



OFFICE OF THE
SECRETARY

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

February 20, 2018

Dear Mr. Halstead:

Thank you for your letter of February 6, 2018, regarding the upcoming Licensing Support Network Advisory Review Panel (LSNARP) meeting.

As you know, following the D.C. Circuit's decision directing the NRC to resume the licensing process for the Yucca Mountain construction authorization application, the Commission instructed agency staff to take several actions to advance the licensing process consistent with the court's decision and the resources available.¹ Among these actions, the Commission directed agency staff to create a non-public library in ADAMS to house the documentary materials previously provided to the Office of the Secretary by the Yucca Mountain adjudication participants. This library afforded the NRC Staff access to those documents to facilitate completion of its Safety Evaluation Report and ensured that the collection complied with federal records requirements. The Commission declined to resume the adjudication at that time, but indicated that the question whether to reconstitute the LSN, either as it was originally implemented or in a different configuration, would be considered if and when the Commission resumed the NRC adjudication. Subsequently, the LSN Library was made publicly accessible.

The upcoming LSNARP meeting allows the agency to obtain input from LSNARP members and the public about litigation database options, which includes leveraging the LSN Library. Besides providing familiarity with the LSN Library's existing operational capabilities, the LSN Library training provided is intended to obtain feedback regarding the potential for the existing LSN Library to fulfill this more specialized role, including whether any changes or enhancements might be identified as necessary. You state in your letter that Nevada has undertaken an examination of the LSN Library. We look forward to Nevada's comments (and those of other LSNARP members and the public) about whether the LSN Library might serve as the foundation for a functional equivalent of the prior LSN, including improvements that can be made (for example, as you note, with regard to printing search results).

You further commented on the need to keep overview presentations about the options paper succinct to avoid extended reiteration of the information provided in the options paper. We agree that the LSNARP members would benefit from concise presentations to enable members (and the public) sufficient time to provide their views. To that end, the agenda incorporates time for brief agency staff presentations on several relevant topics, including the LSN's history and the four options, with the remaining meeting time set aside for LSNARP member and public discussion.

¹ See CLI-13-8, 78 NRC 219 (2013).

The request for submission of comments on the options paper was intended simply as an opportunity for any LSNARP member to provide its viewpoint before the meeting. For scheduling purposes, we requested that any member wishing to present an option that was substantially different from those set forth in the options paper advise us of that desire in advance of the meeting. No such requests were received.

Consequently, there will be more time for Nevada (as well as the other LSNARP members and the public) to comment on each of the options during the discussion period associated with that option. As part of the discussion about Option 2, Nevada (as well as the other LSNARP members and the public) will be able to make a presentation or otherwise comment on the LSN Library as the basis for a potential database to replace the LSN. Again, we look forward to hearing about the results of your utilization and testing of the LSN Library during the discussion on Option 2.

Similarly, consistent with the meeting's purpose of gathering information to provide to the Commission concerning the potential reconstitution or replacement of the LSN, we welcome all input regarding next steps in that process, including the role of the LSNARP. Time has been set aside at the end of the meeting for that purpose.

Finally, we believe that a structured meeting format will be more effective than the "open conference" format you suggest for two reasons. First, there is diversity of background among the LSNARP members and the public. Providing brief presentations regarding relevant topics such as the LSN's history and overviews of the options will help ensure a common baseline level of information for all participants. Second, the inherent logistical challenges of virtual and in-person participation necessitate a structured approach to ensure that everyone's views are heard. We are confident that sufficient time has been allocated in the agenda for a robust discussion of the options as well as for the other information and views that Nevada wishes to provide.

I look forward to meeting with you and the other LSNARP member representatives on February 27-28.

Sincerely,

A handwritten signature in blue ink that reads "Andrew L. Bates". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andrew Bates, Ph.D.
LSNARP Chairman