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

February 18, 1994

OFFICE OF THE
SECRETARY

MEMORANDUM FOR: The Chairman
Commissioner Rogers
Commissioner Remick
Commissioner de Planque

FROM: *John C. Hoyle*
John C. Hoyle
Chairman, LSS Advisory Review Panel

SUBJECT: LICENSING SUPPORT SYSTEM PROGRAM AND BUDGET
RESPONSIBILITIES

The Licensing Support System Advisory Review Panel is now preparing for an additional meeting to discuss the Commission's preferred approach toward developing, funding, and implementing the Licensing Support System (LSS). The preferred approach can generally be described as DOE's developing and operating the LSS within the Office of Civilian Radioactive Waste Management's (OCRWM) document management system known as InfoSTREAMS, using InfoSTREAMS designs/technology (Alternative 3 of SECY 93-107). The additional meeting is being planned for late March or early April, 1994.

As reported in my memorandum of November 30, 1993 to the LSS Administrator, much of the discussion at the Panel's October 6-7 meeting was focused on this issue. In that memorandum I noted that an additional letter would be sent to the Commission on this subject after circulation and review by the Panel members. That review has now been completed and this memorandum reflects their views.

Some, and perhaps a majority, of the members of the LSSARP were not prepared at the October meeting to agree to DOE control of the LSS. These members expressed the feeling quite strongly that the original LSS rule, including NRC control of the LSS, was a product of negotiated compromises in which all parties gave up something in return for their benefits. These members expressed the view that they had been shown insufficient reason why they should now agree to retreat from that compromise and accept something (DOE control of the LSS) which was totally unacceptable to them during the course of the original negotiations. They argued that control of the LSS should not reside in the proposed applicant but in the regulatory body that will decide whether to grant the construction authorization. Their concern was that DOE control of the LSS would certainly give rise to a perception of bias and may cause unwarranted conflicts in the priority and timing of non-DOE document loading.

There was a general feeling expressed at the October meeting, I believe, that DOE's InfoSTREAMS may provide an appropriate foundation upon which to begin developing the LSS, subject to the resolution of the control issue discussed above. It was pointed out, however, that the DOE system at the present time may not meet some of the requirements of the LSS rule because DOE may not be planning to capture, in InfoSTREAMS, documents from outside OCRWM, for example from the Secretary's office and the defense-related programs, which might otherwise fall within the scope of documents contemplated by 10 CFR Part 2, Subpart J. Thus, while InfoSTREAMS may be a useful vehicle around which to begin to build the LSS, the questions of its scope need to be resolved if the InfoSTREAMS system is to be recognized by all LSSARP members as meeting the requirements of the LSS rule. (Note: Subsequent to the meeting, DOE's Panel representative informed me that DOE does have mechanisms and procedures in place to capture required documentation from the Secretary's office and the defense-related programs. I will see that the other members of the Panel are informed of the details of DOE's capture process at our next meeting.)

At the conclusion of the October meeting, consensus was reached that at least one further meeting of the LSSARP would be needed in order to attempt to reach some resolution of the control question, preferably early in 1994 because of time pressures within the DOE office responsible for the development of InfoSTREAMS. Unless and until that resolution can be achieved, however, it is clear that there is no consensus within the LSSARP to endorse Alternative 3 as the preferred approach to developing and implementing the LSS.

I will inform the Commission when a firm date for the next meeting is established.

cc: Members, LSSARP
OGC
EDO
IRM/LSSA