yet  
18 another group of young lawyers that probably won't have  
19 any better success than I've had at seeing a program come  
20 to an end.

21 One of the problems we dealt with in the  
22 negotiated rulemaking years ago, and we're still dealing  
23 with today, and it's not going to change, is documenting  
24 who made what decision when on the basis of what data. It  
25 is just absolutely important to know whether or not a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 particular decision was made in cognizance of a particular  
2 set of facts.

3           When I got back to the NRC and started looking  
4 at just our piece of the LSS, we weren't doing a very good  
5 job of it. I don't think a very good job of it is still  
6 being done even though everybody knows that you should do  
7 it. And it isn't that they don't know that you should do  
8 it and that they're not trying to do it. It is that  
9 people's work habits as human beings make it awfully hard  
10 to get them to conform their habits to some kind of  
11 systematic approach to documentation of issues and  
12 decisions.

13           The good new is, I think at Yucca Mountain on  
14 the technical side with QA data we got the message across.  
15 And at least up to now the data trails are there. But if  
16 you go to headquarters and look and say can I find what  
17 data was available to Ben Rushe when, we'll find that Ben  
18 Ruche has gone and taken his records with him.

19           What's that? You never wanted them anyway.

20           So the same thing is true with NRC. We've had  
21 John Davis leave. We've had Bob Browning leave. We've  
22 had Joe Bunting, Bob Benaro, and it's just important.

23           MR. GREEVES: I think, Bill, in the Commission  
24 we do have a procedure at least for things like Commission  
25 papers. I mean significant items we raise up to the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 Commission. Those are documents that are released,  
2 they're public documents, and they're available. I think  
3 a question is, do we have a parallel set in DOE land and  
4 have we got an eye on that set. They need to find their  
5 way ultimately into an LSS.

6 VOICE: We can't hear you over here, John.

7 MR. GREEVES: Okay. I'll speak louder.

8 MR. OLMSTEAD: Let me just address the  
9 Commission piece of it and John will tell you the pain we  
10 just went through because we wanted to set up a Commission  
11 decision tracking system to do the very thing that I'm  
12 talking about here. And the agony we went through to get  
13 that tracking system put in place, and we've only done  
14 that in the last year and a half, was horrendous. People  
15 did not want to support that effort. We were in desperate  
16 straits. We were about to lose our agency historical  
17 memory because of retirements in the Agency. And we had  
18 no method of getting to the key documents so people didn't  
19 waste time letting a lot of stuff that they only found out  
20 later didn't mean anything. But to put the professional  
21 team together to put that database in place, and it's not  
22 a very big database, was hugely controversial within the  
23 Agency. And that's the type of thing that I'm talking  
24 about.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 I think we're in good shape at the moment.  
2 How long it stays in good shape --

3 MR. GREEVES: You're talking about NRC space  
4 we're in good shape.

5 MR. OLMSTEAD: I'm talking about a very narrow  
6 part of NRC space. I'm talking about those documents that  
7 the politically appointed officials of the Agency treat as  
8 important in their daily work.

9 I can see I'm making a big impression on my  
10 colleagues.

11 MR. ECHOLS: Bill, did you get any kind of  
12 (indiscernible) holding up the process?

13 MR. OLMSTEAD: No. The problem quite honestly  
14 is the commissioners don't know what documents they rely  
15 on. And so you have to go to the professional staff that  
16 prepares the papers to develop the document trail for  
17 them. And their attitude, quite frankly, is why should I  
18 bother. I know what they are.

19 MR. ECHOLS: You can have some structure in  
20 the SECI process (indiscernible).

21 MR. OLMSTEAD: I think the question is, we  
22 have a structure in the SECI process designed to track  
23 something. I think John knows more about that than I do,  
24 but it doesn't really track by issues. It tracks by date  
25 and decision. But if a particular issue came up in a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 number of different contexts, it's usually the  
2 professional staff that sees the interrelationships and  
3 can tell you that these six documents go together.

4 MR. CAMERON: Will you please state your name  
5 for the record?

6 MR. ECHOLS: Stan Echols. On the policy  
7 statement on risk assessment, for instance, I thought the  
8 NRC did an excellent job in giving the historic record as  
9 it went along. So you'd pick up the latest SECI paper.  
10 Within it, it would track from the previous SECI paper the  
11 other documents and there were a number, I think -- I  
12 don't know if they were new regs or what, but there were  
13 some technical documents on PRA and how it applied across  
14 the program and so on. So you do have a pretty good  
15 system of laying out a paper trail. And then when you  
16 publish the final policy statement, again in the  
17 statements of consideration it's laid out.

18 So I find it a lot easier with NRC than a lot  
19 of other places in backtracking to pull the key documents.  
20 They may not all be in the one spot, but if you pulled a  
21 series of documents, they, in turn, will lead to the other  
22 documents.

23 MR. SILBERG: The only question I have is when  
24 you said how will be able to determine the data that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 decision-makers had in front of them when they made a  
2 decision. I don't think the SECI papers do that. The  
3 SECI papers are very high-level documents. And if you're  
4 expecting DOE's decision-making process to get down to the  
5 data level, I don't think there's any precedent in NRC  
6 world that will take you down that level of a document  
7 trail. Now whether that's feasible to do it or not, I  
8 simply don't know, but it certainly to my knowledge isn't  
9 done at the NRC today.

10 MR. OLMSTEAD: One of the problems I have in  
11 raising this issue with the Licensing Systems Support  
12 Advisory Committee, or whatever the official acronym is,  
13 is that for everybody except us it's not terribly  
14 important. It is vitally important to us and the reason  
15 is that we don't have long institutional memories when  
16 we're dealing with issues. And we can waste an awful lot  
17 of time recreating a trail of decision-making only to find  
18 out it wasn't relevant.

19 To take it completely out of this context,  
20 I'll tell you the first time I came up with it was when  
21 the law firm of Covington and Burling came to a meeting  
22 and embarrassed me with the document paper trail of our  
23 own agency. And fully nine out of the 10 documents that  
24 were critical to this particular decision, which had to do  
25 with the transfer of control of the license, which has

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 subsequently become kind of folklore, we couldn't pull out  
2 of our record system. Once I had the author, the title,  
3 and the date, I could get it. But I didn't know the  
4 author and title and date when I started to work on the  
5 problem.

6 MR. SILBERG: How long ago was that?

7 MR. OLMSTEAD: That was back in 1979. But I'm  
8 just talking about the type of thing that John is raising  
9 here was a piece of the quid pro quo that we were trying  
10 to get out of the licensing support system that we didn't  
11 have in the Agency as a while.

12 Even the point that Stan makes, which is a  
13 very good point, illustrates this, because when I put the  
14 teams together to do the Commission Decision Tracking  
15 System from the Office of Research and the Office of NRR  
16 and AEOD, the professionals that was designated as  
17 cognizant on the issue from those three offices all  
18 disagreed on what the key document was.

19 MR. DAVENPORT: Since we did the licensing  
20 rulemaking -- negotiated rulemaking years ago, we have a  
21 statement out of the NRC that all issues are litigable in  
22 the licensing proceeding. There are no predecided issues.

23 With that in mind, what difference does it  
24 make whether you guys have a record of your tracking of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 your in-house documents? They're not going to be binding  
2 on any litigative issue anyway.

3 MR. OLMSTEAD: They don't make any different  
4 to you and make a lot of difference to me if I'm trying to  
5 represent these people who are putting together cohesive  
6 testimony in a proceeding.

7 MR. MURPHY: Well, they also someday might  
8 make a big difference to the CP circuit, court of appeals.  
9 They've got to establish their records and  
10 (indiscernible).

11 MR. DAVENPORT: But the record that's going to  
12 be on review is the one that occurs in the proceeding not  
13 that happened some years before that Bill's collecting  
14 documents on.

15 MR. SILBERG: But if the issue is how the NRC  
16 made a decision, and the NRC isn't able at the hearing to  
17 explain the basis for that decision, then they've got a  
18 problem.

19 MR. DAVENPORT: But they're going to have to  
20 put on that evidence in the proceeding not -- it doesn't  
21 do any good to put out a document that was created 10  
22 years ago.

23 MR. MURPHY: But I think Bill's problem speaks  
24 not just to the ultimate licensing decision. It speaks to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 rulemaking. It speaks to any kind of a decision that the  
2 Commission makes.

3 MR. DAVENPORT: I guess that's my point is  
4 that you're trying to use this system that you want to  
5 develop as a management tool rather than as a litigation  
6 tool.

7 MR. OLMSTEAD: One of the things that we built  
8 into the system that was never a part of the negotiation  
9 because of the very reasons that you're raising -- I mean  
10 why would you care if I had such a system? You wouldn't.  
11 But at the time that John Davis and Ben Rushe and I were  
12 discussing it, we wanted a management system in it. I  
13 didn't have to negotiate that because there was nothing to  
14 negotiate.

15 MR. MURPHY: I think it was part of the  
16 negotiation. I think it was part of the motivation of all  
17 of us (indiscernible) negotiating system that we all  
18 wanted to be able to manage this information and these  
19 documents as well as just find them and the quicker the  
20 better, as I recall.

21 MR. OLMSTEAD: I don't care whether you manage  
22 them, see. I do care whether the NRC manages.

23 MR. CAMERON: Can we hear anything from DOE  
24 about this?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. NEWBURY: Let me see if I want to say  
2 anything. In terms of documenting decisions, I agree that  
3 there needs to be a systematic approach to doing it. In  
4 systematically documenting your decisions, you create  
5 something that goes into LSS which will help you find  
6 everything that went into that decision-making process. I  
7 don't see the LSS as the management tool, however. I see  
8 a disciplined approach to creating your management process  
9 and documenting your decision as the management -- I just  
10 messed up there. Creating the decision documentation  
11 properly, the administrative record properly, and then  
12 putting it into the LSS as how you get there not the LSS  
13 per se.

14 MR. OLMSTEAD: I agree with that. I wouldn't  
15 even want to argue that point particularly. That's why --

16 MS. NEWBURY: What I do want to say is, we  
17 haven't been very good at that and we've been talking  
18 about how we're going to improve it.

19 MR. OLMSTEAD: What got me started as a member  
20 of the Senior Management Team was, I couldn't figure out  
21 what happened to it. So I had Chip pull the design  
22 documents from 1989. The original reports that were made  
23 on the design of the LSS. In there that very point that  
24 you're making is made. We don't have include this as part  
25 of the LSS. We can pull it out and treat it separate. It

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 didn't decide to do that. I can't find any decision, at  
2 least in NRC, where they decided to do that per se, but I  
3 wouldn't have disagreed with that at the time. The  
4 problem I was, nobody could tell me where it went.

5 MS. NEWBURY: It probably went into the  
6 (indiscernible) very well and it sounds like NRC needs to  
7 think about it a little more (indiscernible).

8 MR. GREEVES: More than think about it.

9 MS. NEWBURY: They need to do something.

10 MR. GREEVES: What I'd like to -- my sense is  
11 that DOE agrees that better is something we can strive  
12 for. I don't think we're going to solve it here. I  
13 wouldn't propose that any solution or agreement be made  
14 here, but what I would propose is that we have a separate  
15 discussion about what kinds of things need to be  
16 documented, how, in electronic format so that we don't  
17 have the classical problem Bill described in 1979 where  
18 neither DOE nor NRC has a good handle on, well, how did we  
19 get from where we are now, 1996, to 2002, and how many  
20 times did we change the thermal loading. We, being DOE.  
21 How many times did DOE change the thermal loading at Yucca  
22 Mountain? Just because you document in 1996, the thermal  
23 loading design is 85 kilowatts per acre, doesn't mean you  
24 can't change it in two thousand and whatever. But we need  
25 to see what that trail is. I think what we probably need

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 is a separate meeting to talk through what are the items  
2 we really want to make sure do get documented. How is  
3 that going to happen. Make sure it's in electronic  
4 format. You're right, it's not LSS but it can be plugged  
5 into LSS once it exists.

6 MS. NEWBURY: I'm not sure if I understand  
7 what you mean by "in electronic format."

8 MR. GREEVES: That means full text retrieval.  
9 That's the goal.

10 MR. CAMERON: If you have a system set up for  
11 documenting these decisions, I would imagine, as Claudia  
12 speculated, that there would be a document coming out of  
13 that process that would then go into the LSS.

14 MS. NEWBURY: Right.

15 MR. CAMERON: You need to insure that. But  
16 what I hear being said around the table is that this  
17 issue's resolution decision tracking system, whatever you  
18 want to call it, is an important part of the NRC technical  
19 review and the DOE license application. And it's going to  
20 be tied into the LSS at some point but it is not an  
21 integral part of discussion in terms of building the LSS  
22 system.

23 MR. GREEVES: Claudia, to give you an example,  
24 and some of the people around the table, when we're trying  
25 to build our review plan, I said to myself, well, what

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 happens when Dave Brooks retires. He's the geochemist.  
2 He worked for NRC from 1987 to 1997 and he had all these  
3 thoughts, all these ideas on all these rationales of why  
4 the container would last for a certain amount of time.  
5 Well, I told my staff I want them writing that down.

