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August 13, 1987

TO: HLW Licensing Support System Advisory Committee Members  
FROM: Howard Bellman, Tim Mealey and Matt Low  
SUBJECT: Organizational Meeting

As noted in our previous mailing, the organizational meeting for the "HLW Licensing Support System Advisory Committee" is scheduled for September 16-17, 1987. This memorandum and the enclosed material are intended to serve as a special reminder for this meeting.

The meeting will be held at the offices of The Conservation Foundation which are located at 1250 Twenty-fourth Street, N.W., Suite 500; Washington, D.C. 20037. The meeting will begin at 10:00 a.m. on September 16th and end at 4:30 p.m. on September 17th. For your convenience, we have also enclosed a list of hotels in the general vicinity of The Conservation Foundation's offices.

The attached agenda is labeled "preliminary" in order to give Committee members an opportunity to suggest revisions, additions, or deletions before or at the start of each meeting. For this first organizational meeting, we suggest that it begin with introductions and brief opening statements from any Committee member who wishes. These opening statements should not be any longer than five minutes. We hope that this will create an opportunity for members to learn about each other's expectations and concerns about participating in this regulatory negotiation process.

After completing these introductions and opening statements, we will review the agenda for the meeting and make any changes that Committee members feel are necessary. We should note that the times listed for each of these agenda items are flexible and are meant to serve as a general milestones for the meeting rather than strict targets. Nevertheless, we hope to complete these first two activities by the lunch hour.

The next item on the agenda is to develop a set of "organizational protocols" for the Committee. The enclosed draft organizational protocols are intended to help launch the discussion on this topic. They have been drawn from the

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protocols that have been used in other regulatory negotiation efforts, but tailored to the unique aspects of this negotiation. The draft is intended to help structure and focus the discussion of organizational protocols. Please review it and come prepared to make suggestions about any revisions, deletions, or additions you feel are necessary. It may be helpful to scan pages 12 and 13 of the Convenor's Report which addresses procedural issues for these negotiations.

We hope to complete the discussion of organizational protocols by the end of the day on September 16th. However, since the primary purpose of this meeting is to agree on a set of protocols, if the group is unable to reach an agreement by the end of the day on September 16th, we will continue the discussion on September 17th. Of course, if the committee agrees earlier, we will simply move on to the next item on the agenda. We recognize that some Committee members may not be able to commit themselves to a set of protocols without first checking with their organizations. Thus, our primary objective for the September meeting will be a tentative agreement on organizational protocols which will be made final at a subsequent meeting.

The next item on the agenda is to develop a list of substantive issues that are of primary concern to Committee members, and to begin to plan an overall agenda for the negotiations around this issues list. There will be other opportunities to add to this list, but it would be helpful if you came prepared to identify the substantive issues that are of primary concern to you, and the order in which you think these issues should be addressed. Section VI of the Convenor's Report and the discussion of substantive issues included in the NRC's Federal Register notice may help you prepare for this discussion.

We will end the meeting by attempting to set some dates and locations for future meetings. Please bring your calendar. As a way to begin the scheduling process for future meetings, we would like to propose a date for the second meeting of the Advisory Committee -- which will actually be a two-day training session on negotiation skills building and the technical and legal aspects of this particular rulemaking. The dates we propose for this two-day training session are October 13-14, 1987. Please hold these dates if possible and we will confirm them at the September 16-17 meeting.

We look forward to seeing you in Washington D.C. on September 16th and 17th.

**DRAFT AGENDA**

HLW Licensing Support System Advisory Committee Meeting  
September 16-17, 1987

The Conservation Foundation  
1250 Twenty-fourth Street, N.W., Suite 500  
Washington, D.C. 20037

<u>DATE/TIME</u>	<u>ACTIVITY</u>
<u>September 16</u>	
10:00 - 12:00	Introductions and Opening Statements Agenda Review
12:00 - 1:30	Lunch
1:30 - 5:00	Discuss Organizational Protocols
<u>September 17</u>	
9:30 - 12:00	Complete Organizational Protocols (If Needed) Development of an Issues List
12:00 - 1:00	Lunch
1:00 - 4:30	Plan Agenda for Future Meetings Discuss Information and Training Needs Scheduling and Location of Future Meetings

