

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

Before Administrative Judges:

Thomas S. Moore, Chairman
Paul S. Ryerson
Richard E. Wardwell

In the Matter of
U.S. DEPARTMENT OF ENERGY
(High Level Waste Repository)

Docket No. 63-001-HLW
ASLBP No. 09-892-HLW-CAB04
April 21, 2010

ORDER
(Questions for Several Parties and LSNA)

By earlier order, the Construction Authorization Board (CAB) 04 directed all “parties not to take any actions at this time that would prevent or hinder their ability to archive LSN documentary material in a readily accessible format, such as PDF.”¹ At the January 27, 2010 case management conference concerning the possible need to preserve the parties’ Licensing Support Network (LSN) document collections, CAB-04 posed a number of questions to each of the parties. Counsel for Lincoln County, an interested governmental participant, neither attended nor participated by telephone in the conference and therefore could not answer the Board’s questions. The NRC Staff, in response to several questions, indicated it would need to confirm several matters and respond later. Counsel for the Department of Energy (DOE) was not in a position to respond to many of the Board’s questions and the Board, therefore, directed it to file written responses.²

¹ CAB Order (Concerning LSNA Memorandum) (Dec. 22, 2009) at 2 (unpublished).

² Tr. at 368-69 (Jan. 27, 2010); see, e.g., Tr. at 383, 386-87.

On February 4, 2010, DOE filed the first of its responses to the Board's questions,³ followed on February 19, 2010 with a status report on its archiving plans.⁴ In the later filing, DOE represented to the Board that it would maintain its LSN website and keep it accessible through the NRC's LSN portal until final appellate review of any order terminating these proceedings.⁵

In Appendices A, B, and C of this order, the Board sets forth questions for Lincoln County, the NRC Staff, and DOE, respectively. The questions for Lincoln County are the same questions the Board asked of many of the other parties. The questions for the NRC Staff follow up on the matters the Staff wished to confirm. Finally, after thoroughly reviewing DOE's filings, and, as presaged at the case management conference,⁶ the Board has additional questions for DOE. The answers to the questions addressed to DOE hopefully will give the Board a better understanding of the structure of DOE's document collection and DOE's plans for the documentary information contained in the collection so that the Board may fashion suitable conditions for any future order should DOE's pending motion to withdraw its application be granted. Finally, in Appendix D, the Board sets out a number of questions for the Licensing Support Network Administrator (LSNA).

In answering the questions set forth in Appendices A, B, and C, the parties shall separately respond to each question, numbering each answer to correspond to the number of the question. Each question is to be separately addressed and fully answered. Answers such as "see answer X above" or similar responses should be used only to avoid identical repetition.

³ The Department of Energy's Answers to the Board's Questions at the January 27, 2010 Case Management Conference (Feb. 4, 2010) [hereinafter DOE's 2/4/10 Filing].

⁴ The Department of Energy's Status Report on Its Archiving Plan (Feb. 19, 2010) [hereinafter DOE's Status Report].

⁵ Id. at 2.

⁶ Tr. at 397.

All questions answered by counsel for a party shall contain the written representation of counsel of record setting forth the numbers of the questions answered by counsel and stating that counsel has made a reasonable investigation in good faith and that to the best of counsel's knowledge, information, and belief the statements made are true. Questions answered by appropriate government officials or others having knowledge of the facts shall be by affidavit or sworn declaration stating that the official or declarant has made a reasonable investigation in good faith and that to the best of the knowledge, information, and belief of the official or declarant the statements are true.

In answering the questions in Appendix D, the LSNA shall number each of his answers to correspond to the number of the questions. The LSNA need not provide sworn answers.

All answers to the Board's questions shall be filed by May 24, 2010.

It is so ORDERED.

THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Thomas S. Moore, Chairman
ADMINISTRATIVE JUDGE

/RA/

Paul S. Ryerson
ADMINISTRATIVE JUDGE

/RA/

Richard E. Wardwell
ADMINISTRATIVE JUDGE

Rockville, Maryland
April 21, 2010

Appendix A
(Lincoln County)

Lincoln County's LSN document collection currently contains 61 documents. As the Board indicated at the case management conference, the size of most of the parties' collections does not exceed the capacity of a single compact disc (CD) and the cost of transferring such documentary material to a CD likely would not exceed \$300. Tr. at 359. With the exception of the NRC Staff and DOE, for reasons not here relevant, all parties at the case management conference committed to storing their LSN document collections on one or more CDs if circumstances warranted. Similarly, the same parties committed to providing the LSNA a CD copy of their LSN collections and these parties had no objection to proposed language in a Board order directing them to provide their LSN document collection to the LSNA in the data format and by the transfer media mutually agreed upon by the parties and the LSNA. Tr. at 357-65.

1. If circumstances warrant, will Lincoln County commit to storing its LSN document collection, including text and related bibliographic header material, on CDs?
2. Will Lincoln County commit to providing the LSNA a CD copy of its LSN document collection?
3. Would Lincoln County object to language in a Board order directing it to provide its LSN document collection to the LSNA in the data format and by the transfer media mutually agreed upon by Lincoln County and the LSNA?

Appendix B
(NRC Staff)

1. In regards to the Staff's LSN collection:
 - 1.1. Are all of the documents in the Staff's LSN collection also in ADAMS?
 - 1.2. Do all of the documents in the NRC Staff's LSN document collection carry the WM-11 code that is the marker for LSN documents in ADAMS?
 - 1.3. If not, will the Staff commit to marking with the WM-11 code, within a reasonable period of time, any documents in its LSN document collection that are not so marked?
 - 1.4. Are the documents in ADAMS that are in the Staff's LSN document collection and marked with the WM-11 code designated as permanent agency records?
 - 1.5. If not, does the Staff currently plan to seek to have such documents designated permanent agency records?
2. Although it is not required by the agency's record system, will the Staff commit to placing the LSN accession number somewhere in the ADAMS bibliographic header for the documents in its LSN collection?