6 MS. NEWBURY: I agree with that.

7 MR. GREEVES: So when Dave leaves, whoever I  
8 hire behind him has something to work from. And whoever  
9 has my job when this license is granted, will have some  
10 basis to know why we thought titanium was a good metal to  
11 use. So that's the point.

12 MS. NEWBURY: I agree with that completely.  
13 In fact, we are doing synthesis reports this year for  
14 partially that reason. To put on paper the thought  
15 processes that many of the scientists were going through  
16 in making their conclusions on lower level issues or  
17 concerns. And I think we do need to document all that.  
18 What I was questioning is when you say in electronic form.  
19 Are you looking at some kind of a database that we put all  
20 this in and you can link -- I don't know why you say  
21 electronic format. That was what my question is and we  
22 can talk about it --

23 MR. GREEVES: That's just what's in my head  
24 is, you know, all the Commission papers we do and each one  
25 of them is a significant action. They're all in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 electronic format. when I write an SCR for a case, I  
2 fully expect that's going to be in electronic format in  
3 the future.

4 Chip?

5 MR. CAMERON: I think all that John is saying  
6 is that hard copy document is in an electronically  
7 searchable form in some system.

8 MS. NEWBURY: It's in a Wordperfect files.  
9 That's what I was asking. I wasn't sure if there was  
10 something beyond that.

11 MR. GREEVES: Maybe I was talking past you. I  
12 don't want to have to do what we did with the document  
13 system Bill's describing.

14 MS. NEWBURY: You don't want a scanner --

15 MR. GREEVES: We had to go through our files  
16 and the staff, that's why they resisted it. If it had  
17 been an electronic file and they had this magic system we  
18 all looked at earlier, they wouldn't have complained. It  
19 would have jumped on their machine and they'll say, okay,  
20 you want to know what we did on mixed waste in the past  
21 seven Commission papers. That's a push of a button. The  
22 reason they resisted was it was on hard pieces of paper in  
23 somebody's file. Nobody had all of it. They had to go  
24 ask three people. Gee, I've only got three of those

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 papers. How many do you have. That's why they resisted  
2 it, Bill.

3 MR. OLMSTEAD: Well, I know, but we just had  
4 another big meeting and John really is being quiet here.  
5 He's the one that's --

6 MR. HOYLE: You're carrying the ball.

7 MR. OLMSTEAD: He's the one that's stuck with  
8 administering this now. But it's not a picnic to  
9 administer once you even have it up because you still have  
10 people who want to do business without telling you that  
11 this needs to be added to the system. I don't think it's  
12 sinister. It's just the way people are.

13 MS. NEWBURY: I understand totally. Believe  
14 me. I've been dealing with it in other arenas for years.  
15 People like to have things in their back pocket and that  
16 makes them indispensable.

17 MR. SILBERG: We're really confusing two very  
18 different things right there. One is that -- maybe three  
19 things. One is DOE's decision-making process. Second is  
20 NRC's decision-making process. The third is the LSS.  
21 While the products of the first two go into the third, I'm  
22 not sure that there's much of a relationship between the  
23 two. I think it is very important that DOE and NRC  
24 understand each other as how decisions get made. And each  
25 one of them independently needs to figure out how they

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 need to document those for their own purposes. DOE  
2 because it's going to be the applicant. And when Harry  
3 and Jim and Steve get to cross examine DOE witnesses and  
4 want to say, well, how did you reach this decision, and  
5 the guy says, well, there's this report over here, well,  
6 what went into that report? If the DOE witness isn't  
7 going to be able to address those questions, the DOE  
8 witness is in trouble and DOE needs to pay attention to  
9 that.

10               Similarly, when Bill puts his reviewers on the  
11 stand. When John gets on the stand to say I've made this  
12 licensing review and I think this repository design will  
13 reasonably assure public health and safety, and they start  
14 asking questions, well, what did you base that on, they  
15 want to know the trail of documents that leads back. And  
16 all of those documents probably need to be in the LSS.  
17 But we really need not to mix up those three different  
18 issues.

19               NRC needs to develop a system which makes  
20 sense from its standpoint. DOE needs to develop a system  
21 which makes sense from their decision-making system. And  
22 the records need to be collected somewhere so the  
23 important ones are going to be around 100 years from now.  
24 When we want to close up the repository, someone is going

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to say, well, my grandfather told me that there was this  
2 test that said chlorine 36 was found on top of this hotel.

3 MR. OLMSTEAD: And I agree with that with one  
4 exception. I want to make -- the reason for the  
5 demonstration this morning, the reason for what I'm about  
6 to say, if I get to these slides, and the reason for  
7 pushing on this documentation is that there's going to be  
8 a lot of duplicative money spent if everybody goes off and  
9 develops a "system" that doesn't integrate well with the  
10 system that other people are using.

11 MR. SILBERG: They're different systems,  
12 though. One is --

13 MR. OLMSTEAD: No, no, no, no. They're not  
14 different --

15 MR. SILBERG: One is a document system and the  
16 other is a decision-making process.

17 MR. OLMSTEAD: But they're related in the same  
18 way that exhibits are related in the courtroom. If you  
19 have your exhibit, I have my exhibit, and Mal's got his  
20 exhibit, and Jim has got his exhibit, or whether we have  
21 joint exhibits, each of us is going to put a certain  
22 amount of time and effort into that process. If we can  
23 find ways to share common standards. I don't care how you  
24 design your "piece of the system," but we need to have  
25 some common understanding of what the terminology is when

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 we talk cross systems because there's no reason for them  
2 to have a documented decision trail that documents the  
3 decision-making in a different way than ours if we're both  
4 interacting with each other on the decision. That's my  
5 point.

6 MS. NEWBURY: I'm not sure I totally agree  
7 with that, but we do have to agree at what level we are  
8 documenting our decisions. I don't want to spend a lot of  
9 time and money documenting why I moved to -- hole five  
10 feet if that's not what's expected.

11 MR. GREEVES: Well, that's what I was  
12 suggesting is that I think we need another meeting. It  
13 would be a public meeting. Anybody is welcome to come to  
14 it. But I think I, my staff, need to get together with  
15 DOE and at least talk about what are those things. NRC,  
16 what's your expectation of what we, DOE, should be  
17 documenting. At least talk that down or write it down.  
18 Obviously, Bill is going to give me some advice on it.  
19 I'll take some of that. But I think there's a separate  
20 meeting that needs to happen. Like you've said, you could  
21 do a better job. So we need that separate meeting. I  
22 think the advisory panel here needs visibility of what  
23 we're doing, and if they can offer some comments, let's  
24 have them. My first proposal is let's have that separate  
25 meeting. It could be a video conference type thing. So I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 would like to take that as an action item that we could  
2 follow up on.

3 MS. NEWBURY: I agree. I think it would be a  
4 good idea for us to sit down and talk and make sure we  
5 understand each other. And then if we want to come back  
6 and tell people what it is we think we're doing and make  
7 sure that everyone is comfortable with it, then that's a  
8 good way to go.

9 MS. GIL: Could I speak for just a moment?  
10 April Gil, Department of Energy.

11 John, I would backup 100 percent what Claudia  
12 just said. I'd also mention to the folks in this room  
13 that May 8th, which is next Wednesday, we're having a  
14 management meeting, DOE and NRC, which is an open meeting.  
15 One of the agenda items the NRC has specifically requested  
16 is the administrative record and how we document  
17 decisions. The NRC is going to be talking to us about  
18 some of their concerns. I would say that we would be more  
19 than happy to cosponsor such a meeting with you that would  
20 focus on discussing this issue in more length and more  
21 detail than will be possible next Wednesday.

22 MR. GREEVES: I'm ready to move on unless some  
23 of the other parties --

24 MR. HOYLE: Let's move on.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. GREEVES: Okay. The topical guidelines,  
2 and this should be quick. Again, I think this has been  
3 worked on over time. People have commented on these  
4 topical guidelines. We have a final version of this that  
5 include those comments and I'm going to basically publish  
6 this as a new reg document. Does everybody know what I'm  
7 talking about around the table?

8           MR. ECHOLS: Hard to hear you over here.

9           MR. SILBERG: You know what he's talking  
10 about. You don't need to listen.

11           MR. GREEVES: It's a reg guide called "Topical  
12 Guidelines for the Licensing Support System." It's my  
13 understanding it's been out for comment. DOE has  
14 commented on it. Others have commented on it.

15           MR. MURPHY: The same old list?

16           MR. GREEVES: Yes.

17           MR. HOYLE: And this panel has --

18           MR. GREEVES: The panel has commented on it.

19           MR. HOYLE: When the Senior Management Team  
20 was established last year, this was kind of put on hold as  
21 one of the items to be considered in the process. And now  
22 you're taking a hold of it.

23           MR. GREEVES: Yes. It sort of got short-  
24 stopped. I don't need to go into why. But the point is,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 it needs to be out there. It's a guidepost. So we will  
2 publish it as a new reg document.

3 Now the only thing I'd like to point is, it's  
4 based on -- a lot of it what you will find in Part 60.  
5 Anybody who sat through this high-level waste meeting who  
6 spent any time with me knows that there are some changes  
7 coming with Part 60. So I'm happy to put this out, but I  
8 want people to recognize when something else changes in  
9 the Part 60 requirements for Yucca Mountain, this thing  
10 will get revised. That's all. I'll just leave it with  
11 that. I just wanted to report to the panel I will be  
12 putting it out and I just wanted to make sure everybody  
13 heard that to the extent Part 60 changes, the document is  
14 going to change, and that'll just take time.

15 MR. DAVENPORT: Let me --

16 MR. GREEVES: Go ahead.

17 MR. DAVENPORT: -- at this juncture make my  
18 standard speech about changing any part of the negotiated  
19 rule, which the topical guidelines, if I recall, were  
20 part.

21 The negotiated rulemaking arrived at a rule by  
22 a consensus of the parties to that and any amendment to  
23 that rule should be done with the same sort of proceeding.  
24 And to the extent that the NRC wants to change a  
25 negotiated rule by a unilateral act, we think that's in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 violation of the process by which you got there and we  
2 could contest that.

3 MR. GREEVES: I hope you didn't hear me say I  
4 was changing Part Two version of the rule. I was  
5 referring to Part 50.

6 MR. DAVENPORT: And you just said that the  
7 amendments in 60 would amend that, did you not?

8 MR. GREEVES: Well, the English language is  
9 that this refers to things that are in Part 60 and I think  
10 it would be inconsistent with Part 60 or the new rule. So  
11 I think we'd have to bring it back to this group and talk  
12 about it.

13 MR. CAMERON: If Part 60 was changed so that  
14 vulcanism was no longer an issue or something like that,  
15 then if it couldn't be an issue in the licensing hearing,  
16 then it wouldn't need to be in the topical guidelines.  
17 That's all that John is saying.

18 MR. MURPHY: It would need to be in the impact  
19 statement.

20 MR. CAMERON: Possibly, depending on what the  
21 issue was.

22 MR. MURPHY: We don't want to reopen that can  
23 of worms.

24 MR. CAMERON: Yes. We're ready to move on to  
25 your presentation, Bill.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. ECHOLS: Just one point on the negotiated  
2 rulemaking. If you look at the statements of  
3 consideration that accompanied the final rule, the  
4 negotiated process was input to the Commission in arriving  
5 at its decision regarding Subpart J but it was not a  
6 consensus rulemaking in the traditional sense of a  
7 negotiated rule. In other words, this was input but the  
8 Commission reserved for itself the right to change the  
9 rule.

10           MR. OLMSTEAD: I don't want to talk about  
11 changes that are not on the table. We're not talking  
12 about changing anything. As far as the consensus process,  
13 whether we hit consensus or not, we did make commitments  
14 to people who came to the table based on those  
15 commitments.

16           MR. ECHOLS: But I think the Commission in the  
17 final rule defined what the level of those commitments  
18 were.

19           MR. OLMSTEAD: I understand all that history,  
20 but as long as I'm running the rulemaking process at NRC,  
21 we're not going to go do something without telling  
22 everybody what we're doing. And you'll at that time have  
23 the opportunity to say what you think about it. So I  
24 think that's as far as we can go now because I don't even

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 know what statute I'm going to be administering in  
2 September.

3 MR. ECHOLS: Maybe you can ask at the end of  
4 the table.

5 MR. SILBERG: We don't even know if there's  
6 going to be a September (indiscernible).

7 MR. HOYLE: Okay, John.

8 MR. GREEVES: That was really the end of that  
9 particular topic. Bill has rescued me and maybe he'll  
10 give us a few moments here with some more slides.

11 MR. OLMSTEAD: I never rescue anybody. I just  
12 build fires.

13 My staff wanted to make sure that this high  
14 tech didn't fail me. So they made these slides. So I'm  
15 going to pass them out. If the high tech had worked, you  
16 didn't need (indiscernible). Since the high tech worked,  
17 you don't really need (indiscernible).