August 13, 1987

NUCLEAR REGULATORY COMMISSION  
HLW LICENSING SUPPORT SYSTEM ADVISORY COMMITTEE

(Suggested)  
Organizational Protocols

I. MISSION STATEMENT

A. The HLW Licensing Support System Advisory Committee has been established by the U.S. Nuclear Regulatory Commission (NRC) for the purpose of developing, through a process of negotiation, consensus revisions to the Commission's rules of discovery to permit the use of an electronic information management system in the licensing of the high-level nuclear waste repository.

II. DECISION MAKING

A. The Committee will operate by consensus, meaning that Committee decisions can be considered to have achieved consensus only if there is no dissent by any member. Thus, no member can be outvoted. Members should not block or withhold consensus unless they have serious reservations with the approach or solution which is proposed for consensus.

B. Smaller work groups or subcommittees may be formed to address specific issues and make recommendations to the full Committee. Work groups are open to any member of the Committee or his or her designee. Work groups will operate by consensus. Work groups are not authorized to make decisions for the Committee as a whole. Work group meetings will be held between the full sessions and each Committee member will be notified of all work group meetings.

C. The facilitator will be responsible for developing an agenda for all meetings of the full Committee. This agenda will be developed in consultation with the members of the Committee.

E. The Nuclear Regulatory Commission and the Advisory Committee as a whole have the discretion to dissolve the committee if either determines that an impasse has been reached or that the activities of the committee are not being carried out in the public interest.

F. Caucuses for the purposes of internal consultation and decision making can be called at any time by any member of the committee.

### III. PARTICIPATION

A. The HLW Licensing Support System regulatory negotiation process includes three tiers of participation. The first tier consists of the Advisory Committee itself and the organizations and institutional entities who are represented in the membership of the Committee. The second tier includes parties who it is hoped will attend committee meetings but who are not members of the Committee. The third tier includes the general public.

B. First tier participants will identify a principal spokesperson and an alternate at the start of the negotiations. Spokespersons will serve as the official member of the Committee for this party. Alternates will serve as spokesperson for that party in the absence of the principal spokesperson.

C. Several parties will participate on the Committee as members of a coalition. All coalitions established pursuant to these protocols will identify a principal spokesperson and an alternate at the start of the negotiations. Coalitions will hold a single "seat" on the Committee. It is expected that these coalitions will operate by consensus.

D. Committee members may be represented in full Committee and work group sessions by alternates who will be considered to have the authority to commit parties in the absence of the principal spokesperson.

E. Second tier participants will be encouraged to attend and participate in full Committee meetings and work group sessions. The views of second tier participants will be considered by the Committee in developing a consensus but shall not determine whether a consensus has been reached by the Committee.

F. After the Committee has been formally established at its first organizational meeting, additional members may join the Committee only with the full concurrence of all Committee members and only if the request for membership falls within the confines of the FACA Charter.

G. Members may invite specialists to participate in full committee sessions subject to Committee approval.

### IV. COMMITTEE MEETINGS

A. The negotiations will be conducted under the Federal Advisory Committee Act (FACA). All meetings of the full Committee will be announced in the Federal Register prior to the meeting and will be open to the public.

B. Committee members or their alternates commit to attend all meetings of the full Committee.

C. Minutes of Committee meetings will be kept by the facilitator and be made available to the public upon request after review and approval by the Committee.

D. Whenever possible, the Committee shall choose locations for its meetings which result in cost savings to as many members as is possible.

## V. AGREEMENT

A. If a consensus agreement is reached by the Committee, it will take the form of a written statement that will be signed by all members. The goal of the Committee is for this written statement to include preamble and rule language ready for publication in the Federal Register.

B. If the Committee reaches a consensus which includes preamble and rule language ready for publication in the Federal Register, the NRC will use this consensus language as the basis for its notice of proposed rulemaking. Unless otherwise agreed upon at the close of the negotiations, Committee members will refrain from commenting negatively on the consensus-based notice of proposed rulemaking, so long as NRC uses the language developed by the Committee.

