

September 22, 1988

MEMORANDUM FOR: Chip Cameron
Office of the General Counsel

FROM: Rosetta Vignello *Rosetta Vignello*
State, Local and Indian Tribe Programs
Office of Governmental and Public Affairs

SUBJECT: DRAFT CONSENSUS RECOMMENDATION
ON THE LSS ADMINISTRATOR

Based on discussions I have had with SLITP management, we disagree with the NRC LSS Negotiating Team's draft consensus recommendation. The Team recommends that a new Office of LSS Administrator be established and report to the Commission through the Director of the Office of Governmental and Public Affairs (GPA). We are not in agreement that GPA is the most qualified Office to bear management responsibility and accountability for the proposed new Office of LSS Administrator for the following reasons.

1. GPA does not have a high (or for that matter, even a moderate) degree of expertise in the following areas: technical (hardware, software, telecommunications), legal (discovery, adjudicatory process), records management, provision of information (FOIA, PDR), docketing, budget preparation, procurement and regulatory and institutional framework for MLW licensing. It is paramount that the organization through which the proposed new office would report have a sufficient degree of experience in the majority of the areas named. Although NRC has a number of talented people from which to draw upon, it is not thought to be the most efficient approach. The most logical and experienced Office to make informed and timely decisions in the above areas appears to be either ARM or SECY.
2. It goes without saying that one of the prime responsibilities of the LSS Administrator is to accommodate the needs of the multiple users of the LSS. ARM currently possesses the knowledge and experience in dealing with users needs, both internally and externally, and is in a much better position to work with the LSS Administrator to anticipate and handle users requests. GPA would provide counsel in politically sensitive areas and, along with other NRC offices, participate in the proposed internal steering committee.
3. The stature and authority of an independent Office of LSS Administrator would naturally be recognized by other NRC Offices regardless of where it reports. Its responsibilities are spelled out in the proposed rule and carries a weight and respect all its own.
4. The LSS Administrator would not be subject to interference with his/her independence or objectivity if it is an independent office. There is the potential, however, for GPA to become involved in

potential conflicts with its constituents and this would not be an ideal situation for either GPA or the LSS Administrator to deal with.

5. It is anticipated that the cost of setting up a separate Office of LSS Administrator may not be desirable and rejected, regardless of the fact that DOE would be providing Nuclear Waste Funds for LSS administration. It is further anticipated that the Director, GPA would most likely be nominated as the LSS Administrator by default. It is felt that GPA is not in the best position to determine management accountability and efficiency of the LSS Administrator.

It is recognized that "...the natural tensions resulting from different charters of existing offices..." has forced the negotiating team to come up with a recommendation of an LSS Administrator that is not based on knowledge and experience in the field. We feel it would not be in the best interests of the agency and the users of the LSS to make such a recommendation on this basis.