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AGENCY FOR NUCLEAR PROJECTS
NUCLEAR WASTE PROJECT OFFICE

Capitol Complex
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February 27, 1987

WM Record File
102.3

WM Project 11

Docket No.

PDR ✓

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Distribution:

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(Return to WM, 623-SS)

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James P. Knight, Director
Siting, Licensing, and Quality
Assurance Division
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
Washington, DC 20585

Dear Mr. Knight:

On February 26, 1987 this Office received notification via your letter dated February 18, 1987 to John Linehan, Division of Waste Management, Nuclear Regulatory Commission, that the NRC and DOE will meet on March 3 and 4, 1987 to discuss the Issues Hierarchy for the Site Characterization Plan. Attached to the letter was a meeting agenda and other materials for the meeting. The State of Nevada is keenly interested in the Issues Hierarchy, but because of the tardiness of the notification, will not be able to have a representative present.

In my view, this appears to be another blatant attempt on the part of DOE to frustrate State/Tribal participation in the high-level waste repository process and prevent meaningful input into critical pre-licensing interactions by all parties. This is by no means the first instance of such behavior on the part of DOE but another episode in a long history of failure to fully consult and cooperate with the State of Nevada. Last year I sent a letter to Ben Rusche and to Robert Browning of the NRC requesting that Nevada be provided ten (10) working days notice of all NRC/DOE interaction meetings. I also requested that notification include an agenda and any pre-meeting materials (if appropriate). The ten-days notice is necessary because of 1) a State requirement for pre-approval for all out-of-state travel, and 2) an opportunity to review the pre-meeting materials and, therefore, have meaningful input to the meeting discussion. It is obvious to me that my letter to Mr. Rusche has had no effect on the way DOE conducts its business with the State of Nevada.

Some of the blame must also rest with the Nuclear Regulatory

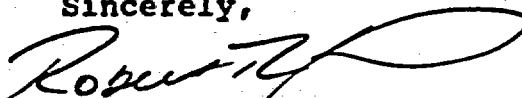
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Commission. Last year Mr. Browning agreed in concept to the ten-day written notification for all meetings.

Again, I hope this meeting is an isolated instance of last minute scheduling and not part of a strategy to minimize Nevada's participation in this process. I would be happy to discuss this subject with you at any time.

Sincerely,



Robert R. Loux
Executive Director

RRL/CAJ/sjc

cc: Stephen Kale, DOE
Robert Browning, NRC

RDM NOTE

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3/6/87

NOTE TO: Rob MacDougall
FROM: Nancy Still, WMPC
SUBJECT: ISSUES HIERARCHY MEETING

I just received a copy of Bob Loux's letter on the scheduling of the 3/3-4 Issues Hierarchy meeting, and I would like to document some further information on this.

2/10 Seth Coplan provided meeting dates to me; I updated recorder. I discussed w/Seth the fact that this meeting would be same week as WM'87, most sts/tribes would be in Tucson, and most sts/tribes were interested in this Issues Hierarchy mtg. He knew about scheduling conflicts but indicated this could not be helped.

2/18 I began calling states/tribes to let them know about meeting dates. (Written weekly mtg notice this week would get to s/t late due to Holiday.) Carl Johnson, Nevada, indicated he would need agenda and pre-meeting materials by upcoming Friday, 2/20, to request travel \$. I spoke to Seth about agenda; he said DOE was finalizing agenda & would be sending out to s/t.

2/20 I received copy of pre-meeting materials (2/18 ltr to Linehan fm Knight), although agenda was missing from package. I called Carol Hanlon/DOE to request (1) that she fax the agenda to us right away and (2) assure she would be sending out packages to s/t. Carol was not aware of responsibility to send to s/t but said she would pass info along to office who does s/t mailings. She assured me that packages would go out that day.

I called all states/tribes to indicate they would be receiving pre-meeting package from DOE. Carl Johnson, NV, said it would be too late for his office to process paperwork to attend and that NV would probably be sending a "nasty letter to DOE."

RDM NOTE

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2/25 I received call from Texas who said they had not received pre-meeting material from DOE yet. I checked with other s/t; no one had rec'd material yet. I called DOE to verify that material was mailed out. After several attempts to reach someone at DOE who could answer my question, I decided to have our secretary Federal Express packages out.

I believe we made every attempt to notify states/tribes in a timely manner. However, I think we should be conscious of scheduling conflicts with other major meetings, especially when our meeting is of interest to so many s/t. It is understood that DOE has the responsibility to send out their own pre-meeting material to s/t, but I believe it is partly our responsibility to assure s/t receive the material in a reasonable time period.

Nancy

Nancy

cc: JOBunting
JLinehan
REBrowning
MJBell