LSS

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

CHAIRMAN

December 5, 1988

MEMORANDUM FOR: Commissioner Roberts
Commissioner Carr
Commissioner Rogers
Commissioner Curtiss

FROM: Lando W. Zech, Jr. Lando W. Zech Jr.

SUBJECT: OFFICE OF THE LICENSING SUPPORT SYSTEM ADMINISTRATOR

The Commission's proposed Licensing Support System (LSS) rule designates the NRC as the LSS Administrator. In August, I asked the EDO to recommend to the Commission how we should organize to carry out this responsibility. On November 16, 1988, we received the EDO's proposal (SECY-88-321). Before we vote, I would appreciate receiving your views on the proposals outlined in this memorandum.

After considering the various views of SECY, OGC, ASLAP, ASLBP and GPA, the EDO has recommended a new Office of the LSS Administrator. This Office would report to the Commission for policy direction, with administrative oversight provided by the Office of the Chairman. He has also recommended that the Commission promptly select an individual to serve as the LSS Administrator and, in the interim, appoint an Acting Administrator. He has further recommended that the Commission establish an Internal Steering Committee, and designate its Chairperson, to advise on the internal aspects of the implementation of the LSS.

My staff has identified six issues related to SECY-88-321 and has summarized the current views of several offices on these issues, as well as my own. I have attached this summary to assist you in your evaluation of the EDO's proposal.

I agree with the proposed organizational placement and reporting relationships for the LSS Administrator. I believe such an arrangement will avoid, to the maximum extent, any real or perceived conflict of interest; demonstrate the importance NRC attaches to the successful administration of the LSS; position the Administrator to provide unbiased service to all users of the system; avoid any real or perceived commingling of LSS costs with other NRC costs; and provide the Administrator with the capability to resolve problems independently and quickly.

I also agree that the Commission should act promptly to set up the Internal NRC Steering Committee for LSS matters. With several NRC offices having a functional interest in the LSS, it is important that the agency have an

effective vehicle to coordinate our various needs and to be an advocate for NRC interests in the LSS.

I also believe we should act quickly to appoint an LSS Administrator. Even though we will not have a final LSS rule until early next year, it would be in the best interest of the NRC and other users of the system to have the LSS Administrator's Office functioning as soon as possible. An early decision on the appointment would expedite the many actions that must be taken to establish the Office. DOE is currently working on the developmental aspects of the system (prototype development, data capture operations, etc.). The sooner the LSS Administrator can start to consult with DOE on these matters, the more likely the final system will meet everyone's needs. However, I do not believe we need to appoint an Acting Administrator. With prompt action, we should be able to select an Administrator soon and thus avoid making an interim appointment.

I propose the following for your consideration:

- that the Commission approve the new Office of the LSS Administrator with reporting relationships as defined above;

- that the Commission rename the current NRC Negotiating Team as the NRC Internal Steering Committee; appoint Mr. Francis Cameron (OGC) as Chairman; and, designate the Committee as the focal point within the agency to identify, develop, and coordinate our internal requirements and procedures and to represent NRC interests in the LSS;

- that my office take the lead to develop an SES position description for the LSS Administrator;

- that once the Commission has selected an Administrator, he/she propose for Commission approval a charter, a staffing plan, and a budget for the new office;

- that while the Administrator needs to have sufficient independence to carry out his/her responsibilities, the staffing requirements of the new office should take into account the existing expertise of the NRC staff and others, as well as the use of contract support.

I would appreciate receiving any comments you may have by December 14, 1988.

Attachment: As stated

cc: EDO
SECY
OGC
ASLAP
ASLBP
GPA

ISSUE #1: What is the best organizational configuration for the Office of the LSS Administrator?

VIEWS

EDO REC	SECY	OGC	ASLBP	ASLAP	GPA
Immediately establish separate office reporting to the Commission through the Chairman.	Agrees w/EDO, but would describe it differently--it should report to the Commission for policy matters and to the Chairman for administrative functions.	Agrees w/SECY.	Agrees w/SECY. Also, LSS Administrator should have two technical deputies, one for ASLBP interests and one for NMSS interests.	Agrees w/SECY.	The LSS function is technical in nature, not policy oriented. As a critical document handling function, it should be placed in an office with experience in this area, ARM. Under the EDO's proposal, Commission will become involved in day-to-day management decisions which will detract from its policy making function. (Continued on next page)

Attachment

ISSUE #1 (continued):

VIEWS

EDO REC	SECY	OGC	ASLBP	ASLAP	GPA
					Also, there will be no management layer(s) between the LSS Administrator and the Chairman to deal with parties to the proceeding or the Congress should major disputes arise in connection with the system.

CHAIRMAN'S VIEW:

Office should be established ASAP and report to Commission for policy; to Chairman for administrative matters.

ISSUE #2: What attributes should the LSS Administrator possess and how soon should he/she be selected?

VIEWS

EDO REC	SECY	OGC	ASLBP	ASLAP	GPA
No attributes recommended, but select ASAP.	Select ASAP - recruit internally and externally. Should be an SES position. Need an experienced senior manager Should have strong skills in planning, management, coalition building, courage, not just technical skills. Automation and legal skills would be helpful, but not necessary.	No views expressed.	Should be a senior NRC manager.	Select ASAP - doesn't need to be on existing SES manager or even a senior manager. Individual should, however, have: 1) good managerial skills. 2) familiarity with automated information technology. 3) familiarity with the NRC licensing/adjudicatory process. 4) ability to deal effectively with the public in the midst of controversy.	No views expressed.