Appendix C
(DOE)

1. DOE Document Description

- 1.1. Are there any other components to DOE's LSN document collection (LSNdc) besides those groups presented in Attachment A to DOE's 2/4/10 Filing (i.e., the Record Information System/Records Processing Center (RIS) collection, emails, paper files, and electronic files)?
- 1.2. Does DOE's use of the phrase "LSN collection" in its filings refer to the RIS collection, or does DOE consider the entire collection as a single entity (i.e., the entire collection of RIS, emails, paper files, and electronic files)?
- 1.3. For each of the components (i.e., RIS collection, emails, paper files, and electronic files):
 - 1.3.1. Provide a general description for each component group;
 - 1.3.2. List the types of records that are in each component (e.g., text files, image files, bibliographic header, etc.) and the relative percentage (based on page count) for each file type;
 - 1.3.3. Summarize the various formats making up each component (TIFF, BMP, JPEG, DOC, PDF etc.), and the relative percentage (based on page count) for each format;
 - 1.3.4. Discuss the current physical location and explain the type of storage media for each of the LSNdc components.
- 1.4. In regard to the native documents used to form DOE's LSN collection:
 - 1.4.1. What percentage are paper documents?
 - 1.4.2. What percentage are electronic files?
 - 1.4.3. Where are the native documents located?
 - 1.4.4. Are there any backups to the paper documents?
 - 1.4.5. Are there any backups to the electronic documents?
- 1.5. How will the underlying data/databases represented in DOE's LSNdc by technical data information forms (TDIF) be handled at termination, specifically addressing the following:
 - 1.5.1. What is the status of the following databases, and any other databases that are part of the Technical Data Management System (TDMS):
 - Geographic Nodal Information Study and Evaluation System (GENESIS);
 - Site and Engineering Properties (SEP);
 - Reference Information Base (RIB);
 - Geographic Information (GI);
 - Requirements Traceability Network Database (RTN);
 - Model Warehouse Data Database (MWD);

- Standards/Constants/Conversions Database (SCC);
- System Performance Assessment Datasets (SPA);
- Environmental Impact Statement Datasets (EIS);
- Waste Form Characteristics Database (WFC);
- License Application Data Datasets (LAD);
- Chemical Species Thermodynamics Database (CST);
- Repository Design Input Datasets (RDI);
- Technical Data Parameters Database (TDP);
- Site Characteristics Datasets (SCD);
- Viability Assessment Database (VAD).

1.5.2. Are the databases relevant documentary material under the definitions in 10 C.F.R. Part 2, Subpart J?

1.5.3. Are these databases currently online?

1.5.4. Is the underlying data in these databases still accessible by the parties to this proceeding?

1.5.5. Is that information accessible by any other means except via the TDIF forms contained in DOE's LSNdc and the DOE RIS, and if so, how?

1.5.6. Is that information traceable back to any of the scientific reports or studies prepared for the License Application (LA) without having access to the TDIF forms in the LSN and RIS (i.e., from the technical database to where/how it was used), and if so, how?

1.5.7. Is the underlying technical data referenced in the scientific reports or studies prepared for the LA accessible without reference to the data or software location noted on the TDIF forms (i.e., from the report where it was used back to where the source information resides and how it is identified in that database environment), and if so, how?

1.6. What percentage of the content of the DOE's LSNdc is site-specific to Yucca Mountain and what standard did DOE use in determining what is "site specific"?

1.7. Clarify whether the information contained in the LA on cask design, fabrication and materials reaction to moisture, cask handling systems and subsystems, surface facilities, etc., is generic, site specific, or both (by percent for each type).

2. DOE's Document Storage and Retrieval Operations

2.1. What percentage of DOE's LSNdc is stored as single page image files?

2.2. Are any of the records in each of the 4 previously described components (see question 13) stored as complete documents, and if so:

2.2.1. What is the percentage of total pages that are currently stored as a complete documents within each component?

- 2.2.2. What is the percentage of total pages that are converted to single page TIFF?
- 2.2.3. What is the percentage of total pages that are currently compiled and stored as complete documents within each component?
- 2.3. Explain the sequential process by which a DOE document is retrieved from DOE's LSN collection starting from the time a request is received from NRC's LSN portal. In the process of doing this, ensure that the following information is provided:
- details of the hardware system (including the location and number of servers where DOE's document collection resides);
 - general overview of the process used to retrieve a DOE document;
 - detailed functional description of DOE operating systems and custom codes needed to retrieve a document, including a narrative of the procedure by which the document is recreated and distributed back to the requester through the LSN portal;
 - variations, if any, in either the storage or retrieval process for the various document types and a description of the ability to segregate the collection into one of the 4 previously described components should their records status (i.e., temporary or permanent), retention period, and disposition schedule differ.
- 2.4. In regards to any DOE custom software required to locate and reformulate a document:
- 2.4.1. Does this custom code locate the numerous individual single pages that comprise a document, compile these pages into the single document by retrieving the individual pages from numerous and varying locations within DOE's document servers, and send the document file back to the requestor through the LSN portal?
- 2.4.2. What are the details of the specific steps performed by this custom code, and how does the code interact with the query/response process within the LSN portal?
- 2.5. What is the status of the project facilities in Nevada and what effect, if any, do any of the "shut down" activities have on the retention and future archiving of the DOE's LSNdc?
- 2.6. Do the shut down procedures have any effect on the backup capabilities of the LSN?
- 2.7. As stated in DOE's 2/4/10 Filing, will DOE preserve and archive its project records after final appellate review in compliance with federal requirements and consistent with DOE's objective of preserving the core scientific knowledge from the Yucca Mountain project?
- 2.8. As long as the LSN is operational, what organization/contractor will be available to resolve ongoing document integrity issues on the LSN?
- 2.9. Absent an LSN portal, to what degree will the DOE data be available (including the degree of availability for electronic access) to the general public and current and future scientific and engineering endeavors?

