



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 6, 2016

SECRETARY

Mr. Robert J. Halstead, Executive Director
Agency for Nuclear Projects
State of Nevada Office of the Governor
1761 E. College Parkway, Suite 118
Carson City, NV 89706-7954

Dear Mr. Halstead:

I am responding to your letter of April 4, 2016, in which you request additional information about the U.S. Nuclear Regulatory Commission's (NRC) activities associated with loading the Licensing Support Network (LSN) document collection into a publicly accessible ADAMS library. You ask a number of questions about this library and the role it may play as a "replacement" for the LSN, in particular regarding the status of (1) case management orders issued in the *Yucca Mountain* adjudication; (2) an "ADAMS administrator" for the collection who is independent of the NRC Staff (a party to the *Yucca Mountain* adjudicatory proceeding); and (3) the LSN provisions contained in 10 C.F.R. Part 2, Subpart J. You also request a public meeting on replacement of the LSN.

As you know, following the decision of the U.S. Court of Appeals for the District of Columbia Circuit in the case *In re Aiken County*, in a November 18, 2013, decision (CLI-13-8) the Commission set a course of action to continue the Yucca Mountain licensing process as directed by the court. Among those tasks, and in recognition of the fact that following the LSN's shutdown in 2011 there was a need to ensure that the LSN document collection was stored in accordance with agency records requirements, the Commission directed that the documents in the LSN document collection be loaded promptly into non-public ADAMS. Thereafter, in February 2015 the Commission approved a plan to make the collection available to the public through ADAMS with an enhanced search capability. As is also reflected in the Commission's February 2015 direction, and consistent with 10 C.F.R. § 2.1011, the Office of the Secretary and the Atomic Safety and Licensing Board Panel (which are both independent of the components of the NRC Staff participating as a party to the *Yucca Mountain* adjudication) are responsible for this task. We currently expect this task will be completed—and the library publicly available—by September 30, 2016.

It continues to be the case, however, that the administrative adjudication associated with the Yucca Mountain application remains suspended, and the actions the agency has taken concerning the LSN are independent of its obligations with respect to the adjudicatory process. As reflected in the Commission's November 2013 decision, should the suspension be lifted in the future, the Commission will consider at that time issues relating to the conduct of the proceeding, including how the LSN might be configured for use in the proceeding going forward, as well as the need for, and the scope of, any potential revisions to the LSN regulations in 10 C.F.R. Part 2, Subpart J, and how those revisions might take place (whether by case-specific order or rulemaking). Other case management inquiries, such as the one you raise regarding the vitality of case management orders previously issued in the case, also may be raised at that

time. And as the Commission observed in that decision, participants in the adjudication will have an opportunity to participate in the consideration of these issues.

In sum, placing the LSN document collection in ADAMS satisfies the NRC's records management requirements; it does not reflect any Commission determination to replace the LSN. That question is reserved for future consideration if the adjudication is revived. For this reason, the NRC currently has no plans to conduct a public meeting on the document collection. Should you have further questions about the collection, however, please contact Andrew Bates of my staff at 301-415-1963, or Andrew.Bates@nrc.gov.

A copy of your letter and this response will be served on all the participants in the *Yucca Mountain* proceeding.

Sincerely,

A handwritten signature in blue ink, appearing to read "Annette Vietti-Cook". The signature is fluid and cursive, with a large initial "A" and a stylized "C" at the end.

Annette L. Vietti-Cook

cc: Governor Brian Sandoval
Attorney General Adam Laxalt
Chairman Richard Bryan
Service List