


August 29, 1988

MEMORANDUM FOR: Chip Cameron, OGC  
NRC Negotiating Representative  
ISS Advisory Committee

FROM: Betsy Shelburne, Chief   
Public Document Room Branch  
Office of the Secretary

SUBJECT: NEGOTIATED RULEMAKING FOR THE LICENSING SUPPORT SYSTEM FOR  
HIGH-LEVEL WASTES LICENSING PROCEEDING

I have reviewed the draft Commission Paper with the subject draft proposed rule forwarded for review on August 12, 1988. The following are comments and thoughts as we move forward with the Licensing Support System (LSS).

1. Draft Commission Paper, page 5, 1st paragraph, next to the last sentence and Preamble to the rule, page 5, 2nd paragraph, next to the last sentence: Sentence starting "However, even in the process..." should read "even if the process...".
2. Draft Commission Paper, bottom of page 5 to page 6, and Preamble to the rule, page 6, 1st paragraph. This paragraph does not make it clear that there will be a second round of comments, i.e. commenters commenting on NRC and others first comments. Is this the intent of these paragraphs? If so, will all this be done after the thirty day period? Then, how long a period to get 2nd round comments in?
3. The proposed new Regulatory Guide, the Advisory Review Panel, and the Commission — On the top of page 9 of the Preamble it states that the Panel and the Commission can limit the scope of materials to be put in. Can not the Panel and Commission also amend the the Regulatory Guide to expand the scope if they deem necessary? The related section in the SECY paper is on top of page 7.
4. Access — In the SECY paper (page 8), the Preamble (Section 2.1007, page 13) and in the Proposed Rule text (starting on page 10). We feel that some of this section is confusing and offer the following revisions:
  - (1) the distinction between (a) freely searching the bibliographic header, including the description of the document and (b) freely searching the full text of the whole document is unclear. We propose that the appropriate sentences be changed to read "In the pre-license application phase, access to the LSS through these public access terminals will be limited to freely searching the bibliographic fields of the headers, including the short abstract/title of the documents, but not the full text of the actual documents."
  - (2) We also propose that sentences following the above should be changed to read "Also, before the LSS is operational (currently projected for January 1991), the public document rooms will, as now, provide access to



5. Related to the above and specifically Section 2.1007 (d), we are still awaiting OGC's write-up of and follow-up to the 7/28/88 meeting held between Cameron, OGC, Grimsley, FOIA, and Shelburne, PDR about what sets of records will be on which agency records systems as well as the ISS and how NRC FOIAs will be handled.

6. ISS Development — Page 10, paragraph 3 of Paper, Page 15 of Preamble, and Section 2.1011 of the Proposed Rule. These parts say that the design and development of the ISS must be done by DOE "in consultation with the ISS Administrator. Are you aware of the problems that word gave the Agency recently when it had been used where NRR had to "consult" with the Commission? Shouldn't we find a better (and stronger) word?

7. Same sections as above. After ISS becomes operational, will not the changes be "initiated" by the ISS Administrator, not just with his/her "concurrence"? There also seems to be some confusion about continued involvement of DOE after ISS is turned over to the ISS Administrator. It is our understanding that DOE will continue to procure hardware for the ISS, but the the maintenance of the software (operating system and application software) will be taken over by the ISS Administrator and its contractors. This should be ironed out in the Memorandum of Understanding, if not in these papers.

8. The Schedule, starting on page 21 of the Preamble. What about doing and presenting the pre-application timetable, i.e. (a) milestones after the Final Rule Adopted = FRA plus thirty days — ISS Administrator designated [Section \_\_\_\_\_] and (b) milestones for six months before Application Received = AR minus 180 days [Section 2.1003(h)(1)].

9. Page 13 of the Paper, last paragraph — Shouldn't the first line read "DOE, and the other participants [plural?] ...."

10. Page 15 of the Paper, Note 'e'. See Comment No. 2 above about the time frame for the 2nd rounds of comments.

11. Page 1. of the Draft Federal Register Notice (DFRN). The Address of the PDR will hopefully be 2120 L Street, NW by the time this rule gets published.

12. Page 14 of the DFRN, 2nd paragraph. middle Revise middle sentence to read "As noted above, these document will be available in the Agency's Public Document Rooms and under a FOIA request to the NRC".