



OFFICE OF THE
SECRETARY

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

January 4, 2018

Mr. Robert J. Halstead
Executive Director
Agency for Nuclear Projects
Office of the Governor
State of Nevada
1761 E. College Parkway, Suite 118
Carson City, NV 89706-7954

Dear Mr. Halstead:

The Nuclear Regulatory Commission (NRC) has received your December 22, 2017, letter regarding e-mails that were sent during the week of December 18, 2017, associated with Licensing Support Network Advisory Review Panel (LSNARP) activities. In your letter, you noted that the State of Nevada has "serious concerns about the preliminary agenda and timing of the scheduled meeting, given the very recent issuance of the NRC Staff's unsolicited [Licensing Support Network (LSN)] replacement/reconstitution options paper."

Initially, to avoid any confusion we address an apparent misconception about the authorship of the December 2017 options paper that is suggested by your letter's reference to the "NRC Staff" as responsible for creating that paper. As the definition of "LSN Administrator" in Title 10 of the *Code of Federal Regulations* (10 CFR) § 2.1001 indicates, the term "NRC Staff" is employed to denote collectively those agency personnel who, because of their responsibilities regarding the Yucca Mountain construction authorization application, are considered to constitute a "party" to the adjudication associated with the application. As a party to the Yucca Mountain adjudication (and an LSNARP member), the "NRC Staff" generally consists of those within the agency responsible for the technical review of the application as well as attorneys providing assistance with the legal aspects of that review, including any adjudicatory activities.

Relative to the options paper, however, consistent with the definition in 10 CFR § 2.1001 and the Commission's direction in its February 3, 2015, staff requirements memorandum for COMSECY-14-0041 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15034A086) reconfirming Atomic Safety and Licensing Board Panel (ASLBP) and Office of the Secretary (SECY) responsibility for coordinating LSN activities, the paper was prepared by ASLBP, with assistance from personnel in SECY and the Office of the Chief Information Officer (OCIO). The NRC staff was not consulted regarding or provided a copy of the options paper prior to its December 18 distribution to other LSNARP members and the public nor will the staff be aided in reviewing the paper by ASLBP, SECY, or those within OCIO who assisted in the paper's preparation.

Regarding your concern about the scheduling of the LSNARP meeting and the ability of LSNARP members to provide other options or variations on the options presented in the paper,

we believe that a full opportunity will be provided for you and the other LSNARP members to provide additional options for a replacement/reconstituted LSN, as well as for a full discussion of the paper's option proposals. As noted in my November 7, 2017, letter, this meeting is part of a process to provide LSNARP member input to the Commission regarding LSN reconstitution/replacement. While the December 2017 paper and the options it presents provide a framework for the meeting, LSNARP members will be able to suggest other potential options or variations on the options set forth in the paper both during and after the meeting. During the meeting, LSNARP members and the public will be afforded an opportunity to provide feedback regarding each option delineated in the paper. Moreover, options other than those outlined in the paper can be offered by an LSNARP member or a member of the public for further discussion. Finally, LSNARP members and the public will have an opportunity following the meeting to provide written comments regarding the meeting topics, including comments on any of the options in the paper, or any variations on or alternatives to those options.

That being said, in light of the requests by the State of Nevada and the Nuclear Energy Institute for additional time to assess the information in the options paper as well as other potential alternatives, we have decided to reschedule the LSNARP meeting for February 27-28, 2018. The location and meeting times will remain the same. A *Federal Register* notice regarding this date change will be published within the next week.

Additionally, to aid in the discussion of options at the meeting, we request that any LSNARP member wishing to propose for LSNARP consideration any option that has a significantly different technical basis from those options discussed in the December 2017 paper provide to the LSNARP Chairman, the Acting LSN Administrator, and the other LSNARP members by February 13, 2018, (1) information describing that option, including, if practicable, any estimates regarding implementation time and costs; and (2) an indication as to whether the member wants to make a presentation at the meeting regarding that option and how much time would be needed for that presentation. Additionally, to further inform discussion at the LSNARP meeting, by that same date LSNARP members are invited to provide to the LSNARP Chairman, the LSN Administrator, and the other LSNARP members written comments regarding any of options set forth in the December 2017 options paper. We also will, as noted above, accept written comments after the meeting.

Finally, with respect to the January 2, 2018, response date mentioned in your letter, that date related only to receiving information from LSNARP members regarding (1) the participation plans of their representatives and affiliated individuals for the meeting and the January 30, 2018, ADAMS LSN Library orientation session; and (2) the format for the ADAMS LSN Library orientation session. In your letter, you addressed these items, but given the change in the date for the meeting, if there are any changes in the attendance information you provided previously, please let us know on or before January 19, 2018. Moreover, if you have any further suggestions regarding the format for the ADAMS LSN Library orientation session, please do not hesitate to contact us at your earliest convenience with that additional information.

As an LSNARP member representative, we will continue to be in contact with you should there be any additional information regarding the February 2018 LSNARP meeting or any other LSNARP matters.

Sincerely,

A handwritten signature in dark ink, appearing to read "Andrew Bates", followed by a stylized flourish.

Andrew Bates, Ph.D.
LSNARP Chairman

cc: The Honorable Brian Sandoval, Governor
The Honorable Adam Laxalt, Attorney General
Senator Richard Bryan, Chairman,
Nevada Commission on Nuclear Projects
LSNARP Members