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POLICY ISSUE
(Information)

February 2, 1994

SECY-94-021

FOR: The Commissioners
FROM: James M. Taylor
Executive Director for Operations
SUBJECT: LSS PROGRAM ADMINISTRATION - SEMIANNUAL REPORT

PURPOSE:

To inform the Commission of the status of the Licensing Support System (LSS) and the activities of the LSS Administrator's (LSSA) staff for the six-month period ending December 31, 1993.

BACKGROUND:

Manual Chapter 0109 requires that status reports be sent to the Commission on a quarterly basis. The Commission's Staff Requirements Memorandum dated January 31, 1992, revised the report's frequency to semiannual. The scope of this report has been expanded to cover all LSS program activities.

DISCUSSION:

Selection of a New LSS Administrator/OIRM Deputy Director

Arnold E. Levin was selected as the New LSS Administrator as well as the OIRM Deputy Director. Mr. Levin reported for duty on October 18, 1993. The transition of responsibilities from the Acting LSS Administrator (Gerald Cranford) to Mr. Levin is complete.

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SECY NOTE: TO BE MADE PUBLICLY AVAILABLE IN 10 WORKING DAYS FROM THE DATE OF THIS PAPER.

Commission Decision on New Approach for the Division of LSS Program and Budget Responsibilities

By a Staff Requirements Memorandum (SRM) dated June 4, 1993, the Commission approved, with clarifications, the staff's recommendation in SECY-93-107 *Licensing Support System Program and Budget Responsibilities*, dated April 26, 1993. In this paper, the staff recommended that the LSS rule be changed to task DOE with additional LSS responsibilities -- for the capture of all LSS documents and for the operation and maintenance of the LSS, taking maximum advantage of the DOE's efforts to develop their INFOSTREAMS program. The NRC LSS Administrator's role would be limited to oversight and quality assurance for the design and operation of the LSS services and for the completeness and integrity of the LSS database.

The LSS Administrator has met with DOE to discuss the new approach. He continues to work with the Department of Energy to develop a schedule for implementation. The General Counsel and the LSS Administrator are coordinating tasks related to changing the LSS Rule as necessary to accommodate the new approach and expanding the LSSA Compliance Assessment Program to include oversight of DOE's LSS operations. They are preparing a Commission paper which will discuss legal and regulatory options the agency can consider taking to ensure that the DOE meets its LSS obligations.

Attachment 1 is the schedule for LSS activities for the next six-month period.

LSS Advisory Review Panel

As recommended in SECY-93-107, which is referenced above, members of the LSS Advisory Review Panel (LSSARP) must be involved in the implementation of this new approach to use DOE's INFOSTREAMS document management system. In a letter dated June 14, 1993, John Hoyle, the Chairman of the LSSARP, transmitted the SECY paper and the SRM to members of the LSSARP and proposed dates for a meeting.

The LSSARP met, in Las Vegas, Nevada, on October 5 and 6, 1993. A summary of the events at the meeting, dated November 30, 1993, was provided to the Commission. Representatives of the State of Nevada, Ney County, and Clark County expressed the view that the approach approved by the Commission did not appear to be acceptable to their constituent organizations primarily because the capture function and direct control of the LSS would reside with the Department of Energy, rather than NRC or some other independent element. However, the panel deferred any final response pending a review of some of the documents supporting the

SECY-93-107 recommendation. A follow-up LSSARP meeting will be held around the middle of March.

Compliance Assessment Program

During this reporting period, we have continued working with our contractor, Labat-Anderson, Inc./Price Waterhouse, on development of an LSS Compliance Assessment Program (CAP) to assure the completeness and accuracy of the LSS document database. Attachment 2 is an updated list of CAP documents currently in development or envisioned. Given the new approach, the CAP program will have to be re-evaluated and expanded to encompass NRC's oversight of DOE's design and operation of the LSS capture and search facilities. A task order has been issued to Labat-Anderson, Inc./Price Waterhouse for this work.

