

A BUSINESS SPONSOR

FOR THE

LICENSING SUPPORT NETWORK

LICENSING SUPPORT SYSTEM (LSS) - THEN

- 1982 Nuclear Waste Policy Act mandates high level waste repository hearing to take no more than 3 years**
- 1988 LSS concept: Huge document management system developed over 10 years, costing \$200 million**
- 1989 Commission-level Office of the Licensing Support System Administrator established**
- **Policy direction from Commission**
 - **Day-to-day management supervision by the Chairman**
- 1989-1991 Uncertainties in DOE HLW program and funding issues delay LSS implementation**
- 1992 LSSA Office abolished. LSSA responsibility assigned to Deputy Director, IRM.**
- **Reports to EDO on compliance issues**
 - **Reports to IRM Director for day-to-day supervision**
- 1995 EDO charters LSS Senior Management Team (SMT) to "... review the direction, roles and responsibilities, and user needs for the LSS."**
- 1993-1997 DOE program uncertainties continue. LSS implementation delays continue.**
- 1998 Commission approves revised rule replacing LSS with the Licensing Support Network (LSN)**

LICENSING SUPPORT NETWORK (LSN) - NOW

- **LSN based on Internet and Web technologies**
- **OIRM reorganized into OCIO. Deputy Director / LSSA position abolished.**
- **LSSA/LSNA Links to Commission and EDO severed**
- **Policy, budget, and coordination decisions needed**
- **LSN lacks sponsorship. Projects must have a business sponsor that has a primary interest in ensuring that the application successfully meets the business needs. CIO is still responsible for the technical requirements and support as with any other system.**
- **Full-time LSNA needed if DOE's current HLW application schedule is "real"**
 - **LSN operational by September 2000**
 - **LSN in production in March 2001 (expected date of DOE site recommendation submitted to the President)**

EFFORTS TO RESOLVE LSN BUSINESS SPONSOR ISSUE

- **Discussed with the General Counsel; General Counsel discussed with Chairman**
- **Held meeting with Jackie Silber, Karen Cyr, Chip Cameron, John Hoyle and Moe Levin - failed to resolve issue**
- **CIO provided EDO with briefing charts**
- **EDO responded:**
 - **Concluded that LSN provided hearing support.**
 - **Asked that pros/cons be developed and presented to the Executive Council for decision for organizational placement by OGC, SECY and ASLBP**
- **OGC and NMSS prohibited from being business sponsor because of conflict of interest noted in original publication of the rule**
- **SECY and ASLBP submitted, by memorandum to Executive Council Members, the Pros/Cons for their respective offices being LSN Sponsor (Attachments A and B respectively)**

RECOMMENDATION

- **ASLBP Be Designated Business Sponsor of LSN**
 - **Would place management responsibility with the agency organization that has the most direct interest in ensuring the LSN's success**
 - **Chief Administrative Judge (ASLBP) would provide general oversight of the Pre-License Application Presiding Officer and the LSN Administrator which will aid in, and expedite, resolving any disputes regarding LSN activities**
 - **ASLBP has agreed to serve as LSN Business Sponsor**
- **Licensing Support Network (LSN) Administrator be assigned to the ASLBP reporting to the Chief Judge**
- **OCIO transfer one FTE to ASLBP to support the LSN Administrator position**
- **OCIO transfer current LSN budget allocation to ASLBP**
- **OCIO continue to provide full support for IT issues thru the OCIO Information Management Team**

Attachment A



SECRETARY

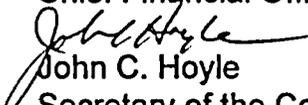
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 11, 1998

MEMORANDUM TO: William D. Travers
Executive Director for Operations

Anthony J. Galante
Chief Information Officer

Jesse L. Funches
Chief Financial Officer

FROM: 
John C. Hoyle
Secretary of the Commission

SUBJECT: LICENSING SUPPORT NETWORK ADMINISTRATOR

As a follow-on to the EDO's memorandum of November 30, 1998, regarding the placement of the Licensing Support Network Administrator (LSNA), I have the following comments and recommendation, along with a listing of the pros and cons of placement of the LSNA within SECY (attached).

