



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

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DEPUTY DIRECTOR
FOR MANAGEMENT

November 17, 1993

Mr. Ivan Selin
Chairman
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Selin:

This is in response to your letter of August 26, 1993, which addresses OMB's views related to the plan proposed by the Nuclear Regulatory Commission (NRC) to implement the requirements of Executive Order 12838 which requires a reduction in the number of Federal advisory committees governmentwide.

We have reviewed your response to our proposal to transfer the functions of the Licensing Support System (LSS) Advisory Review Panel to other existing NRC advisory committees. While it may not be appropriate to transfer the functions of the LSS to the Advisory Committee on Nuclear Waste, as outlined in your letter, NRC must, nevertheless, explore other options beyond the status quo to obtain the input it requires. Given the history of the LSS panel to-date, we cannot concur with NRC's assessment that it is the only, or best, means to achieve the agency's stated goals. For example, NRC has not demonstrated that it is necessary to obtain the advice it seeks through an advisory committee.

Accordingly, we are requesting that the NRC revisit its assessment of the available alternatives and provide OMB with detailed information regarding other options for terminating the LSS panel. My staff will be happy to provide you with any assistance you may require in addressing these issues.

Should your staff have any questions regarding the implementation of your agency's plan, they may contact Bill McQuaid at OMB on 395-3657, or Jim Dean at GSA on 632-1126.

Sincerely,

Philip Lader

Thank you for your consideration



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

August 26, 1993

CHAIRMAN

Mr. Philip Lader
Deputy Director for Management
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Lader:

This is in response to your August 3, 1993 review of the proposed plan of the Nuclear Regulatory Commission (NRC) to implement the requirements of Executive Order 12838 and Office of Management and Budget Bulletin 93-10 regarding the termination and limitation of advisory committees.

We appreciate your concurrence with our recommendation to terminate the Advisory Panel on the Decontamination of Three Mile Island, Unit 2. However, while the Licensing Support System (LSS) Advisory Review Panel did recently experience a period of inactivity because of delays in the Department of Energy's (DOE's) high level waste program, the Commission does not believe that it should be terminated and its functions relocated to the NRC's Advisory Committee on Nuclear Waste (ACNW), as recommended by the GSA Committee Management Secretariat.

The LSS Advisory Review Panel will hold a two-day meeting during the first week of October 1993 and may schedule meetings in 1994. The Commission intends to review the questions of renewal of the LSS Panel in the future if DOE's program encounters further substantial delays.

This advisory committee was established as a result of an agreement among all the parties to a negotiated rulemaking described in 10 CFR Part 2, Subpart J. The LSS Panel carries out an essential role for both the NRC and DOE on behalf of the licensing proceeding for disposal of high level radioactive waste as mandated by the Nuclear Waste Policy Act of 1982. It provides advice on the development and operation of an electronic information system, the Licensing Support System, that will contain relevant documentary material and will facilitate a timely review and decision by the NRC on DOE's application for a license for a high level waste repository.

The seven-member Panel is broadly representative of the views of the major participants in the rulemaking proceeding who would also be potential parties to the licensing proceeding. Because the current statutory potential DOE site for the high level waste repository is at Yucca Mountain, Nevada, the Panel includes the representatives of the governments of the State of Nevada, the local governments in the immediate Yucca Mountain area, and the National Congress of American Indians. In addition, the Panel consists of representatives of the NRC, the DOE, the nuclear industry, and other Federal agencies that have large document-based systems of a similar nature. Because the electronic LSS system on which the Panel provides advice will be utilized by all parties, it is essential that it be designed and developed to meet the needs of its potential users. Indeed, we perceive that a robust LSS is crucial to the NRC's ability to meet the statutory three-year deadline for completing the repository licensing process.

Because of its mission and current agenda, the ACNW cannot now assume this role. The ACNW is composed of four distinguished scientists who were chosen for their individual expertise. It is heavily involved in a number of important issues relating to nuclear waste, such as the site characterization for the high level waste repository, the low level waste performance assessment program, and DOE's efforts to develop a multi-purpose nuclear waste canister. Moreover, the ACNW simply does not have the background in developing and managing large computerized data systems or resources to take on the complex issues associated with configuring an efficient LSS which would be responsive to the needs of all parties.

Accordingly, although the NRC is cooperating to the extent we can with the request in section 5 of Executive Order 12838 that independent regulatory commissions comply with the provisions of the Order, the NRC has decided to maintain the LSS Advisory Review Panel.

Please contact us if you wish to discuss this matter in more detail.

Sincerely,



Ivan Selin

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

August 3, 1993

DEPARTMENT DIRECTOR
OF MANAGEMENT

Mr. John C. Hoyle
Advisory Committee
Management Officer
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Hoyle:

This is in response to the plan proposed by the Nuclear Regulatory Commission to implement the requirements of the President's Executive Order 12838 and OMB Bulletin 93-10 regarding the termination and limitation of advisory committees.

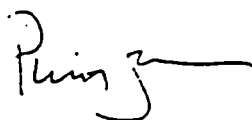
We have reviewed the agency's plan and concur in the actions proposed to comply with EO 12838. Our approval is based upon NRC's plan to terminate the Advisory Panel on the Decontamination of Three Mile Island, Unit 2. In addition, other issues identified in the enclosure, relating to the potential termination of the Licensing Support System Advisory Review Panel, should be addressed with OMB and the General Services Administration (GSA) prior to the implementation of the NRC's plan.

This approval extends to those advisory committees listed in your submission. Any new advisory committees proposed by your agency in the future are subject to further review and approval as required by Executive Order 12838.

We are asking GSA's Committee Management Secretariat to work with your agency to implement this plan. As required by the Federal Advisory Committee Act, GSA will review and evaluate any related actions to implement the plan against the Act and its regulations. In addition, the results of your agency's effort will be reported in the Annual Report of the President to the Congress on Federal Advisory Committees.

Should your staff have any questions regarding the implementation of your agency's plan, they may contact Bill McQuaid at OMB on 395-3657, or Jim Dean at GSA on 632-1126.

Sincerely,



Philip Lader

Enclosure

NUCLEAR REGULATORY COMMISSION

RECOMMENDED TERMINATION

Licensing Support System (LSS) Advisory Review Panel
The Panel was established by NRC in 1989 to advise DOE and NRC on the development and operation of the LSS electronic data system to be used to support licensing requirements mandated by the Nuclear Waste Policy Act of 1982. The Panel is currently inactive; however, the NRC notes that a potential need for the Panel still exists. Recognizing this, GSA recommends the NRC terminate the current inactive Panel and relocate its proposed function under the aegis of NRC's Advisory Committee on Nuclear Waste. If necessary, the mandate of the aforementioned committee could be expanded to handle the LSS requirements, and consultants or sub-groups employed as appropriate.