3. Governmental Archiving Process

- 3.1. Is the National Archives and Records Administration (NARA) the agency that has the authority to determine record status (i.e., temporary or permanent) and is its decision based on information obtained from the process initiated by an agency submitting a SF-115 application for the disposition of federal records?
- 3.2. What is NARA's definition of a record and:
 - 3.2.1. How does it differ, if at all, from its definition of an item or a document?
 - 3.2.2. What is NARA's lowest basic unit?
- 3.3. Is it DOE's understanding that NARA permits preserving undifferentiated pages of material as opposed to archiving complete documents?
- 3.4. What is the difference between a disposition schedule and a retention period?
 - 3.4.1. Does the designation of a disposition schedule depend upon the record status (i.e., temporary or permanent)?
 - 3.4.2. Are only temporary records given a disposition schedule?
- 3.5. What entity (agency, NARA, or others) determines the disposition schedule for temporary records?
- 3.6. For temporary records, does NARA dictate the records retention period and disposition schedule for a complete document collection (RIS, emails, electronic files, and paper files) or for individual documents?
- 3.7. Does DOE foresee any possibility that NARA may specify different records status for the various components of the collection?
- 3.8. For DOE records categorized as temporary and that may be stored at a Federal Records Center facility,
 - 3.8.1. Will legal title continue to reside with DOE with this storage option?
 - 3.8.2. What other options are available for storage and custody of temporary records?
 - 3.8.3. Would DOE still be responsible for addressing legal and FOIA requests until temporary records are destroyed in accordance with NARA regulations?
- 3.9. Is the custody of all the records that NARA deems as permanent turned over to the National Archives and what steps are taken to accomplish this transfer?
- 3.10. What makes a format "suitable for Federal Record Material" as stated in Attachment A to DOE's 2/4/10 Filing?

4. DOE Archiving Plans

- 4.1. In non-technical terms, is not the DOE archiving plan tantamount to asking NARA to accept numerous drums of unnumbered, loose pages from millions of documents mixed between the drums with no way to easily sort them into useable or readily retrievable documents? If not, why not?
- 4.2. If at some point the application is withdrawn and the appellate review exhausted, describe all the specific steps that will be taken to preserve DOE's LSNdc, assuming that the collection has been deemed as temporary and that the use of the custom code/applicable servers as well as the LSN portal will no longer be supported. As part of this, explain the following:
 - 4.2.1. Procedures for re-compiling the documents from the individual pages;
 - 4.2.2. Requirements for converting the documents into a searchable format;
 - 4.2.3. Designation of the retention schedule for the various types of documents including those in the Record Information System/Records Processing Center collection (40%), emails (45%), paper sweep files (10%), and electronic sweep files (5%);
 - 4.2.4. Storage type and facility location for the various types of documents;
 - 4.2.5. Estimated costs to perform this preservation.
- 4.3. If at some point the application is withdrawn and all appellate review is exhausted, describe all the specific steps that will be taken to preserve DOE's LSNdc, assuming that the collection has been deemed as permanent and that the use of the custom code/applicable servers as well as the LSN portal will no longer be supported. As part of this description, explain the following:
 - 4.3.1. Procedures for re-compiling the documents from the individual pages;
 - 4.3.2. Requirements for converting the documents into a searchable format;
 - 4.3.3. Storage type and facility location for the various types of documents;
 - 4.3.4. Estimated costs to perform this preservation.
- 4.4. If this proceeding is terminated and in light of the need to locate and compile single pages from DOE's LSNdc to form a complete document,
 - 4.4.1. Is there any means by which DOE's custom software and documentation can be preserved as well?
 - 4.4.2. How can it be useable (and not outdated) in a decade or less?
 - 4.4.3. What effect, if any, would a NARA designation of DOE's documents as a special collection have on the preservation and utility of the archived custom software and documentation?
- 4.5. What is the status of DOE's filing of SF-115 with NARA to initiate the preservation process?

- 4.6. How long will that process take?
- 4.7. Confirm that DOE's commitment to "keep the LSN website compliant and accessible via the NRC's LSN portal" until all appellate review is exhausted and these proceedings are terminated means that DOE will not take its LSNdc offline even if NARA grants disposition authority before such time.
- 4.8. If after all appellate review is exhausted and these proceedings are terminated before a disposition authority is granted by NARA, does DOE anticipate taking its LSNdc offline prior to final NARA action?
- 4.9. Should the LSN document collection be taken offline while the NARA process is still ongoing,
 - 4.9.1. What media will the database be stored on?
 - 4.9.2. Will it include the application software and any custom software needed to make it work?
 - 4.9.3. How will it be stored?
 - 4.9.4. Where will it be stored?
 - 4.9.5. What office in DOE will have custodianship during such period?
 - 4.9.6. In nontechnical terms, would not such storage be the equivalent of placing the material on a shelf in a storage room until appropriate disposition can proceed?
- 4.10. In the event that the DOE collection is taken offline and NARA subsequently designates it as "permanent" and requires it to be restructured into utilitarian items (i.e., PDF files of complete documents),
 - 4.10.1. Exactly what steps need to be taken to accomplish that?
 - 4.10.2. What is the cost?
 - 4.10.3. How long will it take to accomplish this?
 - 4.10.4. How effective would the reconstruction be if the NARA decision is made 6-months after the DOE collection has been taken offline?
- 4.11. What would be the difference in the steps, costs and schedule if the NARA decision was reached 1, 2, 5, or 10 years after DOE's collection had been taken offline?
- 4.12. Is there any requirement that the records status of the DOE LSNdc has to be consistent with permanent designation presently given to NRC's collection?
- 4.13. Does DOE currently have a records disposition schedule in place for temporary records in either its LSNdc or the underlying technical databases?
- 4.14. For Attachment A in DOE's 2/4/10 Filing,
 - 4.14.1. Who designated the retention schedule as "end of project plus 25 years"?