18 One of the things I want to tell you about the  
19 Senior Management Team and the high-level licensing  
20 support system is that you're going to see stuff on these  
21 slides that not everybody is going to agree with. I'm not  
22 wanting to argue about what the precise date was when  
23 certain things happened. But I think what everybody will  
24 agree with me about is that things happened.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   When the Nuclear Waste Policy Act of 1983  
2 passed, one of the things that was made absolutely clear  
3 to me was that NRC was going to meet the three-year  
4 licensing goal. Of that three-year licensing, an  
5 agreement was struck between the hearing division, which I  
6 then headed, and the technical staff. That 18 months  
7 would be given over to the licensing proceeding and 18  
8 months would be given to the review of the application.

9                   So the Licensing Support System had a  
10 (indiscernible) in trying to save time in traditional  
11 litigation discovery. Discovery as was conducted in the  
12 NRC and the time frame ran between 12 and 18 months, of  
13 which half the time was associated with what I would call  
14 pleading and motion practice. Most of that associated  
15 with mail because the United States Post Office, due to  
16 tests we've conducted in the office at that time, was  
17 averaging between six and seven days to get mail from the  
18 West Coast to the East Coast. And so we had changed our  
19 rule to allow five days for mail tacked on to every piece  
20 of paper that was filed in the proceeding.

21                   The other thing that we thought we could  
22 reduce time for was document discovery because the theory  
23 was if we could get all of the textual documents into full  
24 text and provide some kind of full text search engine for  
25 the attorneys and boards to use, we could eliminate

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 multiple rounds of interrogatory document discovery. In  
2 the traditional cases, it took three and four rounds of  
3 document discovery before the attorneys accepted the idea  
4 that they had all the documents.

5           So those two time-saving components were in  
6 the original LSS. As you all know, we negotiated a rule  
7 and we thought sometime in 1991 we would have some kind of  
8 document database engine up and running. And the parties  
9 would start to have access to it so that we could begin to  
10 bring the bugs out. Of course, here we are in 1996,  
11 whether you agree with the 1991 date or not, the fact is  
12 in 1996 we still don't have what we assumed we would have.

13           Not only that, the technology, as we saw this  
14 morning and as everybody knows, have changed. The cost  
15 estimates have been unreliable. In the huge litigation  
16 that just concluded with some of the computer companies,  
17 Apple, Intel, et al., on the infringement of Apple's  
18 Macintosh operating system, the total document litigation  
19 discovery costs for converting everything to full text for  
20 those systems was \$60,000. So if you know what you're  
21 doing, you can do this on the cheap. I'm talking only  
22 about the litigation support piece of it. I'm not talking  
23 about the historical database.

24           How did we get here? Well, we had a Nuclear  
25 Waste Policy Act targeted schedules. We had assumptions

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 since 1991. One assumption that was very critical was  
2 that we couldn't all afford to build a Licensing Support  
3 System. So we would share the cost by having DOE pay for  
4 it and we would satisfy the other parties' concerns about  
5 their proprietary documents by having NRC administer it.  
6 As you saw with the World Wide Web and hypertext and  
7 distributed databases this morning, we don't have those  
8 worries anymore if people can maintain their own document  
9 databases but give access to people with security through  
10 the Internet. In addition, at that time we had to develop  
11 custom software and there's a lot of off-the-shelf  
12 software now that can be used that wasn't available then.

13 Options for the future. I'm here to tell you  
14 that the way the rule now reads is if the LSS is not  
15 available and you can't go under Subpart J, everything is  
16 off and we go under Subpart G. But by the time we get  
17 there Subpart G isn't going to be the Subpart of 1983.  
18 We're going to be recommending changes to Part Two. Tony  
19 Cotter of the Licensing Support Board has up -- you can  
20 see this on the Internet under the -- down in  
21 Charlottesville areas the National Center for the State  
22 Courts and they have a courtroom of the future. Tony has  
23 been a big part of developing a project called JEDI, which  
24 is electronic document filing and exchange using value  
25 added networks and third party processors. He's pushing

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 very hard to do all electronic filing in all Subpart G  
2 proceedings in the future. I think that's likely to be  
3 the case in the next year to year and a half. If that's  
4 the case, that's 50 percent of the cost savings that the  
5 original LSS was supposed to realize.

6           The other thing that we'll be doing in Subpart  
7 G is using a lot of the software that you saw this morning  
8 or other companies that have similar things and showing  
9 people how they can convert their software into these  
10 litigation support platforms. So the different between a  
11 litigation under Subpart G and Subpart J might not be  
12 really significant.

13           So the Senior Management Team has recommended  
14 or will recommend -- we haven't got the paper ready  
15 because of the strategic planning initiative that  
16 underway. But I think that the Senior Management Team  
17 will be recommending an LSS reexamination. A lot of the  
18 issues we've been talking about today are what we're  
19 talking about when we talk about an LSS reexamination. We  
20 will be recommending consultation with the LSSARP. And  
21 some of the things that Moe was showing you this morning  
22 about how we can do that much cheaper than having meetings  
23 like this through video conferences or hypertext on the  
24 Web are the kinds of things that we're thinking about.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           As many of you know, we have two new  
2 commissioners who have to be familiarized with this and we  
3 will have to crank their views in. As we have done those  
4 three things, we're going to develop a paper with options  
5 in it and hope to have a Commission decision by -- I've  
6 got mid-summer here but I was really thinking August or  
7 September.

8           MR. SILBERG: Are you assuming that decision  
9 will be made before or after consultation with this  
10 committee?

11           MR. OLMSTEAD: The decision on how to proceed?

12           MR. SILBERG: You said a Commission decision  
13 by August 1996?

14           MR. OLMSTEAD: On the recommendations that  
15 we'll make. But as far as the input from this committee,  
16 the purpose of this meeting is to get input and ideas from  
17 you all either offline or online concerning what you think  
18 we ought to do and where we ought to go from here.

19           MR. SILBERG: This paper that you're going to  
20 develop, are we going to be asked to comment on that  
21 before you go to the Commission?

22           MR. OLMSTEAD: You're not going to be asked to  
23 comment on the paper, no. You're being asked to give us  
24 input or thoughts or whatever it is you would like to have  
25 us think about and we will take that into due

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 consideration. But I don't plan on having another meeting  
2 like this or sending the paper out before I send it to the  
3 Commission to get comment.

4 MS. NEWBURY: You're looking at a Commission  
5 decision sometimes in August/September of 1996?

6 MR. OLMSTEAD: Yes.

7 MS. NEWBURY: And then we reexamine LSS?

8 MR. OLMSTEAD: Well, it depends on what their  
9 decision is.

10 MS. NEWBURY: Well, I mean assuming that they  
11 want to do this.

12 MR. OLMSTEAD: The way the Commission papers  
13 kind of work, we probably will give them three or four  
14 recommendations. We won't say pick recommendation A, pick  
15 recommendation B because the chairman prefers not to have  
16 staff recommendations. She prefers to have staff options.

17 MS. NEWBURY: Well, assuming she picks an  
18 option where we do change the LSS, what time frame are we  
19 talking about in terms of knowing what an LSS will look  
20 like and when we can start procurements for having a  
21 system in 1999 as our schedule requires?

22 MR. LEVIN: Let me ask another question. When  
23 do you need to have it in?

24 MS. NEWBURY: January 1997.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. LEVIN: I would think that's realistic for  
2 us to have an answer by then.

3           MR. ECHOLS: It sounds like what you're saying  
4 is that -- and we don't have sort of a transparent view of  
5 what your -- or the Commission's thoughts are on where  
6 Subpart G is going to go. But it sounds like what you're  
7 saying is, given the state of technology, and given where  
8 G is going to go anyway, that there's a real possibility  
9 that given the state of technology and the state of how  
10 part G may evolve but you don't really need a separate  
11 identifiable LSS and the certification of the LSS and all  
12 the bureaucracy that was created under Subpart J that was  
13 attached to the LSS process, putting in data, all of that.  
14 You may, in fact, have a fairly streamlined Subpart G  
15 process that in itself will be electronically based.

16           MR. OLMSTEAD: Right. One of the things I  
17 didn't put up here that you all know, is that law with  
18 respect to the hearing process at NRC under Section 189  
19 has changed in the last 15 years. The kind of hearings  
20 that the Commission has to have under 189 are entirely  
21 different.

22           So there are a lot of things in Part Two that  
23 have to be modified. Right now the Commission doesn't  
24 conduct any proceedings really under Part Two in the sense  
25 of the notice. They customize the notice each and every

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 time that they put out a notice of hearing. Paul always  
2 take issue with me when I make this statement because the  
3 boards themselves still use Part Two to guide the  
4 evidentiary rulings and that sort of thing. But in terms  
5 of the traditional civil court-like proceedings, the  
6 Agency hasn't used those kind of proceedings in the better  
7 of 10-12 years.

8 MR. ECHOLS: You bring up another interesting  
9 point, and that is, if you're taking a more broadly based  
10 view of Part Two itself, I recall in the Energy Policy Act  
11 of 1992 -- I mean, this group has focused -- the program  
12 has on Title VIII, which was going to promulgation of the  
13 new standard. But there was also a section that was  
14 looking to streamlining licensing for reactors and there  
15 was a recommendation that maybe Subpart G be scraped and  
16 you go to maybe a paper hearing process as opposed to  
17 trial type hearing and that was rejected. But in the  
18 House report accompanying the Energy Policy Act of 1992,  
19 the rationale was interesting in two respects. One it  
20 said the reason they were staying with Subpart G for  
21 reactor licensing was that it was only at the time of the  
22 filing of the license application that the effected  
23 parties or potential parties would become aware of the  
24 proceeding and they didn't have a long lead time to  
25 develop an understanding of the issues.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Of course, in this proceeding there is decades of an  
2 opportunity to become aware.

3           The second one they said that not only was it  
4 the issue of notice and the opportunity to develop  
5 positions on the issues, but also the reactor is a fairly  
6 complex animal. And had it been a materials license, that  
7 might make more sense to not follow the Subpart G but to  
8 still be able to develop a record that would be appealable  
9 and upon which the Commission could base its decision on a  
10 simpler hybrid or paper type hearing as opposed to a trial  
11 type hearing.

12           And if you're going to take a broader view,  
13 why do it piecemeal. It might be an opportunity to kind  
14 of review the whole process say, well, based on the  
15 rationale that Congress is articulating relative to a  
16 reactor license, there's certainly a long lead time and  
17 opportunity for people to understand the issues. And this  
18 is, in fact, a materials license as would be the interim  
19 storage facility, which is also a materials license.

20           So there may be a chance to have other  
21 simplifications of the process beyond which you're looking  
22 right now. So you might want to open it up. And while  
23 you're at it, you also might take a top-down look at the  
24 entire TNCFR. For instance, you've got Part 51. There

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 are portions of that, that are relevant. You've got Part  
2 72 and 71 relevant to -- I mean, if you're looking at the  
3 High-Level Waste Program as an integrated whole. Is there  
4 such a move to maybe take an integrated look at all the  
5 relevant pieces of the NRC regulations to see how you can  
6 effectively streamline the process while still maintaining  
7 your role as making the public health and safety finding.

8 MR. OLMSTEAD: The short answer to that is  
9 that there are such movements underway in the Commission.

10 MR. ECHOLS: Beyond Part Two or including Part  
11 Two?

12 MR. OLMSTEAD: Well, I think it's common  
13 knowledge. There is a massive strategic planning  
14 initiative underway at the Commission that the chairman  
15 has directed. Some of that activity involves taking broad  
16 programmatic looks at the way we regulate things and the  
17 subissues within that are being looked at. Now what  
18 recommendations may come out of that process, who knows  
19 except the people that are doing it. Some of us are  
20 involved in some pieces of it but nobody knows what the  
21 entire package is that's going to come before the  
22 Commission. And the Commission is not going to be dealing  
23 with that as near as I can tell until June/July, I would  
24 say, on the current schedule. So by the time this piece  
25 of paper gets to the Commission it will fit into that --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1                   MR. ECHOLS: I see. So it'll fold into the  
2 larger work.

3                   MR. OLMSTEAD: Yes, right.

4                   MR. ECHOLS: Okay. What is the timeline from  
5 that point on if they're taking the strategic look that  
6 something would come out the other end that would be  
7 relevant?

8                   MR. OLMSTEAD: Moe probably knows that better  
9 than I do.

10                  MR. LEVIN: Yes. I'm not sure. The schedule  
11 hasn't been solidified yet. We would expect maybe  
12 sometime final decisions by the end of the calendar --  
13 before the end of the calendar year.

14                  MR. CAMERON: At least sometime before the  
15 repository license application.

16                  MR. LEVIN: Yes. I think that's safe to say.

17                  MR. ECHOLS: I'm thinking this would be  
18 applicable to such things as transportation and interim  
19 storage as well. See, that's why I say an integrated view  
20 of the program where Part 51, Tables S-3 and S-4, for  
21 instance, come to mind. That kind of thing. This could  
22 be a very timely exercise going through this because, for  
23 instance, ISFSI clearly would be a prime candidate for a  
24 simplified non-Subpart G licensing proceeding even if the  
25 repository perhaps may not be.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. OLMSTEAD: Yes, but let me -- before  
2 everybody jumps in and jumps on you, let me point out that  
3 the balance that somebody in my position in advising the  
4 Commission about process of procedure has to strike is  
5 when you don't do things in the adjudicatory process of  
6 the Agency. You then make it more likely that it will be  
7 done in the adjudicatory process of the courts. So the  
8 trick with administrative law is to get the balance right.

