

January 14, 1997

SECY-97-010

FOR: The Commissioners

FROM: Gerald F. Cranford /s/
Acting Chief Information Officer

SUBJECT: APPOINTMENT OF NEW MEMBER TO LICENSING SUPPORT SYSTEM
ADVISORY REVIEW PANEL

PURPOSE:

To inform the Commission that the LSS Administrator is appointing a new member to the Licensing Support System Advisory Review Panel (LSSARP).

BACKGROUND:

On October 3, 1989, the Commission approved the initial charter of the LSSARP, which was formulated in compliance with the Federal Advisory Committee Act (FACA), to provide advice to the NRC and to the Department of Energy (DOE) concerning the design, development, and operation of the Licensing Support System (LSS), an electronic information management system. The regulations in 10 C.F.R. Part 2, Subpart J (§§2.1011(e) and (f)), specify the initial membership and the duties of the LSSARP. (For a recent more detailed discussion of the development of the rule, see the background section of SECY-96-178, Action Plan to Address Outstanding LSS Issues.) Section 2.1011(e)(2), specifies the membership of an interim committee from whose members the LSSARP was to be formed, including:

the State of Nevada, a coalition of affected units of local government in Nevada who were on the NRC High-Level Waste Licensing Support System Advisory Committee, DOE, NRC, the National Congress of American Indians, the coalition of national environmental groups who were on the NRC High-Level Waste Licensing Support System Advisory Committee and such other members as the

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Commission may from time to time designate to perform the responsibilities in part (f) of this section.

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Section 2.1011(e)(1) states that the LSS Administrator (LSSA):

shall have the authority to appoint additional representatives to the Advisory Review Panel consistent with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App. I, giving particular consideration to potential parties, parties, and interested governmental participants who were not members of the NRC HLW Licensing Support System Advisory Committee.

Therefore, the LSS Administrator has the authority to designate new members for the LSSARP.

DISCUSSION:

A coalition of national environmental groups participated in the negotiated rulemaking to develop the LSS rule, and was identified, as cited above, in §2.1011(e)(2), for the initial membership of the LSSARP. However, there is currently no member of the LSSARP representing the point of view of citizens or environmental groups.

In order to fill the need for an environmental point of view, the LSSA is appointing Ms. Judy Treichel, Executive Director, Nevada Nuclear Waste Task Force, Inc., to be a member of the LSSARP. Ms. Treichel will be able to contribute to more complete representation on the LSSARP by providing the citizens and environmental groups' perspective on the issues.

The LSSA has taken into consideration the timing of this action based on the status of current initiatives regarding the LSS and still believes that it is important to appoint this new member at this time. SECY-96-178 set forth a four-part strategy for addressing current issues concerning the LSS: 1) reassessment of the fundamental technological approach for the LSS; 2) changes to the LSS rule; 3) retention of features negotiated by affected parties; and 4) establishment of a mechanism for ongoing technical coordination. (This approach was approved by the Commission in an SRM dated October 8, 1996). The eventual accomplishment of that four-part strategy may involve changes to the LSS rule which could lead to replacement of the LSSARP with some other forum. However, in order to get effective advice in developing any potential changes, it is important that the LSSARP continue to function, as envisioned, as a source of guidance from the entire spectrum of affected potential parties, until any such changes are identified and adopted.

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