CHAIRMAN'S VIEW:

Agree in general with the views expressed above. I would also add the need for decisiveness and the ability to act with a high degree of independence to resolve problems.

ISSUE #3: Who should take the NRC lead in matters related to the LSS?

VIEWS

EDO REC	SECY	OGC	ASLBP	ASLAP	GPA
The EDO has proposed the establishment of an Internal Steering Committee.	Agrees with EDO.	Agrees with EDO.	Agrees with EDO.	Agrees with EDO.	No views expressed.

CHAIRMAN'S VIEW:

Agree with EDO. One of the most important functions of the LSS Administrator is to provide unbiased service to all users of the system (NRC, DOE, State of Nevada, Indian Tribes, etc). As such, the Administrator must be responsive to NRC's needs, but cannot be responsible for developing and coordinating NRC's interests in the development and use of the system. Since there are several NRC offices with interest in the LSS, the use of an Internal Steering Committee seems appropriate.

ISSUE #4: Who should be NRC's representative on the LSS Advisory Committee/LSS Advisory Panel?

VIEWS

EDO REC	SECY	OGC	ASLBP	ASLAP	GPA
Not directly addressed.	The Internal Steering Committee Chairman should represent NRC on the LSS Advisory Committee/ Review Panel.	Agrees with SECY.	Agrees with SECY.	The LSS Advisory Review Panel is heavily oriented to the technical aspects of information storage and retrieval. Depending on the background of the person chosen to be the Chairman of the Committee, that person might not be the best person to represent the NRC on these technical matters.	No views expressed.

CHAIRMAN'S VIEW:

The proposed LSS rule would require the Commission to appoint an LSS Advisory Committee to function until the LSS Advisory Review Panel is established by the LSS Administrator. The Commission does not need to address who should be the NRC representative at this time. I would propose that Commission defer this decision until after the final LSS rule is promulgated.

ISSUE #5: Who should be Chairman of the NRC's Internal Steering Committee for LSS related matters?

VIEWS

EDO REC	SECY	OGC	ASLBP	ASLAP	GPA
Not addressed	a) During the design, development and testing of the LSS, the Boards have a key role in assuring that NRC's input to DOE will directly aid discovery and the adjudicatory hearing. SECY, ARM, OGC, and the Boards also have key roles in promulgating the internal Commission procedures. Therefore, the Chairman of the Committee should have sufficiently broad knowledge of the agency and the adjudicatory process. There are several well qualified NRC individuals that could do this job well.	Agrees with SECY a) but not SECY b), ie, it would be better not to switch the Chairmanship in the middle of the process.	Believes that the ASLBP Office should chair the Internal Committee and be NRC Rep. on Advisory Panel during the design, development and testing phase to preclude problems from occuring during the hearing phase.	OGC should serve as Chairman. OGC does not have strong parochial interests in the LSS and the rulemaking negotiating team functioned well under OGC Chairmanship. It would be better not to switch Chairmanship in the middle of the process.	No views expressed.

ISSUE #5 (Continued)

VIEWS

EDO REC	SECY	OGC	ASLBP	ASLAP	GPA
	b) After the LSS is operational and after NRC has operated it long enough to assure it can do the job, consideration could be given to transferring the responsibility for Chairmanship to ARM.				

CHAIRMAN'S VIEW:

For the reasons stated by ASLAP (above), I believe OGC should chair the Steering Committee as it has done for the Negotiating Team.

ISSUE #6: To what extent should the LSS Administrator be bound to rely on others for expertise, support, assistance?

VIEWS

EDO REC	SECY	OGC	ASLBP	ASLAP	GPA
The Administrator would rely upon ARM, SECY and adjudicatory panels for necessary support and assistance in areas of information technology, public access and litigation management. There should be no unnecessary duplication of expertise in the LSS office and the Administrator should have the authority to contract out for operational activities.	The EDO language is still too restrictive on the needs of the independent separate office. SECY suggests that the Commission approve the following in lieu of the EDO language: An early task of the Administrator should be to develop his/her organization and staffing needs and discuss with the Chairman's Office and OP the appropriate manner in which to staff his/her office. (continued on next page)	Agrees w/SECY.	LSS Administrator should be free to call on resources as he sees the need for them.	Debate on the issue is much a matter semantics. Agrees with EDO, but if the phrase "rely upon" is too restrictive, then use terminology such as "use the existing infrastructure for support and assistance."	No view expressed.

ISSUE #6 (continued)

VIEWS

EDO REC	SECY	OGC	ASLBP	ASLAP	GPA
	In this connection the expertise of the NRC staff, and presumably the staffs of DOE and Nevada would generally be available to provide assistance.				

CHAIRMAN'S VIEW:

The LSS Administrator needs to be sufficiently independent to carry out the responsibilities of the Office. The Administrator should be asked by the Commission to carefully consider all the resources available when assessing his/her staffing needs. However, the Commission should not stipulate, apriori, that the Administrator rely on any particular group(s) for expertise needed to carry out his/her responsibilities. The final staffing level for the Office will be decided by the Commission after seeing the Administrator's proposed budget.