9           MR. SILBERG: Could I just get back, Bill, to  
10 the point that you made about the input of this group on  
11 the recommendations to the LSS? I listened to your  
12 description of some of the things that have been going on,  
13 and being a computerly challenged person, I didn't  
14 understand two-thirds of what you said in terms of some of  
15 these developments and what they mean. Maybe those around  
16 the table who are much more computerly literate than I am  
17 understood it.

18           But it seems to me that you and the NRC folks  
19 have given a lot of thought to what the alternatives are,  
20 and to expect this group, without a lot more thinking and  
21 discussion, to be able to focus on some alternatives and  
22 then come up with pluses and minuses of various  
23 alternatives, is really asking a lot. It seems to me that  
24 you could benefit and the Commission could benefit from

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 developing your two or three options and then exposing  
2 them to this committee's views.

3           It doesn't have to be another meeting like  
4 this. It could be your Rule Net, it could be done on  
5 snail mail paper, it could be done by teleconference, but  
6 it seems to me that giving people the option of seeing  
7 some flushed out alternatives and reacting to them may be  
8 a much more useful approach than just asking everyone to  
9 create their own options while we sit around the table. I  
10 think if you go to the Commission with options that  
11 reflect some of the reactions of the people around this  
12 table, the Commission will have a much better sense of  
13 what is doable and what is likely to please the world than  
14 if you don't. Particularly is you do this without input  
15 from DOE, which has an obvious major role in the LSS  
16 system.

17           I really think that you're going into the  
18 Commission naked as opposed to at least having a little  
19 bit of clothes around the proposals.

20           MR. LEVIN: We fully intend to ask for input  
21 and take that input. I think what we don't plan to do is  
22 send the document, the paper that we send up around for  
23 any kind of review of concurrence or anything. But as a  
24 part of forming that paper, we will be discussing it with  
25 the ARP. I think that's --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   MR. SILBERG: I don't care what form the  
2 information is, and obviously there are things you will  
3 provide the Commission that would be predecisional, and  
4 we're not entitled to see and probably don't want to see,  
5 but descriptions of the various options and what they mean  
6 and how much they cost and how long they'll take and who  
7 gets what and does what to whom would be things which I  
8 think this group could easily provide some useful input.  
9 I think the Commission would be missing a good bet if they  
10 didn't get that information around somehow before it goes  
11 to the Commission.

12                   MR. LEVIN: I agree. Like I say, our intent  
13 was not to do that. Our intent of what we were saying is  
14 just as far as the final paper and the final text of the  
15 document. We would not be sending that down for any kind  
16 of concurrence. But as a part of developing that, we  
17 would like to have as much input as possible. That's one  
18 of the things the panel is all about.

19                   MS. NEWBURY: I think I agree with Jay. I was  
20 a little concerned when Bill said that this was our  
21 opportunity to have input and that we would not see  
22 anything further. Certainly the various options that you  
23 choose --

24                   MR. OLMSTEAD: In this program you'll always  
25 see something further. The point I'm trying to make --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. NEWBURY: Well, let me finish first. What  
2 I want to say is certainly the impacts of each one of the  
3 options that you might come up with are impacts on DOE  
4 unless we just go to Subpart G, in which case we don't  
5 have to worry about developing an LSS. So you might want  
6 to consider our input in terms of impacts on the licensing  
7 process for MGDS before developing or putting forward the  
8 options.

9 MR. OLMSTEAD: I would hope that's one thing  
10 that you think about very seriously.

11 MR. GANDI: I have to reiterate what Claudia  
12 is saying. We have a very tight schedule. We're trying  
13 to get funds committed not only to producing what we saw  
14 in the phase two functional requirements that we all  
15 participated in but also a reprocessing of a million  
16 documents on both sides of the coast. Those types of  
17 decisions we have to have soon before we commit funds in  
18 that direction.

19 MS. NEWBURY: Which is not to say that we  
20 don't like the concept. It's just that we need a lot more  
21 information.

22 MR. CAMERON: I think you were sympathetic to  
23 the fact that you need to know whether there's going to be  
24 a major redirection because of your procurement.

25 MS. NEWBURY: That's right.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. CAMERON: Is the January 19 -- in order to  
2 meet the schedule that you laid out this morning, which is  
3 first quarter -- or by the end of 1999 to have it  
4 operational, you need to initiate the procurement by  
5 January 1997?

6           MS. NEWBURY: By January 1997, we need to know  
7 -- correct me if I'm wrong, John -- the hardware and  
8 software that we will have to procure and start our  
9 procurement if we're going to have it in 1999. So it's  
10 kind of we better know what it looks like at that point or  
11 you won't have it if we have to do it.

12           MR. CAMERON: We won't have it by the schedule  
13 that you laid out this morning at any rate.

14           MR. DAVENPORT: Bill, may I ask you a  
15 question? Is there any way if you were to abandon Part J  
16 altogether and to go Part G, is there any way that Part G  
17 wouldn't be written so that it would require DOE to  
18 capture all the same documents electronically.

19           MR. SILBERG: Subpart G has nothing to do with  
20 capturing anything electronically.

21           MR. DAVENPORT: I know that, but he's saying  
22 that's where it's headed. He's saying that it's going to  
23 be an electronically-based Part G.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. SILBERG: But that just means that when  
2 you file documents with the licensing board and the  
3 Commission you do it electronically.

4           MR. OLMSTEAD: No, it means more than that,  
5 Jay. There is a carefully articulated balance in Subpart  
6 J that does not have anything to do with the electronic  
7 system. That has to do with the topical guidelines and  
8 the question of what is relevant. If you go Subpart G,  
9 you don't have any definitions of relevance. The  
10 relevance is determined in the proceeding at the time. So  
11 there is nothing down.

12           If you want to game that there will be a  
13 narrower scope in the proceeding, you would be better off  
14 saying NRC goes Subpart G. If you want to game it'll be  
15 broader, you would be better off saying let's fix Subpart  
16 J. But those are the kinds of things that people who  
17 litigate cases are going to have to advise their  
18 respective parties and figure out what they think.

19           What I'm going to do is, I'm not going to pay  
20 attention to either one of those things. I'm going to be  
21 saying to the Commission here's where the state of  
22 litigation support technology is, here's where the state  
23 of the hearing process is, here's what the law currently  
24 requires that's different, and that gives rise to a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 question as to whether you want to reconsider these  
2 issues.

3 MR. CAMERON: One of the things that I think  
4 we might be looking to the advisory panel for in terms of  
5 comment is what effect new directions for the LSS might  
6 have on the so-called functionalities of the LSS that were  
7 important. And Jim's question may have been going to the  
8 functionality of would documents that are normally  
9 discoverable be available before the license application  
10 came in or would the process be the same as it is under  
11 Subpart G now, which is that document discovery doesn't  
12 occur until after the license application.

13 MR. LEVIN: Claudia, let me ask you to see if  
14 you think this would be workable. Assuming the Commission  
15 would make a decision sometime in early fall about which  
16 way to go, if we could convene some working groups like we  
17 had in Dallas and in Kansas City and just have some  
18 concentrated intensive effort on nailing down revised  
19 functional requirements, I would think that would be the  
20 way we could get it done by January. Does that make  
21 sense?

22 MS. NEWBURY: It makes sense to me. That  
23 would work if whatever the Commission decided was what the  
24 rule was going to be. I mean, if that was the end of the  
25 story. If we enter into some kind of a renegotiation of J

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 or something like that where we still don't know the  
2 answer, the answer may be changing with time, then we're  
3 really going to be in a bad situation.

4 MR. OLMSTEAD: I want to add one other caveat  
5 that Paul just reminded me of. He and I have tended to  
6 disagree in the last few weeks on this subject. So I want  
7 to bounce some ideas off. The 18 months -- remember the  
8 18 months? It is my view that I don't care about the 18  
9 months anymore. There are people that still worry about  
10 it.

11 MS. NEWBURY: It's still in the rule.

12 MR. OLMSTEAD: I understand that, but we  
13 haven't met any other date. Why is that the -- date?

14 MS. NEWBURY: These guys will kill me.

15 MR. MURPHY: (Indiscernible.) has no three-  
16 year licensing (indiscernible).

17 MR. CAMERON: Bill, you may want to be more  
18 specific about what the 18 months is because I'm not sure  
19 everybody understands it.

20 MR. OLMSTEAD: The original Waste Policy Act,  
21 as I had on the slide, gave us three years, of which 18  
22 months was for the adjudication after the staff review.  
23 And that's what drove us to an awful lot of decisions.  
24 There is no reason given the fact that no other schedule

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 in the Nuclear Waste Policy Act to-date has been met in  
2 the statutory time --

3 MR. SILBERG: Except for DOE collecting our  
4 fees.

5 MR. DAVENPORT: (Indiscernible.)

6 MR. OLMSTEAD: Well, I know because I was  
7 being told then that I had to treat that data  
8 (indiscernible). I'm merely saying nobody anymore tells  
9 me that the most important thing to do in the High-Level  
10 Waste Program is to meet the 18-month licensing schedule.

11 So when you're evaluating these options, one  
12 of the things that Paul says is that if you go Subpart G -  
13 - I should let him speak for himself -- but you can't  
14 possibly meet 18 months. But I say, well, you know,  
15 that's not a big decision criteria anymore. I don't think  
16 it's going to be 36 months.

17 MS. NEWBURY: (Indiscernible) to leave us  
18 (indiscernible) the LSS six months ahead of time, too?

19 MR. SILBERG: Yes. It would relieve you of  
20 (indiscernible).

21 MR. LEVIN: But Subpart G would replace that  
22 with some other requirements for some kind of electronic  
23 mechanism.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. NEWBURY: And would there be that same  
2 similar prelicensing or prelicense submittal certification  
3 or --

4 MR. LEVIN: No.

5 MR. OLMSTEAD: Every part would be responsible  
6 for meeting their electronics submission requirements  
7 their own way.

8 MS. NEWBURY: But only in time for --

9 MR. OLMSTEAD: For whatever they had to do in  
10 the proceeding. The board --

11 MS. NEWBURY: No six months ahead of time  
12 certification --

13 MR. OLMSTEAD: The board would tell you where  
14 you had to file the documents and when.

15 MS. NEWBURY: It looks like we need  
16 (indiscernible).

17 MR. OLMSTEAD: Look, I am not recommending  
18 options here. I'm merely saying that if you're going to  
19 rethink it, these are the things you ought to rethink and  
20 the kinds of directions you ought to think about going.  
21 When I say I think you ought to do that, I'm really  
22 speaking as a staffer whose developing a paper for the  
23 Commission to say here are the kinds of options you ought  
24 to think. I don't want anybody to think the Commission  
25 has decided any of these things.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. NEWBURY: I understand that. I hope  
2 everyone else does too.

3 MR. OLMSTEAD: Okay.

4 MR. HOYLE: Harry, did you have a point?

5 MR. SWAINSTON: Bill, let me just say one  
6 thing. We've always taken the position that the LSS  
7 system was very important to us. It's as important to us  
8 as it is to the NRC, I would think, because we're going to  
9 be very much reliant on what we find in the Department of  
10 Energy's documents. It's kind of hard for us to sit here  
11 and see the system kind of just starting to unravel and  
12 crumble before our eyes without at least expressing the  
13 fact that that system, or something very equivalent, is  
14 very important to us.

15 MR. OLMSTEAD: Right, and unravel is not the  
16 right word.

17 MR. SILBERG: It never raveled.

18 MR. OLMSTEAD: What I hope to do or what I  
19 hope that reasonable people will do ultimately, and what I  
20 hope to persuade reasonable people to do, is to rethink  
21 how we give people access to this information so that they  
22 get better access to information on a more cost effective  
23 way. One of the things that I've talked offline to some  
24 of people in the room is how to get documents -- they've  
25 been waiting breathlessly for this LSS to turn over so

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 they could get them in the system. And I've talked to Moe  
2 about, for instance, can we make an offer to the State of  
3 Nevada under the TDOC system to put some of their  
4 documents up so that they're accessible now. So I think  
5 to move off the past and into the future we need to talk  
6 more freely about the options that are available to us and  
7 what makes more sense. I don't mean at all to imply that  
8 we're saying there won't be some way to retrieve  
9 information that's electronic and efficient.

10 MR. HOYLE: Let me comment that it's 3:00  
11 o'clock. I wanted to give Mr. Murphy an opportunity to  
12 say anything he would like to say if he wants to say  
13 anything before -- he's got a plane to catch, I think.

14 MR. MURPHY: I don't have to leave for an  
15 hour. Have you ever known me not to take the opportunity  
16 to say what I want to say?

