



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING APPEAL PANEL
WASHINGTON, D.C. 20555

B. Shelbourne

September 27, 1988

To: LSS Negotiating Team

From: Chris Kohl *CK*
ASLAP

Re: DRAFT CONSENSUS RECOMMENDATION ON THE LSS
ADMINISTRATOR

John Frye's separate statement objecting to the draft consensus recommendation on the LSS Administrator refers to my August 16 memorandum. Lest my position be misunderstood, some clarification is necessary.

In my August 16 Memorandum to Mr. McDonald, I suggested consideration be given to establishing a separate Office of the LSS Administrator and staffing it "with a core of experienced people from ARM, SECY, ASLBP, and other offices within and outside the NRC." By this staffing suggestion, I simply meant that there are individuals in the named offices and elsewhere who have, in the aggregate, the skills and experience necessary to administer the LSS effectively, and who would be potential applicants for positions in the newly created office. I did not contemplate or mean to imply that such individuals would remain employees of ARM, SECY, ASLBP, etc., essentially serving dual roles or details as Deputies to the LSS Administrator. Indeed, I believe such an arrangement would be wholly unworkable and contrary to the criteria developed by the Negotiating Team for selection of the LSS Administrator (especially criteria 2, 4, and 5).

I also have to disagree with John that we "ducked the principal issue." He defines that issue as "the reconciliation of the legitimate interests of the various NRC offices which are concerned with the LSS." I think the selection criteria developed by the Negotiating Team and our application of them to the five considered options reflect serious, almost predominant attention to that issue. Further, our specific mandate was to recommend an office (existing or new) to serve as LSS Administrator. We have done so, albeit not unanimously. In performing that task we necessarily had to consider the upward chain of command (i.e., to whom the LSS Administrator would report), but it

was neither necessary nor within the scope of our instructions to consider the internal structure or policy-making mechanism of the LSS Administrator's office. That matter is for another day and perhaps for the particular individual who is ultimately selected as Administrator.