The schedule for completing document revisions remains fluid pending final LSSARP recommendations. Once final LSSARP recommendations are received, we will proceed with the development of CAP materials, for review and comment by the LSSARP, detailing the commitments with which LSS participants must comply, level of compliance with these commitments that will be required, methods of assessing compliance, and determining when sanctions should be applied in cases of non-compliance. After review and comment by the LSSARP, a paper describing the revised CAP program will be sent to the Commission for approval.

LSS Topical Guidelines

In SECY-93-017, *Response to the Licensing Support System Advisory Review Panel's Comments on the Draft Regulatory Guide, "Topical Guidelines for the Licensing Support System"* dated January 29, 1993, the staff recommended that the additional topics of "Transportation" and "Environmental Information" be included in the body of the draft regulatory guide. This change was made in response to the LSSARP's comments on the previous draft. On April 14, 1993 the Commission approved the recommendation. The "For Comment" version of the draft regulatory guide has been published. To date, five comments have been received from LSSARP members.

Currently, the NMSS staff is preparing a "Comment Result Document". Upon completion, this document will be forwarded to the commission with the revised regulatory guide.

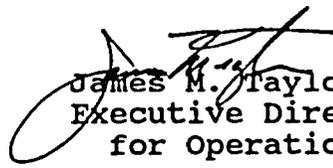
UNLV Remote Terminal Access

In his memorandum of June 4, 1993 to the EDO, the Secretary of the Commission expressed concern regarding remote terminal access to the LSS at the University of Nevada Las Vegas (UNLV). Further review by the LSSA Staff indicates that access to the LSS from UNLV is not affected by the transfer of responsibility proposed in SECY-93-107.

Cost and Needs Analysis for Loading of LSS Documents

In his memorandum of January 10, 1990 to the EDO and the LSSA, the Secretary of the Commission noted that loading documents into the LSS is affected by "DOE's announced delay in the filing of the application for the HLW repository". The LSS Administrator was directed to "submit for Commission approval a cost and needs analysis for commencement and rate of loading of documents (into the LSS.)"

This directive has been overtaken by events since Alternative 3, as proposed in SECY-93-107 and approved by the Commission, transfers the operational responsibility of the LSS from the LSSA to the Department of Energy.


James M. Taylor
Executive Director
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Attachments:

1. LSS Activities Schedule
2. LSSA Compliance Assessment Program Documents

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LSS ACTIVITIES SCHEDULE

	OFFICES	
	<u>SCHEDULE</u>	<u>INVOLVED</u>
1. Transmit Requested Materials to LSSARP members	01/94	IRM, SECY
2. Develop LSSARP meeting agenda and materials	02/94	IRM, SECY
3. Commission paper on alternatives to strengthen NRC's oversight role	02/94	IRM, OGC
4. LSSARP Meeting	03/94	IRM, NMSS, OGC, SECY, and LSSARP Members
5. LSS Program Administration - Semiannual Report	06/94	IRM

The schedule for subsequent activities will be determined after the February LSSARP meeting. Such activities include revising NRC resource requirements, negotiating an MOU with DOE, and finalizing the LSS Rule changes and the LSSA's Compliance Program approach.

LSSA COMPLIANCE ASSESSMENT PROGRAM DOCUMENTS

	STATUS
The LSS Rule, 10 CFR 2, Subpart J. "Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-level Radioactive Waste at a Geologic Repository."	Rulemaking Pending
LSS Participant Commitments	*
Compliance Assessment Program (CAP) - Responsibilities for Program Development and Compliance Evaluation	**
Analysis of Alternative Compliance Assessment Methods and Proposed Recommended Method	Final
Planning Factors Related to LSSA QA Facility	*
Functional Requirements for the LSSA Quality Assurance/Archiving Facility	*
Concept of Operations - Process Flow Charts for the LSSA Quality Assurance/Archiving Facility	*
Quality Assurance Sampling Methodology	Final
Quality Assurance Facility General Assessment Procedures	Final
LSSA Audit Plan	under development
LSSA QA & Audit Program Cost Model	*
LSSA Guidance on the Format and Content of LSS Participant's Compliance Program Plans	under development
LSSA QA Manual for Review of LSS Participant's Submissions	to be written

* = Expansion and revisions to current documents are required due to new approach being developed.

** = Revision required given the reconstitution of the LSS Administrator staff under EDO/IRM.