17 MR. CAMERON: You knew he had about an hour's  
18 worth of stuff he's usually going to talk about.

19 MR. HOYLE: I didn't know whether the plane  
20 took off at 4:00 or you took off at 4:00.

21 MR. MURPHY: No. I have to leave the room  
22 at 4:00.

23 MR. HOYLE: Okay.

24 MR. CAMERON: Do you want five minutes?

25 MS. NEWBURY: A break.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. CAMERON: Oh, a break.

2 MR. MURPHY: Let's take a five-minute break.

3 MR. CAMERON: Thank you, John, for that --

4 VOICE: We've got a request for a five-minute  
5 break.

6 MR. HOYLE: All right. Let's take a five-  
7 minute break.

8 (Whereupon, a brief recess was taken.)

9 MR. HOYLE: All right, why don't we begin  
10 again, please. I think the ball is back in SMT's court.  
11 John?

12 MR. GREEVES: Yes. You might want to just  
13 look at my second page of these notes that I think most of  
14 you have. At this point what I want to do is just talk  
15 through what we have at NRC. I don't have out equipment  
16 hooked up here, but it's pretty much the same sort of  
17 thing you saw this morning that DOE has available with  
18 their RIS system.

19 Within the staff we have a system we call  
20 CDOCs. The name really isn't important but it's -- what  
21 we call it, it is our document management tool. It's is  
22 full text retrievable. It is image storage. It does have  
23 some image storage and all of this is retrievable  
24 information. We have it up and running on about 20 PCs  
25 and some stations at NRC. We use commercial software,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 namely Oracle, in terms of database and topic is a search  
2 engine.

3           In this system we're keeping track of what we  
4 call open items in the High-Level Waste Program. We are  
5 also keeping track of technical documents that we have  
6 plugged into the system. They're full text documents.  
7 And also the regulatory documents. Part 60 is in the  
8 system. Some of the chapters in our standard review plan  
9 are in the system. In fact, there's a number of other  
10 documents in this particular system that relate to low-  
11 level waste, decommissioning. It's basically an  
12 electronic system we've developed for us in NMSS.

13           What we are thinking about is making this type  
14 of a system available through a Web site. We could  
15 provide access to what we call the CDOCs system to other  
16 users. And the thought process is, should we start a  
17 pilot program where we would put up relevant data for the  
18 High-Level Waste Program and let members of the review  
19 panel exercise the system including submitting some of  
20 their data to exercise this system. There'd have to be  
21 some specifications on how to do that.

22           But we just come to this meeting letting you  
23 know we do have this electronic system and we'd like to  
24 think about putting it up on a Web site. It's not a  
25 commitment. It's an itch that we have and we wanted to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 get some feedback in this particular meeting and would  
2 people be interested in exercising this. I think this is  
3 probably one of those options that will show up in any  
4 Commission paper. To the extent that we've got some real  
5 time experience with it, it might help us characterize  
6 those options, which would include state outside groups  
7 having the ability to enter their data into such a Web  
8 site.

9 MR. OLMSTEAD: I would add here if -- I don't  
10 know where Nevada and the counties and tribes are with  
11 respect to their own computer systems, but if you do have  
12 Internet hookups and you do have Internet databases and  
13 you are concerned about the security issues on that, the  
14 idea here is to distribute what needs to be distributed  
15 but to store for you things you don't care about. Am I  
16 making myself clear?

17 MR. DAVENPORT: You mean the security which we  
18 don't care about.

19 MR. OLMSTEAD: Yes. I mean, in the old days  
20 we argued about the LSS administrator because we were  
21 concerned about the person who had the keys to the system  
22 had access to the documents. You don't have to design  
23 systems that way anymore. So the documents you're  
24 concerned about are not documents we're talking about for  
25 this.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 MR. MURPHY: For the exercise.

2 MR. OLMSTEAD: For the exercise.

3 MR. MURPHY: They eventually would be.

4 MR. LEVIN: Also, given -- if we decide to do  
5 this, given the right resources, it's not a big  
6 technological stretch to think that we could create one  
7 kind of home page, front home page that would not only tie  
8 into CDOCs but would also tie seamlessly into the RIS  
9 system and that would tie NRC documents and DOE documents  
10 together through a home page. That's realistic if we  
11 could come up with the resources to do it to pilot it.

12 MR. SWAINSTON: We have a couple of problems,  
13 one of which is money. And we're trying to participate in  
14 a program where we really don't have anymore federal  
15 funding. I don't see any problem on the security thing.  
16 I think the state's position has always been to try to get  
17 as much of its data and as much of its technical position  
18 out in published reports and out in the public domain as  
19 we can for everybody's benefit. So if you wanted to  
20 include us on that type of program, I think we would -- to  
21 the extent that we could participate, I'm sure we would.

22 MR. OLMSTEAD: Right. I want to also add to  
23 that, as I've done a lot of work down at the national  
24 performance review and because NRC is a fees-based agency,  
25 it doesn't quite have the problem that a lot of other

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 agencies have had going to the World Wide Web. But the  
2 reality is that people have gone to the World Wide Web in  
3 the last two years. And with all of the stuff that you  
4 see. The White House home page, all the various agencies'  
5 home pages, the databases, the Yucca Mountain project,  
6 they're doing that within existing budgets and with  
7 declining funds. The reason they're doing it is because  
8 it's actually cost efficient to do it that way.

9           So if you can get your IRMADP people in state  
10 and local governments to understand that in some way, I  
11 think we can help everybody do it within existing budgets.  
12 If by funding you mean FTE and staff positions, then  
13 that's something that obviously we can't address. But  
14 there are efficiencies to be realized by these  
15 technologies when they're properly designed.

16           MR. SWAINSTON: One of them just has to do  
17 with -- just as an aside -- publication of documents with  
18 colored photographs. You can make an electronic image of  
19 that and it's much less expensive than going to a copy  
20 outfit and you get a much wider distribution.

21           MR. OLMSTEAD: Like that? That was all in-  
22 house, I want you to know.

23           MR. SWAINSTON: Yes. And I meant to add the  
24 final footnote. That Bill would do all the copying on his  
25 \$400 machine.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. OLMSTEAD: The interesting thing is, don't  
2 get me started on how much you spend.

3           MR. SWAINSTON: It was a joke, Bill, in case  
4 you hadn't noticed.

5           MR. MURPHY: Let me make a couple of comments  
6 and start off seconding Harry's consideration. One of our  
7 -- probably the biggest problem, the biggest concern that  
8 we have right now, and I think this is probably equally  
9 true for state -- well, you'll notice, for example -- let  
10 me just start this way. You'll notice that there are no  
11 other local governments here at the table. Clark is here.  
12 We're in their home. I'm here by a stroke of good luck  
13 recently. And the state is here. The other local  
14 governments are out of business. They are absolutely out  
15 of business in this program.

16           You know, you mentioned that the White House  
17 was achieving efficiencies with declining budgets. We are  
18 not talking about declining budgets. We're talking about  
19 disappearing budgets for the state, for the effective  
20 units of governments.

21           So I think that the proposals you are  
22 recommending here, just on a very preliminary tentative  
23 basis, make a great deal of sense, John and Bill, and I  
24 think Nye County would be very much willing, as Harry has  
25 indicated on behalf of the state, to participate in at

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 least some sort of a testbed to see if we couldn't  
2 efficiently make some use out of the TDOC system. But  
3 everybody has to recognize that at least for the remainder  
4 of this fiscal year our ability to participate in the  
5 regulatory process in its entirety is going to be very  
6 limited. We will be involved only on a very minimum basis  
7 and that means that we're going to be doing -- I will be  
8 doing, as directed by my Nye County principals, only the  
9 things that have the absolute highest priority between now  
10 and October 1st.

11           And so how much time we would be able to  
12 devote to even thinking about these kind of things is  
13 questionable. But they're very good ideas. I think that  
14 we certainly need to follow up on them. We need to  
15 recognize that technology has significantly changed since  
16 we negotiated the rule. It's passed us by essentially and  
17 we need to make some modifications to the LSS in order to  
18 not only achieve efficiencies but recognize the current  
19 reality. But how much Harry and Jim and I and Dennis are  
20 going to be able to do about that in the next several  
21 months is questionable.

22           Now if you want to help out in that regard, as  
23 soon as you get home you contact your congressman. I'm  
24 serious about that. Congress needs to recognize more than  
25 they obviously have in the past eight months at least the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 benefit that we bring to this program so that we can  
2 continue to function in it.

3 MR. BECHTEL: What is the time frame of the  
4 pilot study that you're considering?

5 MR. LEVIN: We don't know yet. We've just  
6 started looking into it. This is all relatively new to  
7 us. We just started looking into see what it would take  
8 to put CDOCs on the Web.

9 MR. GREEVES: Or at least a piece of it.

10 MR. LEVIN: A piece of it. I couldn't even  
11 guess right now.

12 MR. BECHTEL: From our perspective, obviously  
13 the sooner the better if there are to be some efficiencies  
14 gained in the program. We still have resources now. So  
15 now is when we should be participating and maybe perhaps  
16 providing some guidance or understanding how the system  
17 works because later we're not going to be able to do  
18 anything.

19 MR. OLMSTEAD: Well, I will say  
20 (indiscernible). I apologize to you all for not occurring  
21 to me, but one of the things in this national performance  
22 review net results thing I'm looking for, for the follow  
23 on to Rule Net is a state, federal, sister federal project  
24 where we can use those same tools to integrate. Now Moe  
25 and I had talked about the hypertext but we hadn't talked

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 about the whole larger thing that we call Rule Net and  
2 using those development tools to do that. But as long as  
3 states and local governments were willing to work with us  
4 through Internet access, we probably can design a project  
5 that pilots all of those tools within the umbrella of the  
6 net results submissions.

7 MR. LEVIN: The point was, and this is one of  
8 the reasons we wanted to bring this up here. We wanted to  
9 see if it was worth pursuing. That's why we hadn't put a  
10 lot of energy into it because -- and we're getting a good  
11 strong feeling or a sense that everybody thinks this is  
12 definitely worth doing. So as soon as we get back we'll  
13 start looking at it more to see what it would actually  
14 take to do it, to scope it out to see. I don't think it  
15 will take a lot of money or a lot of time. I think when  
16 we look into it we're going to find it doable. I just  
17 don't know yet. But now we will definitely look into it.

18 MR. DAVENPORT: The kind of project you're  
19 talking about won't be a greater cost of participation to  
20 those who have a greater number of documents to put in the  
21 system?

22 MR. LEVIN: It depends on whether those  
23 documents are electronic already or not. If they're  
24 electronic, if they're already in electronic format, it  
25 really is not going to be that --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. DAVENPORT: Right.

2 MR. LEVIN: There's not that much incremental  
3 cost over setting the system up in the first place. The  
4 real cost is when all the documents are not electronic and  
5 you have to scan them, you have to prepare them and get  
6 them in the system and those type of things.

7 MR. DAVENPORT: Right.

8 MR. LEVIN: So it's not the number of  
9 documents. It's the form they're in. And then there's  
10 also the question of generating the headers. No matter  
11 what format the documents are in it's all the labor-  
12 intensive things that cost. And if we have to go in and  
13 create headers, that may be a labor-intensive thing and  
14 then the volume would add to the cost.

15 MR. MURPHY: It shouldn't be that significant  
16 for just a small pilot program.

17 MR. LEVIN: Not for the pilot project, no. As  
18 a matter of fact --

19 MR. MURPHY: Even if you have to create  
20 headers -- so take Nye County, for example. If we  
21 submitted -- I was going to say 15. Just put in 15  
22 documents. We aren't going to bust the bank making 15  
23 headers.

24 MR. LEVIN: Exactly. Bill could sit at his  
25 desk --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. MURPHY: Bill will (indiscernible).

2 MR. LEVIN: Yes, Bill could do it.

3 MS. NEWBURY: He does have a scanner, right?

4 MR. LEVIN: He's got a scanner. He has the  
5 software and --

6 MR. OLMSTEAD: One of the things he didn't  
7 tell everybody and I didn't tell everybody until now, but  
8 because of that crack, I have to tell this. Rule Net  
9 debuted on January 5th. I don't know if you know what was  
10 going on in Washington on January 5th, but everybody was  
11 staying home because of the blizzard.

12 MR. MURPHY: Not Bill Olmstead, though, by  
13 gosh.

14 MR. OLMSTEAD: It turned out I was the only  
15 one on the whole damn team who had an Internet connection  
16 from my home. And so I was responding for five straight  
17 days to every comment to the NRC on Rule Net.

18 MR. LEVIN: Well, like I said, Bill could do  
19 it on weekend at his home.

20 MR. OLMSTEAD: And that's what I was doing.

21 MR. LEVIN: I'm sorry. As far as the pilot is  
22 concerned, in my wildest dreams I wouldn't envision enough  
23 documents to make it a costly thing no matter what. I was  
24 thinking more further on down the line if we decide to go  
25 this way and that's when I was answering your question

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 about volume and everything. But for the pilot, I think  
2 what we would look at is, we'd have to set some  
3 parameters. We'd look and see what kind of funds we had  
4 to devote to and we'd say, hey, we can accept X number of  
5 documents in certain formats from you. That's the way  
6 we'd approach it, because under the original concept for  
7 the LSS, the LSS administrator was going to have to take  
8 documents from the other parties other than DOE and see  
9 that they got in the system anyway. So this is something,  
10 you know, part of the model, part of the pilot we'd be  
11 doing anyway.

