

Nuclear Regulatory Commission
Office of the Secretary
Attn: John Hoyle

**SUBJECT: CITY OF LAS VEGAS COMMENTS ON PROPOSED CHANGE TO THE
LSS RULE (10 CFR PART 2 SUBPART J)**

Dear John:

The following are our comments on the proposed LSS Rule Change. I hope these reach you in time to make the March 31, 1998 cut-off and I apologize for being so late with my input. I think the meeting of February 24th and 25th accomplished a lot towards airing the concerns of many of the parties in attendance, so my comments will be brief.

I think the proposal to use the Internet to access documents related to licensing is a good idea. The Internet provides wide public access which will make the information available to more of the affected parties and the public in general, and certainly the technology of the Internet will continue to improve and expand and become even more user friendly.

The City of Las Vegas has concerns about the elimination of the LSSARP and, in fact, supports the retention of the committee for the foreseeable future. The rule change would replace the LSSARP with an informal committee. This committee would be made up of users and, I would assume, all the current parties. The City would have to agree with many of the comments made at the meeting that once a formal committee becomes established and then becomes replaced with some sort of informal arrangement, the participation and commitment to the committee would diminish. I felt that the meeting in February of the committee was quite informative, and I am not certain that the turn-out, the information, and opinion exchange would be the same. In short, we recommend that the LSSARP as currently structured be retained.

The proposed rule eliminates the position of LSS Administrator and replaces that position with a Pre-License Application Presiding Officer. It is my understanding that the LSS Administrator's responsibility is basically to manage the system, be the watch dog that ensures all affected parties can provide documentation and have access to all documentation and information on the LSS. We view the LSSA as the man in charge to protect the interests of all parties involved in the process, whether they be large federal agencies, like DOE and NRC, or smaller entities and tribes in Nevada or elsewhere.

In previous meetings of the LSSARP and discussions of the duties of the LSSA, it was envisioned that the LSSA would be a responsible position filled by a highly qualified individual from the NRC. We feel that replacing the LSSA with another position creates a gray area and I believe fails to fulfill what affected parties had envisioned in that

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position.

Having reviewed the rest of the proposed rule change, the City is generally supportive of the changes to the rule. The question of the LSSA and the LSSARP are two areas that we do not support.

Again, John, I apologize for being so late with these comments.

PC:dh:3/30/98
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