



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

May 6, 2016

SECRETARY

Mr. Robert J. Halstead, Executive Director
Agency for Nuclear Projects
State of Nevada Office of the Governor
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Dear Mr. Halstead:

I am responding to your letter of April 4, 2016, in which you request additional information about the U.S. Nuclear Regulatory Commission's (NRC) activities associated with loading the Licensing Support Network (LSN) document collection into a publicly accessible ADAMS library. You ask a number of questions about this library and the role it may play as a "replacement" for the LSN, in particular regarding the status of (1) case management orders issued in the *Yucca Mountain* adjudication; (2) an "ADAMS administrator" for the collection who is independent of the NRC Staff (a party to the *Yucca Mountain* adjudicatory proceeding); and (3) the LSN provisions contained in 10 C.F.R. Part 2, Subpart J. You also request a public meeting on replacement of the LSN.

As you know, following the decision of the U.S. Court of Appeals for the District of Columbia Circuit in the case *In re Aiken County*, in a November 18, 2013, decision (CLI-13-8) the Commission set a course of action to continue the Yucca Mountain licensing process as directed by the court. Among those tasks, and in recognition of the fact that following the LSN's shutdown in 2011 there was a need to ensure that the LSN document collection was stored in accordance with agency records requirements, the Commission directed that the documents in the LSN document collection be loaded promptly into non-public ADAMS. Thereafter, in February 2015 the Commission approved a plan to make the collection available to the public through ADAMS with an enhanced search capability. As is also reflected in the Commission's February 2015 direction, and consistent with 10 C.F.R. § 2.1011, the Office of the Secretary and the Atomic Safety and Licensing Board Panel (which are both independent of the components of the NRC Staff participating as a party to the *Yucca Mountain* adjudication) are responsible for this task. We currently expect this task will be completed—and the library publicly available—by September 30, 2016.

It continues to be the case, however, that the administrative adjudication associated with the Yucca Mountain application remains suspended, and the actions the agency has taken concerning the LSN are independent of its obligations with respect to the adjudicatory process. As reflected in the Commission's November 2013 decision, should the suspension be lifted in the future, the Commission will consider at that time issues relating to the conduct of the proceeding, including how the LSN might be configured for use in the proceeding going forward, as well as the need for, and the scope of, any potential revisions to the LSN regulations in 10 C.F.R. Part 2, Subpart J, and how those revisions might take place (whether by case-specific order or rulemaking). Other case management inquiries, such as the one you raise regarding the vitality of case management orders previously issued in the case, also may be raised at that

time. And as the Commission observed in that decision, participants in the adjudication will have an opportunity to participate in the consideration of these issues.

In sum, placing the LSN document collection in ADAMS satisfies the NRC's records management requirements; it does not reflect any Commission determination to replace the LSN. That question is reserved for future consideration if the adjudication is revived. For this reason, the NRC currently has no plans to conduct a public meeting on the document collection. Should you have further questions about the collection, however, please contact Andrew Bates of my staff at 301-415-1963, or Andrew.Bates@nrc.gov.

A copy of your letter and this response will be served on all the participants in the *Yucca Mountain* proceeding.

Sincerely,

A handwritten signature in blue ink, appearing to read "Annette Vietti-Cook", with a stylized flourish at the end.

Annette L. Vietti-Cook

cc: Governor Brian Sandoval
Attorney General Adam Laxalt
Chairman Richard Bryan
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ROBERT J HALSTEAD
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April 4, 2016

Victor M. McCree
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. McCree:

In its monthly status reports to the Congress on the District of Columbia Circuit Court of Appeal's August 2013 mandated continued review of the application for the Yucca Mountain repository, the Commission reports that the complete (2010 version) Licensing Support Network (LSN) document collection will be loaded into a publicly accessible ADAMS library with enhanced search capability. Apparently, some progress on this task is being made. However, in contrast to the extensive public participation that occurred in connection with the establishment of the LSN, there has been no outreach to stakeholders regarding the current plans to replace the LSN with some kind of ADAMS library nor, even, any announced plan to conduct a rulemaking proceeding to amend the current LSN provisions in 10 C.F.R. Part 2. While we hope that a publicly accessible ADAMS library with enhanced search capability would be an improvement over the current, non-public status of the LSN, several important questions would need to be addressed by the Commission including: (1) will all current Case Management Orders (such as Revised Case Management Order Number 2, July 6, 2007) addressing LSN matters remain in effect, (2) will there be an ADAMS Administrator who is independent of NMSS and the OGC component representing NRC Staff in the Yucca Mountain adjudicatory proceeding, and (3) will the LSN provisions of 10 C.F.R Part 2 be amended and, if so, will there be a notice and comment rulemaking proceeding.

We would appreciate more information about the current plans and implementation status. Moreover, we believe some kind of public meeting on replacing the LSN would be in accord with the Commission's Principles of Good Regulation.

If you have any questions, please feel free to contact me at the above address and phone number.

A note to the addressees on the attached list: If you are not the person to whom this correspondence should be addressed, please forward to the appropriate person.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Halstead", written in a cursive style.

Robert J. Halstead
Executive Director

Cc: Governor Brian Sandoval
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

U.S. DEPARTMENT OF ENERGY)
(High-Level Waste Repository))

) Docket No. 63-001-HLW
) ASLBP No. 09-892-HLW-CAB04
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "**CORRESPONDENCE FROM THE OFFICE OF THE SECRETARY IN RESPONSE TO ROBERT J. HALSTEAD'S LETTER OF APRIL 4, 2016**" have been served upon the following persons by Electronic Information Exchange and by e-mail. Some participants do not have current digital certificates.

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U.S. DEPARTMENT OF ENERGY (High Level Waste Repository) Docket No. 63-001-HLW
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