12 MR. OLMSTEAD: Is there something that you  
13 would like to pilot particularly? I think if we can --

14 MR. MURPHY: Challenge the system with images  
15 and text.

16 MR. OLMSTEAD: Yes. I mean if there are some  
17 documents you particularly would like to start with --

18 MR. GREEVES: For example, we could challenge  
19 the system with text because we could submit 10 to 15  
20 documents from our joint program data.

21 MR. MURPHY: (Indiscernible.)

22 MR. GREEVES: (Indiscernible) documents,  
23 right. Everybody gets them anyway. So we don't have any  
24 security problems with that.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. MURPHY: I think they may already be in  
2 our system.

3           MR. GREEVES: Well, they probably are. No.  
4 I'm sure they are. They ought to be, but we could still  
5 put a couple of them in under our headers just to test.

6           MR. MURPHY: Yes.

7           MR. GREEVES: That's just an example. We may  
8 decide to put something else in.

9           MR. HOYLE: The rule calls for -- if you're  
10 following the LSS, it calls for an image and a header and  
11 an ascii text if it's (indiscernible). Is that what you  
12 think you would be asking for?

13           MR. LEVIN: I'd have to think about it. I  
14 don't know. In a pilot we'd want elements of all of it.  
15 I mean, we might get some documents that are just images,  
16 some that are just ascii text. I don't know. It depends  
17 on how far we want to go with the pilot.

18           MR. OLMSTEAD: We do it under the Rule Net  
19 umbrella, we're going to want people using the Web Browser  
20 technology to do it. So we'd have to think about how we  
21 wanted that done.

22           MR. LEVIN: But the point was, would we ask  
23 people to send us images of the document or -- obviously,  
24 if it's already in ascii, if it was created  
25 electronically, there are no images.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. OLMSTEAD: Ideally, I'd like them to send  
2 you a TIFF image in the electronic text.

3           MR. LEVIN: For those documents that were  
4 OCR'd.

5           MR. MURPHY: A what kind of image?

6           MR. LEVIN: It's a format for storing images,  
7 TIFF.

8           VOICE: (Indiscernible.)

9           MR. LEVIN: Like I say, we'll have to work  
10 out -- we would lay out those parameters in the plan for  
11 the pilot.

12           MR. OLMSTEAD: Incidentally, you just said the  
13 magic word, fax. There is technology that will accept --

14           MR. GREEVES: (Indiscernible.)

15           MR. OLMSTEAD: The next generation of that  
16 software you saw this morning will convert a fax image to  
17 a TIFF image.

18           MR. CAMERON: John, you and Moe have said a  
19 lot of the details would have to be worked out and I guess  
20 one of them would be if we put this up on a Web site who  
21 would be given access to the Web site? Were we thinking  
22 about all LSS participants or open to the public  
23 generally?

24           MR. MURPHY: For the pilot, I think the  
25 public.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. LEVIN: For the pilot, you just want to  
2 make available to the LSSARP members.

3           MR. OLMSTEAD: The way Rule Net is designed --  
4 well, if you used those tools, the way it's designed is  
5 the public has access to whatever the public has access  
6 to. But the people who can post and comment are  
7 restricted.

8           MR. LEVIN: If we use just Netscape -- we  
9 didn't use Rule Net. If we used Netscape Mosaic type news  
10 group, I'm not sure how easily we can restrict.

11          MR. OLMSTEAD: Well, I know. That's why I was  
12 suggesting what they're discussion here, which is how they  
13 would actively participate may require some of those other  
14 tools.

15          MR. MURPHY: Well, no. I wasn't concerned  
16 about how gets to look at it. I was referring only to who  
17 gets to participate.

18          MR. LEVIN: Okay. Yes, that would just --

19          MR. MURPHY: Let the public have access to  
20 look at it. That's fine.

21          MR. LEVIN: Good. Misunderstood the question  
22 because that makes it easier. Certainly it would be the  
23 parties represented by the ARP. That's all we'd be  
24 talking about in the LSS.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. CAMERON: Jay, do you have any documents  
2 yet so you could throw something on here too?

3           MR. OLMSTEAD: He's got a contract he'll share  
4 with you.

5           MR. SILBERG: I missed that. I'm sorry.

6           MR. OLMSTEAD: He asked you if you had any  
7 documents you'd like to share with us and I said you have  
8 a contract you'd like to share with us.

9           MR. SILBERG: I'm sorry. We were offline.

10          MR. MURPHY: We want Chris to deliver his  
11 legislative files so we can (indiscernible) into the  
12 system.

13          MR. HENKEL: What legislation.

14          MR. GREEVES: Can I maybe interject another  
15 thought, and that is, if -- and it is important for DOE to  
16 sort out what they need to do by January of 1997. Part of  
17 this pilot process ought to include some sort of interface  
18 with the DOE system if we can.

19          MS. NEWBURY: I think that's pretty simple to  
20 do.

21          MR. LEVIN: I mean it's just the URLs. We can  
22 imbed them as links into some home page and we wouldn't be  
23 accessing anything that wasn't available to the general  
24 public anyway. Right?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. GANDI: You could do a search on the Rule  
2 Net (indiscernible) actually search our database and get  
3 the results (indiscernible).

4           MR. LEVIN: That's open to everybody as it is  
5 right now. We would just link into it.

6           MS. NEWBURY: I don't think linking the two  
7 systems is a problem at all. I think that would be a good  
8 idea. I would kind of like to see CDOCs on a system that  
9 I can look at too. I hear about it but I haven't been  
10 able to play with it.

11          MR. GREEVES: So real time would be doing that  
12 also, trying to interface with the DOE system.

13          MS. GIL: May I ask a question? April Gil,  
14 DOE. I have a question for John. I see on your notes  
15 here on page two at the bottom you've mentioned the Open  
16 Item Tracking System. The OIT system that now has been  
17 combined into CDOCs. Here's my question, John. We get  
18 access to CDOCs, we would be able to -- how has it been  
19 combined? Has it been subsumed? Is it a separate system?  
20 The reason I'm interested is because this system tracks  
21 the regulatory open items and we have a similar system  
22 called Tracer that we've been tracking the status and  
23 progress and closure of. For instance, the SCA open  
24 items, regulatory open items related to study plans, et  
25 cetera. And we've been interested in this system for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 quite sometime because we wanted to do a comparison,  
2 accounting comparison between the open items that we're  
3 tracking and what you say are still open. So if this  
4 comes to pass what you all are discussing here, we would  
5 get access to CDOCs, would we be able to see that in the  
6 system?

7 MR. GREEVES: What we're launching in this  
8 meeting is a concept. I think we wanted to hear from the  
9 panel as to do you have an interest in this type of a  
10 program. The answer to that is yes. So we will continue.  
11 We also wanted to find out if DOE would participate in a  
12 pilot program of talking back and forth on these issues.  
13 We're still having trouble getting all this stuff up and  
14 online internally. So what I'm suggesting is we have a  
15 pilot program that at least exercises the models. Whether  
16 you have full access to these things, I'm not proposing  
17 that at this point in time. I want to see if there is a  
18 Web-run system that we, DOE, others can be one that might  
19 serve in the future. So I think you're question is a  
20 little bit more detailed than the commitment to start that  
21 up. I think we could probably maybe address that in the  
22 management meeting on the 7th of -- the meeting you talked  
23 about next week.

24 MS. GIL: Okay.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. GREEVES: Frankly, I don't have the depth  
2 myself to give you the answer today.

3 MS. GIL: Okay. That's fair. Thank you,  
4 John.

5 MR. OLMSTEAD: I might also add that one of  
6 the thing that I'm trying to lure people into if you want  
7 to use this Reg Net approach is that when Lawrence  
8 Livermore helps us put this together it works best if the  
9 people who are users are engaged with them while they  
10 start putting the design together. So by your saying yes,  
11 I'm assuming that means you're willing to be guinea pigs a  
12 little bit as they tweak the system to make sure it does  
13 what you want it to do.

14 MR. DAVENPORT: (Indiscernible.)

15 MR. OLMSTEAD: What?

16 MR. DAVENPORT: (Indiscernible.)

17 MR. OLMSTEAD: For Lawrence Livermore. The  
18 computer design people who help us put it together. What  
19 they usually do is, they set up a threaded discussion so  
20 that they'll say we've got this working this way, is this  
21 what you want. You have to come back and give them  
22 feedback on how it's working and what you want to be  
23 different.

24 MS. NEWBURY: Have we shifted? Are we talking  
25 Rule Net now instead of CDOCs?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1           MR. OLMSTEAD: We're talking about CDOCs being  
2 a piece of what you're accessing, but the engine that's  
3 laying over this are the tools that we were looking at  
4 this morning. When you put those libraries together so  
5 that they work together, it helps if the people that are  
6 writing the code that link them all together know you're  
7 getting access to what you want to get access to. And  
8 you've got to be willing to give them the feedback while  
9 they're putting it together.

10           MR. CAMERON: I think what the discussion over  
11 here had evolved into the fact that John's idea of putting  
12 CDOCs up on a pilot would be done under a Rule Net type of  
13 concept that would be implemented through NRC's Rule Net  
14 contractor Lawrence Livermore. And as part of that, there  
15 would be documents from other parties also put up on that  
16 system and there would be a link to RIS.

17           MR. LEVIN: That's just one option because we  
18 have to look at the current state of that contract and the  
19 funding and everything. But that is an option. As a  
20 matter of fact, if we could do it that way, that would be  
21 the easiest --

22           MR. CAMERON: Sounds like a good option.

23           MR. LEVIN: Yes. If you can do it that way  
24 because the contractor is poised to do this and it would  
25 be relatively simple to do if we can do it that way.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. CAMERON: Right.

2 MR. OLMSTEAD: And they know a lot about the  
3 experience they've had with the open meeting and with Rule  
4 Net and with other initiatives. So it would be good. I  
5 threw it on the table just because I'm in the process of  
6 casting around for another agency that's willing to engage  
7 in this. It hadn't occurred to me to use DOE until the  
8 state's and local governments expressed interest. But it  
9 gives us a vertical and a horizontal dimension that I  
10 think everybody would like that's involved in the project.

11 MR. LEVIN: It's something to look into.

12 MR. OLMSTEAD: It's just something for us to  
13 throw into the mix.

14 MR. MURPHY: There's a couple more points here  
15 because I've got to leave in about five minutes. Just so  
16 that everybody is clear in their own mind about what I'm  
17 saying, I think I can safely say that Nye County would be  
18 very, very anxious, you know, happy to participate in that  
19 kind of a test. But don't interpret that to mean that our  
20 enthusiasm for the LSS and its functionalities is in  
21 anyway waning. We recognize the technology is different.  
22 That we don't have to spend the kind of money that some  
23 people were talking about in the early days of the  
24 program. But we are still very much committed to the idea  
25 that we need something like the LSS for us to be able to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 function with any degree of efficiency in a licensing  
2 process. We need it early. We're not interested in just  
3 abandoning the LSS and the proceeding under Subpart G,  
4 even if Subpart G is reworked in your image, Bill, because  
5 it doesn't give us -- unless you change Subpart J into  
6 Subpart G. Everybody in the universe is then required to  
7 meet the provisions of Subpart J, which is fine with us.  
8 But particularly the early access to discovery, by that I  
9 mean discovery prior to the docketing and to the filing of  
10 the (indiscernible) are very, very important to us. So  
11 we're not by any means suggesting that we're ready to give  
12 that up, but I'm willing to work however I can with  
13 everybody to make the thing efficient and work in light of  
14 today's technology.

15 MR. SILBERG: Your comments that go really to  
16 the functionalities of the LSS and not to the specific  
17 technological details.

18 MR. LEVIN: Right.

19 MR. SILBERG: What you want is a full text  
20 system that's online, that's earlier, that you can have  
21 access to that people's documents are in and you don't  
22 care whether it's a distributed system or a centralized  
23 one.

24 MR. LEVIN: No, I don't care about that. But  
25 I do care -- I'm not going to give up our concept of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 relevancy. I don't want to go to the Subpart G relevancy  
2 concept. I like the relevancy provisions of Subpart J  
3 that we shed blood to negotiate. I'm not going to give  
4 them up. A few other things I can't think of right now.  
5 There's other things in there that I'm not going  
6 (indiscernible).

7 MR. CAMERON: He'll know them when he sees  
8 them.

9 I just had a clarification for April. You  
10 mean DOE doesn't know whether the open items, its tracking  
11 is the same as the open items NRC is tracking? I mean, it  
12 sound amazing to me --

13 MR. SILBERG: Does that surprise you?

14 MR. CAMERON: Well, sadly, no, but I think  
15 that if one thing comes out of this meeting, if you can  
16 pull that amazing feat off to compare those, that would be  
17 a great idea.