- 4.14.2. What was the justification for doing so?
 - 4.14.3. Why is the retention schedule for native format not applicable for the paper and electronic files?
 - 4.15. Explain how DOE archiving plans meet DOE's objective of preserving the core scientific knowledge from the Yucca Mountain project?
 - 4.16. To date, have any of the components of DOE's LSNdc been designated as permanent or temporary?
5. Converting and Restructuring DOE's LSNdc
 - 5.1. Does DOE propose to archive any temporary files in their current format (primarily a string of single sheet image files)?
 - 5.2. In reference to DOE's Status Report stating that NARA confirmed that DOE does not have to convert its records that are deemed as temporary to PDF format or restructure its LSN collection, how was this conclusion reached prior to DOE filing an SF-115?
 - 5.3. Should the records appraisers at NARA direct that the disposition schedules assigned to collections be categorized as "permanent" rather than "temporary," describe the additional requirements that should be expected from NARA, how long it will take DOE to fulfill those requirements, and how much it will cost?
 - 5.4. For files designated permanent, does DOE consider it likely that NARA will require the collection to be reformatted into PDF and restructured into a document collection? Explain.
 - 5.5. Assuming NARA will require the collection to be reformatted into PDF and restructured into a document collection, does DOE propose to request an exemption from NARA requirements and archive DOE's permanent files in their current format (primarily a string of single sheet image files)?
 - 5.6. What is DOE's estimate of the amount of time and cost necessary to comply with NARA requirements if DOE's exception request is denied and DOE is required to convert its records into a PDF format and restructure its LSN collection into document level records?
 - 5.7. Whether temporary or permanent files, if DOE does not convert its files to PDF format and does not restructure its collection from single sheet to document level compilations, would archiving mean that, while the TIFF and JPEG image files will still be functional as image files, the pages would be preserved as one long file of 37 million images without knowing where one document ends and another one begins once removed from a document management software system? If not, explain why not.
 - 5.8. If the answer to question 5.7 is no, does this mean that, while the individual sheets will be preserved as individual page images, document unitization will not be preserved, the information integrity will not be effectively preserved, and the context of information will be lost?

- 5.9. If only single page images are preserved, how will a complete document be accessible via the LSN or by any other means if such material is not available, and how does this meet DOE's stated goal of "preserving the core scientific knowledge from the Yucca Mountain project"?
- 5.10. If NARA/National Archives takes possession of the documents,
 - 5.10.1. How could the documents that are derived from these sheets be retrieved without DOE's custom code?
 - 5.10.2. Assuming DOE's collection is preserved in its current single page format, what steps would need to take place to retrieve a complete document from this archive?
 - 5.10.3. What is the status of DOE's investigation into restructuring the directory structure of its LSN collection to allow each document to be archived as a single file?
 - 5.10.4. What steps would need to take place to retrieve and re-establish the LSN should the project be revived within 3 to 5 years after it was archived?
 - 5.10.5. Clarify the statement on page 2 of DOE's Status Report that "such transition will not affect the functionality of DOE's LSN collection."
6. Records Transfer to Morgantown, West Virginia
 - 6.1. In regards to DOE's plan to transfer records to its Morgantown, WV facility,
 - 6.1.1. What components of DOE's collection are to be shipped to this facility?
 - 6.1.2. Would this decision be affected by whether the records are permanent or temporary?
 - 6.2. What is the schedule for this move?
 - 6.3. If NARA concludes that DOE's records are permanent, how would this move affect this designation or how would this move be affected by this designation?
 - 6.4. In order to assure that "such transition will not affect the functionality of DOE's LSN collection" (DOE's Status Report at 2), would there be a need to keep the old and new systems operating at the same time for some period while the ASLBP re-points the 83 million URLs to the new servers?
 - 6.5. What are the software/database technical expertise and financial resources available in WV to support continued functionality?
 - 6.6. If DOE were to transfer its entire LSN holdings, including all the underlying databases referenced by TDIFs in the LSN and deliver that to the Morgantown, WV facility, would that data be migrated into a different record system or data management software system?
 - 6.7. If so, what would that mean to the integrity of the URLs used by the LSN portal to access that

information?

