



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

PLEASE RESPOND BY:
October 2, 2024

COMSECY-24-0011

September 18, 2024

MEMORANDUM TO: Chair Hanson
Commissioner Wright
Commissioner Caputo
Commissioner Crowell

FROM: Russell E. Chazell
Federal Advisory Committee Management Officer

SUBJECT: RENEWAL OF LICENSING SUPPORT NETWORK ADVISORY
REVIEW PANEL CHARTER

The current Licensing Support Network Advisory Review Panel (LSNARP) Charter expires on December 16, 2024. The Federal Advisory Committee Act (FACA) requires that advisory committee charters be renewed every two years. Under FACA rules, a committee is prohibited from meeting or otherwise conducting business without a current charter.

The LSNARP was initially established following the negotiated rulemaking that developed 10 C.F.R. Part 2, Subpart J, "Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository." The LSNARP, reporting to the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, operates in accordance with the provisions in 10 C.F.R. § 2.1011(d)–(e) and consists of representatives of the parties to the High-Level Waste (HLW) proceeding and other interested organizations. The LSNARP demonstrated its benefit and utility during the development of the functional requirements, overall design concepts, bibliographic header structure, etc., for the Licensing Support Network (LSN), the HLW proceeding's electronic discovery database. That work was accomplished by the technical subcommittees (referred to as working groups) established by the LSNARP. The LSNARP has been re-chartered every two years so that it would be in place, ready to assist and advise the LSN Administrator in the event issues arose regarding the operation of the LSN.

Although the LSN was decommissioned in conjunction with the suspension of the HLW proceeding in September 2010, in response to Commission direction the more than 3.6 million items in the LSN document collection were made publicly available in ADAMS beginning in August 2016. If the HLW proceeding were reinstated, the Commission would need to decide how to proceed with an online document discovery platform. To that end, and in accordance with SRM-COMSECY-17-0019, the committee held a two-day meeting in February 2018 to provide information to, and gather input from, LSNARP members and the public regarding options that were provided to the committee for reconstituting the LSN or creating a suitable replacement system.

Until a final determination is made regarding whether the HLW proceeding will go forward, there is an ongoing need to keep the LSNARP chartered. The discovery process would be a critical component of a reinstituted HLW proceeding and a Commission decision regarding a reconstituted or replacement LSN may require future input and recommendations from the LSNARP in a short timeframe. Because trying to reinstitute the LSNARP once its charter has lapsed is likely to take some months to complete, keeping the LSNARP charter in place would ensure ready access to the members when their advice is desired. Further, notwithstanding the continuing lack of new HLW funding, the HLW proceeding still has not been formally terminated and the U.S. Court of Appeals for the D.C. Circuit's 2013 mandamus decision remains extant. The Chief Administrative Judge thus recommends that, to maintain the status quo, the charter be renewed.

The attached renewal Charter is provided for Commission approval. The Charter has been reviewed by the General Services Administration Committee Management Secretariat (GSACMS), and it conforms to their charter guidelines. The Office of the General Counsel has reviewed the charter and has no legal objection. A redline version is also attached for your convenience.

Please review and indicate your approval to renew.

Attachments: As stated.

cc: ASLBP
OGC
R.Hawkins
P.Bollwerk
A.Bell