18 MR. OLMSTEAD: That's the old (indiscernible)  
19 tracking system again.

20 MS. GIL: Well, I would be pleased to say that  
21 this group has helped us with that, if I could, Chip,  
22 because we have a system that we've had in place for about  
23 seven or eight years a database system in which we keep  
24 track of all what we consider to be open items with our  
25 potential regulator. These include the SEC open items,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 study plan responses that we've made that may include  
2 commitments to do certain work or write specific study  
3 plans, and we would like to compare that list just because  
4 of some of the problems that Bill has articulated. We'd  
5 like to compare. We have our record system. We have the  
6 supporting documentation. So we believe we know what  
7 items are considered open. Of course, we sent this  
8 correspondence to the NRC over the years, but we would  
9 like to compare the two systems just to make sure that  
10 we're both tracking the same items.

11           John, I apologize for bringing this up. I  
12 know this has been kind of a thorn. I tend to nag John  
13 about certain things at public forums. One of them was  
14 video conferencing and the other is the Open Item Tracking  
15 System. So I guess we've solved one and we'll continue to  
16 work on the other.

17           MR. MURPHY: (Indiscernible) video  
18 conferencing --

19           MR. CAMERON: This is not the same John  
20 Greeves, you know. This one doesn't have the beard.  
21 Things have changed.

22           MR. MURPHY: You can get on a video conference  
23 and talk about open items.

24           MR. DAVENPORT: Chip, we don't have the same  
25 problem (indiscernible) commitment out of NRC that all

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 items are open. You don't have to look through how many  
2 file (indiscernible) to find what we don't have because we  
3 know it doesn't matter what lists are out there because  
4 they're all open. Am I still right? Am I still correct?

5 MR. CAMERON: This item is already been put in  
6 the transcript because we knew you would raise it.

7 MR. DAVENPORT: Am I still correct on that?

8 MR. CAMERON: Yes. Right, John? No. The  
9 point is all items are open until they're resolved by  
10 either the licensing board or through a rulemaking. I  
11 think the NRC response is that items are "resolved"  
12 perhaps in terms of the staff's understanding of them but  
13 they're not going to be ultimately resolved until the  
14 licensing board signs off on them.

15 MR. OLMSTEAD: I think that's correct but I'm  
16 not sure that I would push that as far as you. I mean,  
17 this topical guideline list that has been sent around is a  
18 list of permissible issues but the licensing board still  
19 has to find that there is an issue there in order for  
20 there to be a litigation. If there's no litigation on it,  
21 the fact that licensing board doesn't issue a decision on  
22 it doesn't mean that there's some flaw in the process. It  
23 was never the idea, I don't believe, that the topical  
24 guidelines required a decision on each and every issue.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. DAVENPORT: Well, if there's controversy  
2 on them it does.

3 MR. OLMSTEAD: Well, yes. If it's a  
4 legitimate controversy and the board so finds, but that's  
5 why I don't see a big difference anymore between Subpart G  
6 and Subpart J because I think the Subpart G litigant would  
7 hold the same position.

8 MR. MURPHY: Can the Subpart G litigant obtain  
9 discovery before their application is docketed?

10 MR. OLMSTEAD: Look --

11 MR. MURPHY: That is important to us.

12 MR. OLMSTEAD: I understand that point and we  
13 will take that back and factor it into the  
14 recommendations. I will not overlook that.

15 MR. MURPHY: Good.

16 MR. HOYLE: All right. It's approaching the  
17 witching hour of 4:00. One of our members has indicated  
18 he needs to leave. Do we usefully have another 30 minutes  
19 to talk or have we reached the point where we're going to  
20 be thinking about it and maybe calling Bill at his home  
21 late on a Saturday evening.

22 MR. GREEVES: Via Internet.

23 MR. HOYLE: Via Internet.

24 MR. DAVENPORT: Can we address the issue set  
25 for 8:30 tomorrow morning?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. HOYLE: Well, the future activity there  
2 is -- in a way, yes, in a way, no. It had two aspects.  
3 One was how can we continue to communicate in the absence  
4 of funding and we talked about that. The other is what is  
5 our future agenda for talking on the Internet or any other  
6 activity. Usually when we complete one meeting we  
7 forecast, well, what do we need to talk on at the next.  
8 So that's the other part of future activity. I take if,  
9 from what we've heard today, it's getting material from  
10 the SMT which will become part of the Commission paper and  
11 giving a reaction to it.

12           MR. SILBERG: I take it, it too early for Bill  
13 or John to describe any of the thoughts that are  
14 percolating around in terms of these options.

15           MR. MURPHY: Whether or not it's too early,  
16 they're not willing to today.

17           MR. SILBERG: Well, that's part of being too  
18 early.

19           MR. OLMSTEAD: No. I think we have laid out  
20 on the table what the options are. What we're unwilling  
21 to say is how we're going to articulate those in the paper  
22 before we give the paper to the Commission. You know,  
23 there is a difference between saying I'm going to say X,  
24 Y, and Z in the paper and actually giving you the paper  
25 where it says X, Y, and Z. If it's not apparent to you,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 it is apparent to me. So just trust me. There is a  
2 difference.

3 MR. CAMERON: One point that I think should  
4 not remain ambiguous here is will the SMT provide through  
5 some manner a written description of the options and the  
6 implications for the functionalities that are now in the  
7 LSS. I think that's what people are concerned about so  
8 that they would have a shot at that before the Commission  
9 paper go out.

10 MR. OLMSTEAD: I think that we have made a  
11 commitment to ask for anybody to give us input on that who  
12 wishes to. In order to meet these timetables that  
13 everybody wants us to meet, I don't know how fast we're  
14 going to be able to do some of the technological sides of  
15 it. If we can get the hypertext links up so that people  
16 can start giving us feedback electronically, I'll be glad  
17 to interact with anybody and all comers if they have  
18 questions. I'll even tell them what I'm thinking as we  
19 move along. What I'm unwilling to do is, when the Senior  
20 Management Team gets together and say this is what's going  
21 to be in the paper and we start drafting the paper, I  
22 can't give you the paper.

23 MR. LEVIN: I wanted to clarify, we have  
24 discussed here everything that we've discussed internally.  
25 That's literally as far as our thinking has gone. There

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 is nothing more to tell you. What I would offer to do is,  
2 if we get everybody's e-mail address, what I'd like to do  
3 is start trying to converse with the e-mail and then try  
4 and set up this threaded conversation, this electronic  
5 forum, and see if we can't start developing options and  
6 getting ideas through that. The first I will do when I  
7 get back to the office is take the e-mail addresses we  
8 have and try and contact everybody, send a message just to  
9 make sure we can make contact, and then we'll go from  
10 there.

11 MR. OLMSTEAD: For anybody who wants to talk  
12 to me offline or online, I have business cards that have  
13 both Internet addresses on it. So if you don't want to go  
14 through NRC's machine, you can go through my private  
15 machine and I will respond.

16 MR. MURPHY: You got your private machine in  
17 your office or at home?

18 MR. OLMSTEAD: Well, it's actually run by a  
19 third party provider but that's neither here nor there.

20 MR. CAMERON: It's a distributed system. He  
21 can access it from anywhere.

22 MR. LEVIN: As part of the e-mail, I sent out  
23 as the first draft contact, I'll also include the e-mail  
24 addresses for the three of us just so you'll know.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. OLMSTEAD: And if you want to get me at  
2 anytime, it's WJO at council.com and that mail is always  
3 forwarded to me wherever I am.

4 MR. HENKEL: John, I have a question on this.  
5 We heard earlier that Chairman Jackson is not real open to  
6 recommendations from the staff, but I would presume -- she  
7 wants options from the staff not recommendations, right?

8 VOICE: Right.

9 MR. HOLDEN: I would presume that she's still  
10 open to recommendations from advisory panels. I'm  
11 wondering on a yet to be determined basis whether -- might  
12 be a recommendation we might want to make in this regard.

13 MR. HOYLE: If I could clarify, I think it's  
14 on the issue of the strategic planning and rebaseline that  
15 the staff is giving. That a team is working together  
16 separate from the staff that's giving our options, giving  
17 the Commission options. Normally the decision-making  
18 process in the Commission is still the staff develops a  
19 recommendation, pros and cons, and gives it to the  
20 Commission with the recommendation in it. It's not like  
21 there aren't any recommendations anymore to the  
22 Commission.

23 MR. HENKEL: Either way, I still  
24 (indiscernible) if we can reach a consensus here.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. OLMSTEAD: In terms of the chairman and  
2 the Commission and the way staff papers are read, Chip  
3 just suggested to me that people might be interpreting  
4 that as being somehow negative. It's not. It's really  
5 designed to give them unadorned recommendations so that  
6 the Commission has a complete set of alternatives before  
7 it. So the more the better.

8           MR. HENKEL: I presume you still say that  
9 here's your alternatives but we think you ought to go this  
10 way.

11          MR. LEVIN: Yes. If the panel wants to do  
12 that, you write a letter to the chairman of the panel and  
13 just say the LSSARP recommends of all these options that  
14 you choose this. That's still --

15          MR. OLMSTEAD: That's certainly doable.

16          MR. HENKEL: But in regards to a staff paper,  
17 would you still make that kind of recommendation?

18          MR. LEVIN: No.

19          MR. HENKEL: Here's your options and --

20          MR. OLMSTEAD: Most of the staff papers now  
21 don't.

22          MR. HENKEL: It's used all for the options.

23          MR. OLMSTEAD: As you well know, there are  
24 different way -- since I've been in the government, there  
25 are 100 different ways to write staff papers and the staff

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 always signals the one they like based on the pros and  
2 cons. Now we lawyers try to even them up. You can't have  
3 four pros and one con and four cons and one pro. Try to  
4 have three and three. But the fact of the matter is that  
5 it's not that way. It's just a way of drafting staff  
6 papers. Right now the way that the staff papers are  
7 usually drafted is options are put forward without  
8 recommendation.

9 MR. SILBERG: Do you anticipate that your  
10 options will include the nondocument portions of Subpart G  
11 or are you just going to look at the system? In other  
12 words, are you going to get into all the other parts of  
13 Subpart G besides the LSS block?

14 MR. OLMSTEAD: The Subpart G revision --

15 MR. SILBERG: I'm sorry. Subpart J.

16 MR. OLMSTEAD: I think right now we're just  
17 looking at the former.

18 MR. SILBERG: Just the document system.

19 MR. OLMSTEAD: Yes.

20 MR. HOYLE: All right. So where are we? Are  
21 we going to have any further discussion or are we going  
22 to -- as I hear it, you haven't said you're going to give  
23 the panel anything in writing necessarily but you're going  
24 to try to -- if there is something to put up on Internet  
25 that people can react to, your thoughts, you're going to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 do that. You're willing to accept comments on what has  
2 been said this afternoon. I will circulate the transcript  
3 to everyone. They can reread it. If they have some  
4 thoughts to give, they can send them to me or to Bill.  
5 I'll collect them and send them on.

6 MR. MURPHY: When you circulate the  
7 transcript, or even before you circulate the transcript,  
8 why don't you circulate to everybody the e-mail addresses.

9 MR. HOYLE: Yes, I will. By the way, I've got  
10 four. I've got NCAI, Clark County, Nye County, NEI. Who  
11 else do I need to state. I need DOE.

12 MR. LEVIN: Also the units of governments that  
13 are not represented here, we should contact them and get  
14 their address.

15 MR. OLMSTEAD: I would also say that the best  
16 processes in this regard, in my judgment, is if everybody  
17 starts brainstorming ideas. If you just let me know what  
18 you're thinking, then as we develop options, we'll be sure  
19 and take those things into account. It's useful to me if  
20 this has triggered ideas in your mind that you want to  
21 communicate with us that you do so.

22 MR. DAVENPORT: What's your timeline?

23 MR. OLMSTEAD: I am currently -- a lot of this  
24 depends upon the strategic planning timeline and where  
25 it's going because of the multiple conflicts that people

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 had. And that take priority over this exercise. But  
2 right now we're trying to get the paper done in the next  
3 two to three weeks.

4 MR. LEVIN: I'm sorry. Which paper?

5 MR. OLMSTEAD: The SMT paper.

6 MR. LEVIN: Yes. We had committed by June,  
7 sometime in June to have the paper. So that will be  
8 within the next four or so weeks.

9 MS. NEWBURY: And that paper would lay out the  
10 options in more detail?

11 MR. LEVIN: Or recommendation.

12 MR. OLMSTEAD: Well, the Senior Management  
13 Team was convened to reassess the LSS and it would have  
14 the recommendations that we --

15 MR. LEVIN: Well, I think it may or may not  
16 have recommendations. At a minimum, it will have our plan  
17 of what we're going to do. I think what we committed to  
18 do, if I remember correctly, was tell the Commission what  
19 our plan was for proceeding with the LSS. So this may  
20 just be the first of several papers. I'm not sure of the  
21 options. Obviously --

22 MR. OLMSTEAD: It will communicate our  
23 opportunities and challenges.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. LEVIN: But the options we're talking  
2 about we obviously would not have in place in four weeks.  
3 That paper would come later.

4           MR. DAVENPORT: We would ask that your paper  
5 reflect the fact that the State of Nevada would claim the  
6 benefits of the system we have at present until NRC  
7 demonstrates that the system you put in place is at least  
8 as good or better.