- 6.8. If DOE were to transfer its entire LSN holdings, including all the underlying databases referenced by TDIFs in the LSN and deliver that to the Morgantown, WV facility, would the Morgantown facility be willing to preserve that entire collection as a virtualized database environment?
7. Costs to comply with LSN Requirements and Termination Preservation
 - 7.1. How much has DOE invested in the development of its LSNdc and the establishment of its LSN computer environment (including all O and M and litigation support contractor costs, hardware acquisitions, software development, and federal staff FTEs converted to dollars)?
 - 7.2. How much has DOE invested, (including all O and M contractor costs, hardware acquisitions, software development, and federal staff FTEs converted to dollars) in the development of its RIS that is not accounted for in the numbers provided in response to question 7.1?
 - 7.3. How much has DOE invested (including all O and M support contractor costs, hardware acquisitions, software development, and federal staff FTEs converted to dollars) in the development of the underlying databases that is not accounted for in the numbers provided in response to questions 7.1 and 7.2?
 - 7.4. What have been the yearly costs (including federal staff FTEs converted to dollars) to operate and maintain DOE's LSNdc over the past 5 years?
 - 7.5. What is the estimated budget to preserve DOE's LSNdc and how is that being achieved with 2010 funds?
 - 7.6. How will any additional funds be obtained to perform this function?
8. Merger of the Office of Civilian Nuclear Radioactive Waste Management (OCRWM) into the Office of Nuclear Energy (NE)
 - 8.1. What is the anticipated schedule for the merger of OCRWM into NE?
 - 8.2. In regards to maintenance of DOE's LSNdc,
 - 8.2.1. Who was responsible at OCRWM for this maintenance?
 - 8.2.2. Who will be assuming this role in NE?
 - 8.2.3. What are the estimated annual funding requirements needed to maintain the LSN in the status quo?
 - 8.3. Does NE have the necessary funds to perform the preservation tasks?
 - 8.4. What organization/contractor within NE will be available to resolve ongoing document integrity issues on the LSN so long as it is operational, and how will NE acquire the institutional knowledge from OCRWM to perform this function?
 - 8.5. In regards to oversight responsibility,

- 8.5.1. What Deputy Assistant Secretary will be responsible for this function?
- 8.5.2. Has this position been filled, and, if not, who is to assume these responsibilities until the position is filled?
- 8.6. Who at NE will answer specific questions about problems with DOE documents or images that may be reported by other parties to the proceeding?
- 8.7. In dealing with FOIA matters,
 - 8.7.1. Who is the FOIA officer for NE?
 - 8.7.2. What steps have been taken to transfer institutional knowledge of the program activities, its records, its issues, and its historical approach to FOIA requests on HLW issues?
- 8.8. Who will be the point of contact in NE for access to restricted access or otherwise privileged information?
- 8.9. Should the LSN document collection be taken offline while the NARA process is still ongoing, what office in NE will have custodianship during such period?
- 9. Virtualization
 - 9.1. Is DOE amenable to virtualizing the entire DOE LSNdc, including all the underlying databases referenced by TDIFs in the LSNdc and delivering that to the DOE Office of Scientific and Technical Information (OSTI)?
 - 9.2. If so, how long will it take to generate that product?
 - 9.3. How much will it cost?
 - 9.4. How much computer storage capacity will be required to house a virtualized LSN environment at OSTI?

Appendix D (LSNA)

The following questions relate to the costs to terminate and preserve the LSN portal system (developed and operated by the LSNA) in the event that DOE's application is withdrawn and the proceeding terminated.

1. How much has the LSNA invested in the development of its LSN portal system and the establishment of its LSN computer environment (including all O and M and litigation support contractor costs, hardware acquisitions, software development, and federal staff FTEs converted to dollars)?
2. How much has the LSNA invested (including all O and M contractor costs, hardware acquisitions, software development, and federal staff FTEs converted to dollars) in the development of any ancillary systems that are not accounted for in the numbers provided in response to question 1?
3. How much has the LSNA invested (including all O and M support contractor costs, hardware acquisitions, software development, and federal staff FTEs converted to dollars) in the development of any underlying databases not accounted for in the numbers provided in response to questions 1 and 2?
4. What have been the yearly costs (including federal staff FTEs converted to dollars) to operate and maintain the LSN portal over the past 5 years?
5. What is the estimated budget and timing needed to archive the LSNA's LSN portal system?
6. How will any additional funds be obtained to perform this function?
7. Explain to what degree the system could be revived in the future, the steps needed to accomplish this, and the estimated costs to perform this 1, 2, 5, or 10 years after archiving.
8. In regards to any LSNA's custom software required run the LSN portal system, elaborate on its degree of obsolesce if the system was to lie dormant for 1, 2, 5, or 10 years.
9. What effect would the shutdown of DOE's LSN facilities in Nevada have on the retention and future archiving of the LSN portal system?
10. Do any of the preservation and archival activities for the LSN portal system have to be approved by NARA or any other federal agency?

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
U.S. DEPARTMENT OF ENERGY)
)
(High-Level Waste Repository))
)

Docket No. 63-001-HLW
ASLBP No. 09-892-HLW-CAB04

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Questions for Several Parties and LSNA)**, dated April 21, 2010, have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board (ASLBP)
Mail Stop T-3F23
Washington, DC 20555-0001

Construction Authorization Board (CAB) 04

Thomas S. Moore, Chair
Administrative Judge
tsm2@nrc.gov

Paul S. Ryerson
Administrative Judge
psr1@nrc.gov

Richard E. Wardwell
Administrative Judge
rew@nrc.gov

Anthony C. Eitrem, Esq., Chief Counsel
ace1@nrc.gov
Daniel J. Graser, LSN Administrator
djg2@nrc.gov
Matthew Rotman, Law Clerk
matthew.rotman@nrc.gov
Katherine Tucker, Law Clerk
katie.tucker@nrc.gov
Joseph Deucher
jhd@nrc.gov
Andrew Welkie
axw5@nrc.gov
Jack Whetstine
jgw@nrc.gov
Patricia Harich
patricia.harich@nrc.gov
Sara Culler
sara.culler@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001
Michael G. Dreher, Esq.
michael.dreher@nrc.gov
Karin Francis, Paralegal
kxf4@nrc.gov
Joseph S. Gilman, Paralegal
jsg1@nrc.gov
Daniel W. Lenehan, Esq.
daniel.lenehan@nrc.gov
Andrea L. Silvia, Esq.
alc1@nrc.gov
Mitzi A. Young, Esq.
may@nrc.gov
Marian L. Zabler, Esq.
mlz@nrc.gov
OGC Mail Center
OGCMailCenter@nrc.gov

