September 23, 1997

MEMORANDUM TO: John T. Greeves, LSS Senior Manageme

nt Team

Arnold E. (Moe) Levin, LSS Senior Ma

nagement Team

William J. Olmstead, LSS Senior Mana

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FROM: John C. Hoyle, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - SECY-97-154 - R

ESOLUTION

OF LICENSING SUPPORT SYSTEM (LSS) ISSUES AND DRAFT PROPOSED RULE, 10 CFR PART 2, SUBPART J

The Commission has approved Option 4 subject to the comments provided below. The LSS Senior Management Team (SMT) should incorporate these comments and submit the proposed rule for publication in the Federal Register and public comment.

(SMT)(SECY Suspense:10/31/97)

The Commission preliminarily supports the proposal to introduce an informal users group as an alternative to a modified LSS Advisory Review Panel (LSSARP). The informal users group should make use of current LSSARP members with knowledge and experience of the LSS process, if feasible and appropriate. Public comments should be sought on these alternatives, including specific response from potential parties to the HLW repository licensing proceeding on their interest and support for the informal users group alternative. The Commission reserves final judgment on this proposal until after review of the comments on the proposed rule.

The definition of "documentary material" to be included in the system should be modified by adding the following at the end of the first sentence in the definition in Section 2.1001 (page 11):

and all reports and studies, prepare

d by or

on behalf of the potential party, interested governmental participant or party, including all related "circulated drafts," relevant to the issues set forth in the Topical Guidelines in Regulatory Guide 3.69, regardless of whether they will be relied upon and/or cited by a party.

The same addition should be made to the paragraphs discussing documentary material on page 4 (third full paragraph) and on page 5 (third full paragraph).

In addition, the following editorial changes should be incorporated in the Federal Register notice.

1.On page 2, first full paragraph, l ine 15,

delete the comma after 'process.'

2.0n page 3, paragraph 1, line 2, in

sert

'pursuant to its agreement' after the

semicolon.

3.On page 4, third full paragraph, 1

ine 2,

replace 'and' with a comma.

4.On page 5, third full paragraph, 1

ine 2,

replace 'and' with 'and/or.' In line 3,

replace 'and' with a comma.

5.0n page 7, in the paragraph on Sec

tion

2.1011, line 1, insert 'to' after 'revised.'
In the paragraph on Section 2.1012(a), insert

'it' after 'if.'

6.0n page 10, in the heading for Par

t 2,

replace 'ND' with 'AND.'

7.0n page 11, in the paragraph under

'Definitions,' line 2, replace 'and' with 'and/or.' In line 4, replace 'and' with a

comma.

8.On page 17, item (6), line 6, inse

rt 'of

1954' after 'Act.' In line 14, insert 'the entity in violation' before 'may.'

After receipt and analysis of public comments, the SMT should submit the proposed final rule for Commission review before it is finalized.

(SMT)(SECY Suspense:5/15/98)

cc: Chairman Jackson

Commissioner Dicus Commissioner Diaz

Commissioner McGaffigan

EDO

OGC

CIO

CFO

OCA OIG

Office Directors, Regions, ACRS, ACN

W, ASLBP

(via E-Mail)

PDR

DCS