There appears to be no single-office business sponsor within NRC for the Licensing Support Network (LSN) project, although the concept for a licensing support system has existed in one form or another since the mid-80's. The Licensing Support System (LSS) was conceived initially by a senior OGC attorney as an essential project to help this agency meet its statutory responsibility to complete the licensing of the HLW repository in 3 years. DOE was to become the business sponsor of the LSS. It was to provide the funding for design, development, and operation of the LSS as a large, central search/retrieval system housing the relevant documents of all parties. The primary users of the Licensing Support System would be DOE, the NRC staff, the Licensing Board and the parties to the HLW proceeding. Delays in the repository project, however, caused delays in the need for the LSS and in the timing of the HLW licensing proceeding. These delays ultimately prompted the staff to recommend, and the Commission to approve in November 1998, the current Internet-based system (LSN) with NRC as the business sponsor. The LSN is described in rule changes to Part 2, Subpart J. The goal of the LSN is similar to that of the LSS - to be a primary aid to assist the Commission in meeting its statutory, three-year licensing responsibility.

Within the NRC, the primary beneficiaries and users of the internet-based LSN system described in the new rule will be the same as those of the LSS - namely, NMSS and OGC staff, and the Licensing Board, starting with the pre-license application phase of the HLW proceeding. None of these offices, however, is the actual sponsor of the system. SECY, while not a primary user, will be required by the rule to assure that documents on the LSN can be found in the electronic docket established by SECY for the proceeding, if they are brought into the proceeding. The proceeding will begin when the Director of NMSS has accepted the HLW application, the application is available on the electronic docket, and the Notice of Opportunity for Hearing has been issued.

Although there is no particular office for which this system is being created, the office for which it may be of most benefit at the outset of the HLW proceeding is the Atomic Safety and Licensing Board Panel (ASLBP). Since a principal goal of the system is to assist in the discovery of documents before the license application is filed, the Licensing Board will have great interest in seeing that discovery is done properly and that discovery issues will not lead to significant delays in the conduct of the proceeding. It might be appropriate, therefore, to assign sponsorship for the project and the functions of the LSN Administrator to the Licensing Board Panel if given the appropriate resources. The Panel would necessarily need the continuing, direct support of OCIO and would need to coordinate its LSN activity with NMSS, OGC and SECY.

Alternatively, sponsorship for the project might be assigned to a joint sponsor team composed of representatives of the primary NRC users; NMSS, OGC and ASLBP. The team would be responsible for setting requirements for the LSN and the protocols necessary to standardize access to the individual databases of the LSN participants/parties to the HLW proceeding. The CIO could be tasked to perform the LSN Administrator duties to assure that all technical aspects of the project are accomplished. The technical components include accessibility by all participants to the individual dispersed databases, compatibility with the electronic docket, and viability of the system as a robust, user friendly support tool for the HLW proceeding.

Attachment:
Pros and Cons

cc: OGC
ASLBP
NMSS

**LSN ADMINISTRATOR
PLACEMENT IN SECY -- PROS AND CONS**

PROS

- SECY is an independent organization -- not a party to the proceeding
 - SECY is sponsoring the development of the Electronic Hearing Docket (EHD), which OCIO has incorporated into ADAMS -- LSN will need to be coordinated with the EHD effort
- Once the director of NMSS has accepted the HLW application, and the Notice of Opportunity for a Hearing has been issued, some of the HLW documents will be submitted to the EHD.

CONS

- SECY will not be a primary user of LSN -- that will be the Board and Parties
- SECY does not have responsibility or experience of ensuring that discovery is done properly
- As indicated in OCIO FY-2000 budget submission, work that needs to be completed is technical:

In FY-1999 activities include technical planning for development of LSN

In FY-2000 implementation activities include:

- development of LSN home page and search interfaces
- establish and test linkage from NRC home pages maintained under ADAMS
- implementation of hardware, software
- development of an operating program for automated auditing of participant operated home pages

SECY does not have underlying technical knowledge or expertise on staff to perform these key parts of the LSN activities.