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop O-16C1
Washington, DC 20555-0001
OCAAMail Center
ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001
Hearing Docket
hearingdocket@nrc.gov

U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW
ORDER (Questions for Several Parties and LSNA)

U.S. Department of Energy
Office of General Counsel
1000 Independence Avenue S.W.
Washington, DC 20585
Martha S. Crosland, Esq.
martha.crosland@hq.doe.gov
Nicholas P. DiNunzio, Esq.
nick.dinunzio@rw.doe.gov
Scott Blake Harris, Esq.
scott.harris@hq.doe.gov
Sean A. Lev, Esq.
sean.lev@hq.doe.gov
James Bennett McRae
ben.mcrae@hq.doe.gov
Cyrus Nezhad, Esq.
cyrus.nezhad@hq.doe.gov
Christina C. Pak, Esq.
christina.pak@hq.doe.gov
Josephine L. Sommer, Paralegal
josephine.sommer@hq.doe.gov

Office of General Counsel
1551 Hillshire Drive
Las Vegas, NV 89134-6321
Jocelyn M. Gutierrez, Esq.
jocelyn.gutierrez@ymp.gov

Office of Counsel, Naval Sea Systems Command
Nuclear Propulsion Program
1333 Isaac Hull Avenue, SE, Building 197
Washington, DC 20376
Frank A. Putzu, Esq.
frank.putzu@navy.mil

For U.S. Department of Energy
USA-Repository Services LLC
Yucca Mountain Project Licensing Group
1160 N. Town Center Drive, Suite 240
Las Vegas, NV 89144
Stephen J. Cereghino, Licensing/Nucl Safety
stephen_cereghino@ymp.gov

For U.S. Department of Energy
Talisman International, LLC
1000 Potomac St., NW, Suite 300
Washington, DC 20007
Patricia Larimore, Senior Paralegal
plarimore@talisman-intl.com

Counsel for U.S. Department of Energy
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004
Clifford W. Cooper, Paralegal
ccooper@morganlewis.com
Lewis M. Csedrik, Esq.
lcsedrik@morganlewis.com
Jay M. Gutierrez, Esq.
jgutierrez@morganlewis.com
Raphael P. Kuyler, Esq.
rkuyler@morganlewis.com
Charles B. Moldenhauer, Esq.
cmoldenhauer@morganlewis.com
Thomas D. Poindexter, Esq.
tpoindexter@morganlewis.com
Alex S. Polonsky, Esq.
apolonsky@morganlewis.com
Thomas A. Schmutz, Esq.
tschmutz@morganlewis.com
Donald J. Silverman, Esq.
dsilverman@morganlewis.com
Shannon Staton, Legal Secretary
sstaton@morganlewis.com
Annette M. White, Esq.
Annette.white@morganlewis.com
Paul J. Zaffuts, Esq.
pzaffuts@morganlewis.com

Counsel for U.S. Department of Energy
Hunton & Williams LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219
Kelly L. Faglioni, Esq.
kfaglioni@hunton.com
Donald P. Irwin, Esq.
dirwin@hunton.com
Stephanie Meharg, Paralegal
smeharg@hunton.com
Michael R. Shebelskie, Esq.
mshebelskie@hunton.com
Belinda A. Wright, Sr. Professional Assistant
bwright@hunton.com

U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW
ORDER (Questions for Several Parties and LSNA)

Counsel for State of Nevada
Egan, Fitzpatrick, Malsch & Lawrence, PLLC
1750 K Street, NW, Suite 350
Washington, DC 20006
Martin G. Malsch, Esq.
mmalsch@nuclearlawyer.com
Susan Montesi:
smontesi@nuclearlawyer.com

Egan, Fitzpatrick, Malsch & Lawrence, PLLC
12500 San Pedro Avenue, Suite 555
San Antonio, TX 78216
Laurie Borski, Paralegal
lborski@nuclearlawyer.com
Charles J. Fitzpatrick, Esq.
cfitzpatrick@nuclearlawyer.com
John W. Lawrence, Esq.
jlawrence@nuclearlawyer.com

Counsel for Lincoln County, Nevada
Whipple Law Firm
1100 S. Tenth Street
Las Vegas, NV 89017
Annie Bailey, Legal Assistant
baileys@lcturbonet.com
Adam L. Gill, Esq.
adam.whipplelaw@yahoo.com
Eric Hinckley, Law Clerk
erichinckley@yahoo.com
Bret Whipple, Esq.
bretwhipple@nomademail.com

Lincoln County Nuclear Oversight Program
P.O. Box 1068
Caliente, NV 89008
Connie Simkins, Coordinator
jcciac@co.lincoln.nv.us

Counsel for Nye County, Nevada
Ackerman Senterfitt
801 Pennsylvania Avenue, NW, #600
Washington, DC 20004
Robert Andersen, Esq.
robert.andersen@akerman.com

Bureau of Government Affairs
Nevada Attorney General
100 N. Carson Street
Carson City, NV 89701
Marta Adams, Chief Deputy Attorney General
madams@ag.nv.gov

Nevada Agency for Nuclear Projects
Nuclear Waste Project Office
1761 East College Parkway, Suite 118
Carson City, NV 89706
Steve Frishman, Tech. Policy Coordinator
steve.frishman@gmail.com
Susan Lynch, Administrator of Technical Prgms
szeee@nuc.state.nv.us