9           MR. OLMSTEAD: I understand that, Jim, but I  
10 also assume that the State of Nevada would not want me to  
11 say that they want to stick with the current design. You  
12 don't have an opinion on that?

13           MR. DAVENPORT: Until I see what the next one  
14 is going to be to replace it, I have to say that, yes.  
15 That we would stick with what we know we have until you  
16 show us what better we're going to get. We have a rule.

17           MR. SILBERG: Well, you have a series of  
18 functions. You don't have a system.

19           MR. DAVENPORT: Right. That's correct.

20           MR. SILBERG: The rule, I think, has some  
21 statements about a centralized versus a distributed  
22 system.

23           MR. DAVENPORT: And we acknowledge its  
24 problems as you do, but until there is something to choose

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 as against what we have now, we would take the position  
2 that we claim the benefits of what we got.

3 MR. LEVIN: This is the kind of input we need  
4 and we would reflect comments like that in the paper  
5 because we always talk about the pros and cons and the  
6 impacts on the stakeholders. That would certainly be an  
7 impact.

8 MR. DAVENPORT: I don't mean by that, that  
9 we're not willing to help look for what is better, but  
10 just for the sake of staking out a position, I think we'd  
11 say we're not prepared to abandon what we have until we  
12 know where we're going.

13 MR. ECHOLS: Would you retain the current  
14 division in J that allows to fall back to G?

15 MR. OLMSTEAD: I was trying to be clear. My  
16 view -- I've given this privately. Let me give it  
17 publicly. My view is that there is no party likely to  
18 come before NRC in a licensing proceeding as of today who  
19 could not succeed on a motion to go under Subpart G. That  
20 is my opinion of the current status. It is also my  
21 opinion that I don't see a technological fix for that  
22 situation given the fact that the issue tracking system  
23 was dropped. That's my opinion. I don't know what the  
24 opinion of the rest of the panel are. Given that that's  
25 my opinion, the State of Nevada's position is interesting

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to me, but I would advise my client to look for  
2 alternatives.

3 MR. DAVENPORT: I think I would too, but we  
4 don't know what those alternatives are yet.

5 MR. OLMSTEAD: And I understand that perfectly  
6 well. I was just trying to lay out for you that I thought  
7 there were alternatives that you might find satisfactory  
8 that would could develop and get us off this conundrum  
9 where I'm in a damned if I do, damned if I don't position  
10 with respect to Subpart J.

11 MR. HENKEL: Correct me if I'm wrong. We're  
12 no longer in a negotiated rulemaking situation where we  
13 have say over what happens or doesn't happen with the NRC  
14 regulations. I mean we can advise. We can offer  
15 opinions.

16 You would like to make us all happy. I'm sure.

17 MR. OLMSTEAD: That's true. We have had this  
18 advisory committee and we had the negotiated rulemaking  
19 and we did all of this because we thought that decisions  
20 that were jointly arrived at were better than dictated  
21 decisions. We, I assume, still think that. So I would  
22 prefer to find a way that everybody can agree to, to fix  
23 what I consider to be a broken situation.

24 MR. ECHOLS: But if you stay in status quo  
25 there is still the options (indiscernible).

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. OLMSTEAD: Yes. Not only an option,  
2 that's probably what I would recommend at the current  
3 state of affairs.

4           MR. GREEVES: John, it's my sense we have a  
5 recommendation to proceed with what I spoke to earlier  
6 from the panel, is that correct?

7           MR. HOYLE: That's correct.

8           MR. SILBERG: I'm sorry, John. I couldn't  
9 hear.

10          MR. GREEVES: It's my sense that we have a  
11 recommendation from the panel to proceed with the notes  
12 that I outlined. That the staff will attempt to put this  
13 thing up on Internet and get feedback.

14          MR. SILBERG: I don't think anyone is raising  
15 any questions about the pilot system. I think Jim's  
16 question --

17          MR. GREEVES: People tend to talk past each  
18 other.

19          MR. SILBERG: Well, Jim's questions I think go  
20 to a permanent replacement for what's contemplated in the  
21 rule. I don't think anything you're saying has to do with  
22 the pilot approach at all.

23          MR. GREEVES: I just wanted to clarify --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. DAVENPORT: The Agency has the flexibility  
2 to proceed with any pilot project it wants to as far as  
3 we're concerned.

4 MR. GREEVES: But I suspect in our paper we  
5 will tell the Commission that the review panel recommended  
6 yes. That it sounds like fertile ground. Go forward.  
7 That's not a commitment by anybody. But I think the  
8 Commission would like to hear that we asked, that's the  
9 feedback we got, and the recommendation was try and put  
10 that thing up and see if it works.

11 MR. SILBERG: I think the issue that we've  
12 been batting around here is not the pilot system. It's  
13 what comes after that.

14 MR. DAVENPORT: And pilot systems have their  
15 way of through inertia or becoming ultimate programs.

16 MR. LEVIN: Becoming production systems.

17 MR. DAVENPORT: I'm just saying that we  
18 reserve our right to stick with the system we've got until  
19 we go through some more formal process of changing it.

20 MR. OLMSTEAD: I understand that, Jim. The  
21 problem is that my interpretation of Subpart J is that any  
22 part of it, including the staff and the Agency, can make  
23 the showings necessary to force the adjudicator to go to  
24 Subpart G. Okay? Now I'm speaking strictly for myself

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 and as a litigator with some experience in NRC processes.  
2 My recommendation as it sits today is go Subpart G.

3 MR. DAVENPORT: Right. You said that. I  
4 heard that.

5 MR. OLMSTEAD: Given that, staying with  
6 Subpart J doesn't get you much. I just point that out for  
7 whatever it's worth.

8 MR. HOYLE: Okay. Is there anything about the  
9 future conduct of business that we need to talk any  
10 further about? Are there any comments that haven't yet  
11 been made by those in the audience that anyone would like  
12 to make?

13 MR. HENKEL: One thing I'd like to add is, if  
14 we're going to start conversing on e-mail (indiscernible)  
15 that which I fully support, maybe there ought to be some  
16 effort to speak with one voice from a given entity to some  
17 extent. Rather than having 40 voices online, maybe having  
18 15 voices online. It's just a thought I had that might  
19 limit some of the confusion a little bit.

20 MR. LEVIN: Right now we have a very limited  
21 address list.

22 MR. CAMERON: Are you saying that you'd only  
23 like to hear from one person at the NRC, for example, and  
24 one person at DOE?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. HENKEL: Well, for example, I'm not going  
2 to let -- Jay and I are going to send one e-mail to you  
3 guys when we respond to something. Jay is not going to  
4 respond independently from me.

5 MR. SILBERG: (Indiscernible) a way of  
6 interfering with (indiscernible).

7 MR. CAMERON: This sounds familiar.

8 MR. HENKEL: Maybe I'm a bad example. I just  
9 think that Clark County ought to speak with one voice as  
10 to what their opinion is. I'm sure they would anyway. I  
11 just think as we're trying to decipher everybody else's e-  
12 mail, I'd like to know that Dennis Bechtel's address means  
13 Clark County says why, you know.

14 MS. NEWBURY: Well, this is informal. This is  
15 a very informal discussion.

16 MR. HENKEL: I understand that. I understand  
17 that.

18 MR. LEVIN: Also let me make clear the e-mail  
19 is a temporary mechanism. What we hope to do is put up  
20 this electronic forum which --

21 MR. OLMSTEAD: But this was an issue that came  
22 up in Rule Net and NEI chose to speak with one voice.  
23 Some of the other industry participants didn't. The staff  
24 didn't. I don't know. I've been through the evaluation.  
25 I've read all the evaluations. I've been thinking about

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 this. We posted quite a long, as you know, dissertation  
2 on the merits of one approach versus the other approach.  
3 We can design when we get into the Web pages. We can set  
4 aside a caucus area that is for official comments only.  
5 But my own humble judgment is that unless there is really  
6 an issue as to what the county position is or what the NRC  
7 position is, as long as it's a discussion like we have  
8 here it's more beneficial not to put the pall on people  
9 who might have something useful to say. That they've got  
10 to go through some clearinghouse in order to post their  
11 comment. That's my view of it, but I understand the other  
12 point of view because it was forcefully put forward in the  
13 Rule Net by those who felt that they ought to be able to  
14 know that when they see Jay Silberg's name that that  
15 represents his client. And I understand both points of  
16 view and I don't know where I come out on it, although  
17 I've spoke several times here today and don't want any of  
18 you to think that it represents at all anything the  
19 Commission has to say about it because they don't even  
20 know I've said it.

21 MR. HENKEL: Your points are well taken as my  
22 only difference was that we're at a table. It's a little  
23 different when you're face to face than when you're  
24 conversing electronically but that's my opinion.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. OLMSTEAD: Yes, and that's an issue that's  
2 bounced back and forth. What I can tell we can do under  
3 the tools we have -- I don't want to promise too much  
4 because we need to take baby steps here, but we can  
5 separate into two discussion, one official and one  
6 unofficial, so that dialogue goes on. But if we want to  
7 place where we can find out exactly what the official  
8 position is, we can post it there.

9           MR. DAVENPORT: If you wanted to open an  
10 interacted conversation, you can't limit it to official  
11 spokesmen. That's just counterproductive for the whole  
12 idea of getting as wide and populous to view as you can  
13 get.

14           MR. CAMERON: I don't think you need to worry  
15 at this point of the game. There's benefits at some point  
16 in a process to an "official" position. But at this point  
17 in the process I think that there's a real benefit to  
18 having an exchange among a lot of people who are  
19 knowledgeable about it.

20           MR. HENKEL: I think you're focusing too much  
21 that my comment has to do with official and unofficial.  
22 My comment has to do with getting 60 e-mails in one week  
23 from this panel and having to read 60 e-mails as opposed  
24 to getting 10 that are already distilled by each

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 individual party to the relevant points. That's where I'm  
2 coming from.

3 MR. OLMSTEAD: That's why we want to put it up  
4 on hypertext in the dialogue space that you saw because  
5 you don't have to read them all. You look quickly at it  
6 and you see what you want to read and you only read that.

7 MS. NEWBURY: Figure up those opinions count  
8 and go from there.

9 MR. CAMERON: You just don't want to be  
10 reading Jay's.

11 MR. HENKEL: Right. I'll ignore Jay's and  
12 Bill's --

13 MR. HOYLE: Robert needs --

14 MR. HOLDEN: Just wanted to express  
15 appreciation for members of the panel, folks at the NRC  
16 for bearing with us and we're still representing the  
17 nonplayers. Some of the counties have come and are going  
18 by the wayside, as well as the state, which has been  
19 supportive of the tribes. As we've said all along, we  
20 don't know when the tribes will be viable parties to the  
21 High-Level Waste Management Program, but by the grace of  
22 the Creator, somehow they will become involved or somehow  
23 their rights of what they see is important will be  
24 protected, which means we don't know. But just something  
25 that -- it's been another week of frustration in listening

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to the progress and the illiquity of this program for the  
2 past week over at the international high-level -- waste  
3 meeting. All the studies, all the impacts to parties  
4 other than those people that have been here for a few  
5 thousand years. And by the grace of the Creator, they'll  
6 be here for a few thousand more years. The Creator put us  
7 here, as I've said, and if it's the will of the Creator,  
8 we'll disappear. But until that time, always remember  
9 that these are the people who this land was given to.  
10 This land was given to these people. And I appreciate  
11 what you have to say in your support.

12           John Dossett is going to make a few comments.  
13 He's going to be the techi for the organization as well as  
14 the Nuclear Waste Program. Maybe in a few years we might  
15 be dangerous too.

16           MR. DOSSETT: All the proposals for putting  
17 stuff on the Internet I think sound really good as far as  
18 access for the tribes go. I think you will have more real  
19 meaningful participation by the tribes with Internet  
20 access than any sort of a dial-up system because I know a  
21 lot of particularly younger Native American people are  
22 coming up to me all the time. You know, what's your home  
23 page on the Internet. So that's really happening.

24           The other two things you seem to have  
25 discussed here were more of a decentralized system and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 more use of off-the-shelf technology. I think that there  
2 might be some redistributional effects there particularly  
3 with tribes having to post their own information rather  
4 than sending it into a centralized system where it could  
5 be posted for them. You know, you might want to consider  
6 how to preserve meaningful access for the tribes. There  
7 could be some other very inexpensive technologies to take  
8 care of that. There's satellite hookups or offline  
9 readers. I think these are problems not just for tribes  
10 but for any rural group of people to get involved in, in  
11 Internet access. These are just more technology things to  
12 consider as you're going through your process.

13 MR. HOYLE: Thank you very much.

14 Any other comment? I see no reason to return  
15 tomorrow morning. I will distribute the Internet mailing  
16 addresses. Moe has volunteered to help on that. I'll get  
17 the transcript out the latter part of next week or the  
18 early part of the following week. I've given the  
19 reporting company a little longer to put the transcript  
20 together because I think earlier today we had some very  
21 rapid cross-firing discussion here and I want to give them  
22 time enough to pull that out of the tape recorder.

23 So unless there are any further comments, the  
24 meeting is adjourned.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   (Whereupon, at 4:24 p.m., the above-entitled  
2 matter concluded.)  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701