- SECY does not have the resources (FTE, funding); it is our understanding that 1 FTE is budgeted for FY-1999 and 2 FTE's are budgeted for FY-2000 -- even if SECY is given 1 FTE in FY-1999 for LSNA there would have to be a dedicated FTE in OCIO for the Technical Project Leader and to manage the technical contract

- **SECY does not have responsibility for providing public access to NRC information/documents, that rests in the OCIO:**

- Internet access to the NRC Home Page

- management of the Headquarters Public Document Room (PDR) and Local Public Document Rooms (LPDRs)

- development of ADAMS

(LSN will provide public access to NRC's high level waste documents electronically as part of ADAMS)

Attachment B



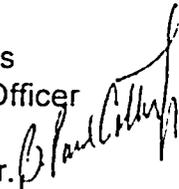
UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL
WASHINGTON, D.C. 20555

December 17, 1998

MEMORANDUM TO: William D. Travers
Executive Director for Operations

Anthony J. Galante
Chief Information Officer

Jesse L. Funches
Chief Financial Officer

FROM: B. Paul Cotter, Jr. 
Chief Administrative Judge

SUBJECT: LICENSING SUPPORT NETWORK ADMINISTRATOR

Pursuant to the EDO's November 30, 1998, memorandum and my conversations with Donnie Grimsley of the CIO's office regarding the placement of the Licensing Support Network Administrator, I recommend that the position be located in the Licensing Board Panel and attach a list of pros and cons on that recommendation.

It appears that none of the candidate offices outside of ASLBP (OCIO, OGC, and SECY) are interested in becoming the business sponsor for the Licensing Support Network (LSN). The LSN, now in its third iteration, was intended from the outset to replace conventional litigation discovery, thereby eliminating the lengthiest segment of administrative hearings in order to meet the statutory mandate of completing the licensing of the High-Level Waste Repository in three years. Originally, a separate office was created in NRC, but a change of policy abolished that office and transferred responsibility for the LSN's predecessor to the Department of Energy. Ensuing delays resulted in Commission approval in November 1998 of the current conceptualization of the LSN with NRC as the business sponsor. See 10 C.F.R. Part 2, Subpart J.

Although the structure and location of the LSN has shifted over the years, its original purpose remains to be a cost-efficient substitute for discovery in any administrative proceeding arising out of DOE's application for a license to construct and operate a High-Level Waste Repository. The LSN is to operate for the benefit of DOE, NRC, and the parties to the High-Level Waste proceeding. Given that purpose and service group, the Licensing Panel, which normally supervises and referees discovery and discovery disputes, is the logical place to house the LSN Administrator.

It has been suggested that a joint sponsor team composed of representatives of the primary NRC users, NMSS, OGC, and ASLBP, might be an alternative. I do not favor divided authority and believe that the LSN Administrator which is intended to resolve disputes could become an ongoing subject of dispute itself. That in turn would inject delay into the proceeding defeating the very purpose for which the office was created.

While I believe the LSN Administrator should be housed in ASLBP, that belief is contingent upon a meaningful commitment of the necessary resources. ASLBP has no automation budget and is currently one-over in its FTEs. Absent adequate resource support from all necessary quarters the concept won't work and the time and money will not be saved.

I have attached some pros and cons in bullet form.

Attachment: As stated

cc: OGC
SECY
NMSS

Licensing Support Network
ASLBP As Business Sponsor

PROS:

- ASLBP is required under the Nuclear Waste Policy Act and implementing regulations to complete the High-Level Waste Repository proceeding in a very short time period. The Licensing Support Network (LSN) is intended to significantly truncate what otherwise would be a lengthy discovery process, thereby ensuring timely completion of the expedited hearing schedule. Providing for ASLBP oversight of the LSN thus would place management responsibility with the agency organization that probably has the most direct interest in ensuring the LSN's success.
- ASLBP Chief Administrative Judge general oversight of the Pre-License Application Presiding Officer and the LSN Administrator will aid in, and expedite, resolving any disputes regarding LSN activities.
- ASLBP has 15 years experience in implementing automation of the hearing process.

CONS:

- ASLBP would not only have to order LSN "fixes," it would have to implement the fixes which is not its responsibility under traditional discovery.
- ASLBP is experiencing a substantial reduction in FTE and dollar resources which could jeopardize continuing support for the LSN function in the future.
- Dividing responsibilities between ASLBP and OCIO could make implementation more difficult.
- The current debate on the nature and structure of the hearing process creates some uncertainty as to the future role of the ASLBP.