Lincoln County District Attorney
P. O. Box 60
Pioche, NV 89403
Gregory Barlow, Esq.
lcd@lcturbonet.com

For Lincoln County, Nevada
Intertech Services Corporation
PO Box 2008
Carson City, NV 89702
Mike Baughman, Consultant
mikebaughman@charter.net

Counsel for Nye County, Nevada
Jeffrey VanNiel, Esq.
530 Farrington Court
Las Vegas, NV 89123
nbrjdv@gmail.com

U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW
ORDER (Questions for Several Parties and LSNA)

Nye County Regulatory/Licensing Advisor
18160 Cottonwood Rd. #265
Sunriver, OR 97707
Malachy Murphy, Esq.
mrmurphy@chamberscable.com

Nye Co. Nuclear Waste Repository Project Office
2101 E. Calvada Boulevard, Suite 100
Pahrump, NV 89048
Zoie Choate, Secretary
zchoate@co.nye.nv.us
Sherry Dudley, Admin. Technical Coordinator
sdudley@co.nye.nv.us

Clark County, Nevada
500 S. Grand Central Parkway
Las Vegas, NV 98155
Phil Klevorick, Sr. Mgmt Analyst
klevorick@co.clark.nv.us
Elizabeth A. Vibert, Deputy District Attorney
Elizabeth.Vibert@ccdavn.com

Counsel for Clark County, Nevada
Jennings, Strouss & Salmon
8330 W. Sahara Avenue, #290
Las Vegas, NV 89117
Bryce Loveland, Esq.
bloveland@jsslaw.com

Counsel for Clark County, Nevada
Jennings, Strouss & Salmon
1350 I Street, N.W., Suite 810
Washington, DC 20005-3305
Alan I. Robbins, Esq.
arobbins@jsslaw.com
Debra D. Roby, Esq.
droby@jsslaw.com

Eureka County, Nevada
Office of the District Attorney
701 S. Main Street, Box 190
Eureka, NV 89316-0190
Theodore Beutel, District Attorney
tbeutel.ecda@eurekanv.org

Counsel for Eureka County, Nevada
Harmon, Curran, Speilberg & Eisenberg, LLP
1726 M. Street N.W., Suite 600
Washington, DC 20036
Diane Curran, Esq.
dcurran@harmoncurran.com
Matthew Fraser, Law Clerk
mfraser@harmoncurran.com

Eureka County Public Works
PO Box 714
Eureka, NV 89316
Ronald Damele, Director
rdamele@eurekanv.org

Nuclear Waste Advisory for Eureka
County, Nevada
1983 Maison Way
Carson City, NV 89703
Abigail Johnson, Consultant
eurekanrc@gmail.com

For Eureka County, Nevada
NWOP Consulting, Inc.
1705 Wildcat Lane
Ogden, UT 84403
Loreen Pitchford, Consultant
lpitchford@comcast.net

U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW
ORDER (Questions for Several Parties and LSNA)

Counsel for Churchill, Esmeralda, Lander,
and Mineral Counties, Nevada
Armstrong Teasdale, LLP
1975 Village Center Circle, Suite 140
Las Vegas, NV 89134-6237
Jennifer A. Gores, Esq.
jgores@armstrongteasdale.com
Robert F. List, Esq.
rlist@armstrongteasdale.com

Esmeralda County Repository Oversight Program-
Yucca Mountain Project
PO Box 490
Goldfield, NV 89013
Edwin Mueller, Director
muellered@msn.com

Mineral County Nuclear Projects Office
P.O. Box 1600
Hawthorne, NV 89415
Linda Mathias, Director
yuccainfo@mineralcountynv.org

For City of Caliente, Lincoln County, and
White Pine County, Nevada
P.O. Box 126
Caliente, NV 89008
Jason Pitts, LSN Administrator
jayson@idtservices.com

White Pine County, Nevada
Office of the District Attorney
801 Clark Street, #3
Ely, NV 89301
Richard Sears, District Attorney
rwsears@wpcda.org

White Pine County Nuclear Waste Project Office
959 Campton Street
Ely, NV 89301
Mike Simon, Director
wpnucwst1@mwpower.net
Melanie Martinez, Sr. Management Assistant
wpnucwst2@mwpower.net

For White Pine County, Nevada
Intertech Services Corporation
PO Box 2008
Carson City, NV 89702
Mike Baughman, Consultant
bigboff@aol.com

Counsel for Inyo County, California
Greg James, Attorney at Law
710 Autumn Leaves Circle
Bishop, CA 93514
E-Mail: gljames@earthlink.net

Inyo County Yucca Mountain Repository
Assessment Office
P. O. Box 367
Independence, CA 93526-0367
Alisa M. Lembke, Project Analyst
alembke@inyocounty.us

Counsel for Inyo County, California
Law Office of Michael Berger
479 El Sueno Road
Santa Barbara, CA 93110
Michael Berger, Esq.
michael@lawofficeofmichaelberger.com
Robert Hanna, Esq.
robert@lawofficeofmichaelberger.com

U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW
ORDER (Questions for Several Parties and LSNA)

California Energy Commission
1516 Ninth Street
Sacramento, CA 95814
Kevin, W. Bell, Senior Staff Counsel
kwbell@energy.state.ca.us

California Department of Justice
Office of the Attorney General
1300 I Street, P.O. Box 944255
Sacramento, CA 94244-2550
Susan Durbin, Deputy Attorney General
susan.durbin@doj.ca.gov
Michele Mercado, Analyst
michele.Mercado@doj.ca.gov