C. To the extent the parties do not reach consensus on some or all issues, NRC will draft a notice of proposed rulemaking consistent with any agreements that were reached. Committee members shall retain their right to comment negatively upon one or more aspects of a notice of proposed rulemaking, which are not based on a complete consensus of all members of the Committee.

## VI. SAFEGUARDS FOR THE MEMBERS

A. All members must act in good faith in all aspects of these negotiations.

B. Specific offers or statements made during negotiations will not be used by other members or the organizations which they represent in any other forum or in litigation.

C. Any member may withdraw from the negotiations at any time without prejudice.

D. Personal attacks and prejudicial statements made by Committee members will not be tolerated.

E. No discussions characterizing the position of any other member or the interest he or she represents will be held with the press during the negotiations, even if a member withdraws, unless that position is a matter of public record.

F. All members agree not to divulge information shared by others in confidence even if they withdraw.

#### VII. SCHEDULE

A. Unless otherwise agreed upon, the Committee will meet once per month in two-day meetings which will be held for a period of nine months starting on September 16, 1987.

B. Committee meetings will be scheduled with sufficient time between meetings to provide members with an opportunity to conduct work group meetings and intra-coalition negotiations, and to consult with and obtain advice, direction and instructions from their constituents/organizations to enable them to present proposals and make commitments at future Committee meetings.

C. Unless otherwise agreed upon, the negotiations will be completed by June 31, 1987.

#### VI. FACILITATORS

A. Howard S. Bellman will serve as the principal neutral facilitator of these negotiations. Mr. Bellman will be assisted by Timothy J. Mealey and Matthew A. Low.

B. The facilitators will serve at the discretion of the Committee members. They will be responsible for helping to ensure that the process runs smoothly, developing meeting agendas, preparing draft and final minutes, and helping the parties resolve their differences and achieve a consensus on the issues to be addressed by the Committee.

C. The facilitators will be available to facilitate all full Committee and work group negotiation sessions. If requested and as resources permit, the facilitators will also be available to facilitate intra-coalition negotiation sessions and caucuses.

D. The Conservation Foundation, through Howard S. Bellman and Timothy J. Mealey, will provide general assistance and logistical support to the Committee and any work groups that are established by the Committee.

HOTELS IN THE VICINITY OF  
THE CONSERVATION FOUNDATION OFFICES

Ramada Renaissance  
1143 New Hampshire Ave., N.W.  
Washington, D.C.  
202/775-0800

\$130.00/regular rate  
\$80.00/government rate\*

Washington Marriott  
1221 22nd St., N.W.  
Washington, D.C.  
202/872-1500

\$160.00/regular rate  
\$75.00/government rate\*

Hampshire Hotel  
1310 New Hampshire Ave., N.W.  
Washington, D.C.  
202/296-7600  
800/368-5681 (toll free)

\$99.00-139.00/regular rate  
(rates vary)

Georgetown Hotel  
2121 P Street, N.W.  
Washington, D.C.  
202/293-3100

\$100.00-150.00/regular rate  
(rates vary)  
\$75.00/government rate\*

One Washington Circle  
1 Washington Circle, N.W.  
Washington, D.C.  
202/872-1680

\$115.00/regular rate  
\$85.00/government rate\*

Tabard Inn  
1739 N Street, N.W.  
Washington, D.C.  
202/785-1277

\$85.00-105.00 with private bath  
\$45.00-60.00 with hallway bath

Park Hyatt  
24th at M Street, N.W.  
Washington, D.C.  
202/789-1234

\$235.00-255.00/regular rate  
\$185.00-205.00/corporate rate

Grand Hotel  
2350 M Street, N.W.  
Washington, D.C.  
202/429-0100

\$175.00/regular rate  
\$145.00/government (summer) rate\*

Westin Hotel  
2401 M Street, N.W.  
Washington, D.C.  
202/429-2400

\$165.00/195.00/225.00/regular rate  
\$80.00/government rate\*  
(govt. rate discontinued after Sept. 1)

\* To qualify for the government rate, you must show federal government identification when checking in.