California Department of Justice
Office of the Attorney General
1515 Clay Street, 20th Floor, P.O. Box 70550
Oakland, CA 94612-0550
Timothy E. Sullivan, Deputy Attorney General
timothy.Sullivan@doj.ca.gov

California Department of Justice
Office of the Attorney General
300 S. Spring Street, Suite 1702
Los Angeles, CA 90013
Brian Hembacher, Deputy Attorney General
brian.hembacher@doj.ca.gov

Native Community Action Council
P.O. Box 140
Baker, NV 89311
Ian Zabarte, Member of Board of Directors
mrizabarte@gmail.com

Nuclear Energy Institute
Office of the General Counsel
1776 I Street, NW Suite 400
Washington, DC 20006-3708
Michael A. Bauser, Esq.
mab@nei.org
Anne W. Cottingham, Esq.
awc@nei.org
Ellen C. Ginsberg, Esq.
ecg@nei.org

Counsel for Nuclear Energy Institute
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, DC 20037-1122
Jay E. Silberg, Esq.
jay.silberg@pillsburylaw.com
Timothy J.V. Walsh, Esq.
timothy.walsh@pillsburylaw.com
Maria D. Webb, Senior Energy Legal Analyst
maria.webb@pillsburylaw.com

Counsel for Nuclear Energy Institute
Winston & Strawn LLP
1700 K Street, N.W.
Washington, DC 20006-3817
William A. Horin, Esq.
whorin@winston.com
Rachel Miras-Wilson, Esq.
rwilson@winston.com
David A. Repka, Esq.
drepka@winston.com
Carlos L. Sisco, Senior Paralegal
csisco@winston.com

Counsel for Native Community Action Council
Alexander, Berkey, Williams & Weathers LLP
2030 Addison Street, Suite 410
Berkeley, CA 94704
Curtis G. Berkey, Esq.
cberkey@abwwlaw.com
Rovianne A. Leigh, Esq.
rleigh@abwwlaw.com
Scott W. Williams, Esq.
swilliams@abwwlaw.com

U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW
ORDER (Questions for Several Parties and LSNA)

Counsel for Joint Timbisha Shoshone Tribal Group
Fredericks, Peebles, & Morgan LLP
1001 Second St.
Sacramento, CA 95814
Felicia M. Brooks, Data Administrator
fbrooks@ndnlaw.com
Ross D. Colburn, Law Clerk
rcolburn@ndnlaw.com
Sally Eredia, Legal Secretary
seredia@ndnlaw.com
Darcie L. Houck, Esq.
dhouck@ndnlaw.com
Brian Niegemann, Office Manager
bniegemann@ndnlaw.com
John M. Peebles, Esq.
jpeebles@ndnlaw.com
Robert Rhoan, Esq.
rrhoan@ndnlaw.com

Fredericks, Peebles, & Morgan LLP
3610 North 163rd Plaza
Omaha, NE 68116
Shane Thin Elk, Esq.
sthinelk@ndnlaw.com

Counsel for Joint Timbisha Shoshone Tribal Group
Godfrey & Kahn, S.C.
One East Main Street, Suite 500
P. O. Box 2719
Madison, WI 53701-2719
Julie Dobie, Legal Secretary
jdobie@gklaw.com
Steven A. Heinzen, Esq.
sheinzen@gklaw.com
Douglas M. Poland, Esq.
dpoland@gklaw.com
Hannah L. Renfro, Esq.
hrenfro@gklaw.com
Jacqueline Schwartz, Paralegal
jschwartz@gklaw.com

Godfrey & Kahn, S.C.
780 N. Water Street
Milwaukee, WI 53202
Arthur J. Harrington, Esq.
aharrington@gklaw.com

For Joint Timbisha Shoshone Tribal Group
3560 Savoy Boulevard
Pahrump, NV 89601
Joe Kennedy, Executive Director
joekennedy08@live.com
Tameka Vazquez, Bookkeeper
purpose_driven12@yahoo.com

U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW
ORDER (Questions for Several Parties and LSNA)

Counsel for State of South Carolina
Davidson & Lindemann, P.A.
1611 Devonshire Drive
P.O. Box 8568
Columbia, SC 29202
Kenneth P. Woodington, Esq.
kwoodington@dml-law.com

Counsel for Aiken County, South Carolina
Haynesworth Sinkler Boyd, PA
1201 Main Street, Suite 2200
P. O. Box 11889
Columbia, SC 29211-1889
Thomas R. Gottshall, Esq.
tgottshall@hsblawfirm.com
Ross Shealy, Esq.
rshealy@hsblawfirm.com

Counsel for Prairie Island Indian Community
Public Law Resource Center PLLC
505 N. Capitol Avenue
Lansing, MI 48933
Don L. Keskey, Esq.
donkeskey@publiclawresourcecenter.com

Prairie Island Indian Community Legal Department
5636 Sturgeon Lake Road
Welch, MN 55089
Philip R. Mahowald, Esq.
pmahowald@piic.org

Counsel for State of Washington
Office of the Attorney General
P. O. Box 40117
Olympia, WA 98504-0117
Andrew A. Fitz, Esq.
andyf@atg.wa.gov
Michael L. Dunning, Esq.
michaeld@atg.wa.gov
H. Lee Overton, Esq.
leo1@atg.wa.gov
Diana MacDonald
dianam@atg.wa.gov
Sharon Nelson
sharonn@atg.wa.gov

Counsel for National Association of Regulatory
Utility Commissioners (NARUC)
1101 Vermont Avenue, Suite 200
Washington, DC 20005
James Ramsay, Esq.
jramsay@naruc.org
Robin Lunt, Esq.
rlunt@naruc.org

[Original Signed by Linda D. Lewis] _____
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 21st day of April 2010